

BALLB
EIGHTH SEMESTER
CIVIL PROCEDURE CODE & LIMITATION ACT
BLB – 803 [REPEAT]
[USE OMR FOR OBJECTIVE PART]

SET
A

Duration : 3 hrs.

Full Marks : 80

Time : 30 min.

(Objective)

Marks : 30

Choose the correct answer from the following:

1×10=10

1. The term "Res judicata" means
 - a. Further proceeding
 - b. A matter already decided
 - c. Stay of proceeding
 - d. Bar the Proceedings
2. Which of the following section deals with suits against foreign Rulers, Ambassadors and Envoys in the Code of Civil Procedure?
 - a. Section 9
 - b. Section 90
 - c. Section 96
 - d. Section 86
3. In which stage of the civil proceeding does the first hearing usually occur?
 - a. Discovery
 - b. Trial
 - c. Pleading
 - d. Judgement
4. In which section of the Code of Civil Procedure (CPC) is the provision for appeals mentioned?
 - a. Section 96
 - b. Section 100
 - c. Section 66
 - d. Section 99
5. Which court hears the first appeal from the decree passed by a subordinate court?
 - a. High court
 - b. Supreme court
 - c. Administrative court
 - d. District court
6. Which of the following is include in contents of summon?
 - a. Date and time of appearance
 - b. Place of appearance
 - c. About the issue
 - d. All of the above
7. Section 6 of the limitation Act 1963 discuss about-
 - a. Continuous running of time
 - b. Plea of bar of limitation and its efficiency
 - c. Legal disability
 - d. None of the above
8. The Limitations Act doesn't cover which of the following-
 - a. Suit
 - b. Writs
 - c. Application
 - d. None of above
9. Which of the following section of the limitation Act 1963 discuss about plea of bar of limitations and its efficiency-
 - a. Section 3
 - b. Section 5
 - c. Section 6
 - d. Section 6

10. Which of the following orders of CPC discuss about temporary injunction?
- | | |
|-------------|-------------|
| a. Order 6 | b. Order 30 |
| c. Order 39 | d. Order 49 |

Answer the following: (Use descriptive answer sheet)

2×10=20

1. Write a short note on appointment of receiver'
2. Mention two rules relating to drafting of written statement.
3. Discuss suit by or against partnership firm
4. Explain set off
5. When a suit can be disposed in the first hearing?
6. Writes a notes on parties to a suit
7. Write a short notes on judgement.
8. What do you mean by decree?
9. Define interpleader suit.
10. What is ex-party decree?

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(Descriptive)

Time : 2 hrs. 30 min.

Marks : 50

[Answer the following questions]

1. a. What do you mean by pleading? Explain the objective and essentials of pleadings, support your answer with illustration. 2+8=10
Or
b. Evaluate the procedural framework governing the execution of decree against the government or public officer. Frame your answer with suitable illustration. 2+8=10
2. a. What is first hearing? Explain in details objective of first hearing. Also discuss parties involved in the suit 2+4+4
=10
Or
b. Define ex-party decree. Discuss in details appearance and non-appearance of parties under the code of civil procedure 2+8=10
3. a. Define appeal? Critically examine the provisions of appeal in legal system. Analyze the circumstances under which second appeal are permissible and criteria for granting them 2+4+4
=10
Or
b. Define summons. Explain the essential ingredients of summon? What are the different modes of service of summon to defendant. 2+4+4
=10
4. a. Define review under Code of Civil Procedure. Critically examine the meaning nature and scope of review. Mention four limitation between review and appeal 5+5=10
Or
b. Write the short notes under the following 5+5=10
 - i. Attachment before judgement
 - ii. Temporary injunction
5. a. Explain in details nature an objective of Limitation Act,1963 . 10
Or
b. Discuss various provisions relating to Doctrine of legal disability and rules regarding exclusion of prescribed time period 5+5=10

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