

# **CIVIL PROCEDURE CODE AND LIMITATION ACT**

**JUNE/JULY 2018-06-22+**

1. Explain the general rules of pleading.
2. Describe the provisions relating to institution of suit.
3. What is Res judicata? Explain the conditions to constitute of Res judicata.
4. Whether death of a party to a suit abate the legal proceedings? Explain applying rules under order XXII of CPC 1908.
5. What is ex parte decree? Explain the grounds for setting aside the ex parte decree.
6. Explain the factors to be considered by the court before granting of temporary injunction.
7. "Once the time has began to run, no subsequent disability or inability can stop it". Discuss.
8. Write short notes on any two of the following:
  - (a) Adjournment.
  - (b) Inter-pleader suit.
  - (c) Legal disability under limitation act.
9. Solve any two of the following problems:
  - (a) 'A' filed suit for partition against his brothers 'B' and 'C'. The court has passed the preliminary decree and final decree in the matter. Being aggrieved by the decree of the court 'A' preferred appeal against final decree and raised question about correctness of the preliminary decree. Whether appeal maintainable?

- (b) Ramesh has borrowed some money from Dinesh and failed to repay it. Dinesh wants to file suit against Ramesh for recovery of money advanced. The last day of limitation was Sunday. Therefore he filed suit on immediate next Monday and claims for extension of limitation as the last day of limitation was Sunday being holiday to the court. Can he succeed?
- (c) The suit filed by 'X' is posted for cross examination of the plaintiff. Defendant files application for adjournment on the ground that his counsel is suffering from illness. Rejecting the application, court directs him (defendant) to change the counsel and proceed with cross examination. Whether order of the court is sustainable?

## **CIVIL PROCEDURE CODE AND LIMITATION ACT**

**(OLD/NEW BATCH)**

**DECEMBER 2018**

1. Discuss the provisions pertaining to "place of suits" under Civil Procedure Code.
2. Briefly explain the different parts of a plaint.
3. What is temporary injunction? Explain the grounds and principles for granting temporary injunction.
4. What is interpleader suit? Explain the conditions and procedure relating to an interpleader suit.
5. What are the pre-conditions and procedure to be followed in institution of suits by or against the Government? Explain.

6. What is review? What are the conditions for exercise of revisional jurisdiction? Explain.
7. Explain the circumstances in which the delay will be condoned under the Limitation Act.
8. Write short notes on any two of the following:
  - (a) Set-off.
  - (b) Kinds of issues.
  - (c) Admissions.
9. Solve any two of the following problems:
  - (a) Sunil is a permanent resident of Davanagere and Prakash is a permanent resident of Shivamogga. Sunil has taken a loan from Prakash at Davanagere. He has not repaid the loan till today. Prakash has instituted a suit for the recovery of the said loan, against Sunil at Shivamogga. Sunil has raised objection as to the jurisdiction. Decide.
  - (b) 'A' sues 'B' in a foreign court. The suit is dismissed. Thereafter 'A' wants to file the same suit against 'B' in India on the same cause of action. Whether he can institute a suit? Decide.
  - (c) Right to sue arises to 'P' during his minority. 'P' dies one day after attaining majority. He is succeeded by his son. 'K' who is a minor. Determine the effect on the period of limitation.