

[Time: 3 Hrs ]

[ Marks: 100 ]

Please check whether you have got the right question paper.

- N.B: 1) All Questions are compulsory.  
2) Figures to the right indicate maximum marks.

**Q. 1 Answer in one or two sentences (20)**

- What is Mesne Profit?
- What is stay of the suit?
- Who is Judgment Creditor?
- What is Precept?
- What is Warrant of Attachment?
- When the Defendant can file Written Statement in regular Suit after service of Writ of Summons?
- What is abatement of Suit?
- What is ex-parte Decree?
- What is set-off?
- What is meant by mis-joinder of Party in Suit?

**Q. 2 Write short notes on any four (20)**

- Rejection of suit.
- Counter Claim
- Summary Suit
- Forma Pauperis
- Injunction and interlocutory Orders
- Appeal from Order

**Q. 3 Solve any two with reasons: (12)**

- A and B, both reside in Mumbai, in the same building. A has entered into an agreement with B for sell of his bungalow situate at Pune on 2nd October 2019 for the consideration of Rs.25,00,000/-. B has kept the Demand Draft for Rs.25,00,000/- ready and tendered to A at Nashik where A has his office, but A refuses to accept the consideration and complete sale of bungalow as per agreement.
  - In which court can B file a suit against A, to enforce Agreement for sale of the bungalow?
  - Which Court will have jurisdiction to enforce the decree passed in favour of B? Why?
- Mr. C has filed a suit against Mr. D. The Court has fixed 18th October 2011 for hearing, when Mr. C and his Advocate present in court, at the time his case is called out. But Mr. D, the Defendant and his Advocate are absent Mr. D has not filed the Written Statement. Mr. D has suffered heart attack but could not communicate to his Advocate, so he could not tell the court about it. The Court passes an ex parte decree against Mr.D
  - What are Mr.D's remedies against the ex-parte decree?
  - What order would have passed had Mr.C and his Advocate were absent and the Defendant and his Advocate were present in the Court

- c) Mr. E obtains a money decree of Rs.5,00,000/- against Mr. F. Mr. F did not pay the decretal amount to Mr.E despite demand. Mr. F resides in flat in Mumbai standing in the name of his wife and has Rs. 3,00,000/- in bank account in his name. Mr. F has also to recover Rs.2,00,000/- from Mr.G.
- i) Can Mr.E attach the residential flat in execution for recovery of decretal amount?
- ii) Whether Bank is obliged to pay the money lying in Bank Account of Mr.F. Advise Mr. E
- iii) Can Mr.E call upon Mr. G to deposit Rs. 2,00,000/- in court ?

**Q. 4 Write Essay Type answer on any Four (48)**

- a) Acquisition of Rights by prescription under Limitation Act. Explain.
- b) Settlement of suit outside the Court under Section 89 of the Civil Procedure Code. Explain.
- c) Court Jurisdiction and its types
- d) Suit by or against minors and persons of unsound mind
- e) Provisions relating to Execution of Decree under Civil Procedure Code
- f) Provisions relating to production, Impounding and Return of the Documents in suit

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Time: 3 Hours

Marks: 100

Q.1 Answer in one or two sentences.

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- a) What are Pleadings?
- b) What is Jurisdiction?
- c) What is pre-requisite for filing suit against the Government?
- d) Who is a Next Friend of minor?
- e) What is Judgment?
- f) What happens when the Plaintiff is absent on the date his suit is placed for hearing?
- g) Who is a decree-holder?
- h) What is the effect of acknowledgement in writing on limitation?
- i) What is issue of Commission?
- j) What is a Foreign judgement?

Q.2. Write Short Notes on Any Four

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- a] Provisions of Appeal to Supreme Court as per CPC.
- b] Modes of Execution of Decrees and Orders.
- c] Suits by and against Corporations and Firms.
- d] Plaint and Written Statement.
- e] Extension of limitation.
- f]. Interpleader suit

Q.3 Solve any two with reasons

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- a) A and B, enter into a contract for sale of goods by A to B. The contract is made in Mumbai, the goods are delivered in Chennai, payment of price is to be made from Delhi. B fails to pay the price despite delivery of goods. A wants to file suit to recover the price from B.

- i) In which city can he file the suit?
- ii) Why?

- b) C has taken loan of Rs. 1,50,000/- from D against a Promissory Note. After the limitation period is over, C gives to D a written letter signed by him and acknowledges the same loan.

- i) What will be the effect of this letter on limitation?
- ii) Would it make difference if the said letter was given, before the expiry of limitation?

- c). Mr. AB has filed a suit against Mr. CD in Mumbai on 18<sup>th</sup> October 2018. After that date on 18<sup>th</sup> December 2018 Mr. CD files a suit against Mr. AB in Bangalore based on same facts and cause of action.

- i) What is Mr. AB's remedy?
- ii) What order will the Court pass against Mr. CD.?

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

48

- a) Issue of Commission.
- b) Creation of ownership by adverse possession under Limitation Act.
- c) Reference, Review and Revision.
- d) Interpleader Suits and their Procedure.
- e) Writ of Summons and modes of its service.
- f) Arrest and Attachment before Judgment.

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