

Exam: University Exam, May, 2017

BLS (Sem. IX)/LLB (Sem. V)

Subject: Civil Procedure Code

Q. P. Code: 305201

(3 Hours)

[Marks : 100]

- N.B.: (1) All questions are compulsory.
(2) Figures at right indicate full marks.

1. Answer in one or two sentence.

- In which court can the suit to recover immovable property be filed?
- What is effect of filing of Caveat?
- To what extent are the legal representatives of a deceased defendant liable in execution of decree passed against the deceased defendant?
- What is a Letter of Request?
- What is an ex-parte decree?
- What is the effect of part-payment or limitation?
- What is Summons for Judgment in a Summary Suit?
- What is execution of decree?
- What is a Foreign Judgment?
- What is meant by mesne profit?

2. Write Short Notes on Any Four

- Interpleader Suits
- Appeal to the Supreme Court
- Settlement of disputes outside Court under section 89 of CPC.
- Attachable and non-attachable properties in execution of decree.
- Acquisition of right by prescription under Limitation Act.
- Suit by or against a Pauper or Indigent person.

3. Solve any two problems with reasons.

- In 2008, Mr. A conceals from Mr. B a document by which Mr. B is entitled to get gift of property. Mr. B discovers that document in the year 2011.
 - When will the period of limitation start for Mr. B to file a suit to recover the property under that document?
 - Why?
- Mr. E files a suit against Mr. F for recovery of Rs.25,00,000/- for goods sold to him and Mr. F is served with writ of summons to file his written statement in court. Mr. F's contention is that he suffered a loss of Rs.5,00,000/- due to bad quality of some of the goods sold by Mr. E and as a result he has a claim for damages.

TURN OVER

- i) What is Mr. F's remedy to recover his loss from Mr.E?
 - ii) Can Mr.E defend such claim of Mr.F? By which procedure?
- (c) A and B, both reside in Mumbai, in the same building. A has made an Agreement with B to sell his bungalow at Pune on 2nd October 2010, upon B making payment of Rs.25,00,000/- by Demand Draft. B has kept the Demand Draft of Rs.25,00,000/- ready and shown it to A, but now A refuses to sell of bungalow as per Agreement.
- i) In which place can B file a suit against A, to enforce Agreement for sale of the bungalow?
 - ii) Whether the court in Mumbai has jurisdiction to entertain such suit?

4. **Write Essay Type Answers on Any Four**

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- (a) Jurisdiction & its types
- (b) What is Law of Limitation? When can it be extended under the various provisions of the Limitation Act?
- (c) State the provisions of the CPC relating to Injunctions and interlocutory orders.
- (d) Reference, Review and Revision.
- (e) Written Statement, Set-off, Counter-claim.
- (f) Arrest & Attachment before Judgment.
