

2013

LAW

(Civil Procedure Code And Limitation Act)

Course No. 5:1

Full Marks : 100

Time : 3 hours

*The figures in the margin indicate full marks
for the questions*

Answer question no. 1 and any five questions from the rest.

1. Write notes on *any four* of the followings- (4x5)
 - a) Cause of action
 - b) Caveat
 - c) Substantial question of law
 - d) Enlargement of time
 - e) Bar of limitation
 - f) Counter claim

2. Explain the powers of the Court to allow amendment of pleadings. On what grounds court may reject an amendment sought to be made in pleading? Cite case law. (8+8)

3. What procedure is followed in case of issuing summons to the defendants? What conditions must be satisfied before the defendants can plead set-off against the plaintiff? (8+8)

(Please turn over)

4. What are the aims and objectives of the amendment of Civil Procedure Code 2002? Which amendments are made in Order IX? (10+6)
5. Who may apply for execution? Discuss the mode of execution under the Civil Procedure Code. (5+10)
6. What are the objects and reasons for the law of limitation? Explain. (16)
7. Distinguish between: (5+5+6)
- a) Misjoinder and non-joinder
 - b) Denial of fact and non-admission of a fact
 - c) Res judicata and stay of suit
8. *"In a suit filed under Order XXXVII of the Code of Civil Procedure, the defendant is not entitled to defend the suit until and unless leave is obtained from the Court"*. State how the leave to defend can be applied for and under what considerations the Court can grant the leave. Explain. (16)
9. *"Reference, Review and Revision are the three different remedies provided for in the Civil Procedure Code to promote justice"*. Do you agree? Discuss and distinguish the scope and ambit of these three remedies in the light of statutory provisions and decided cases. (16)
10. Write the facts and principles of law laid down in- (16)

Union Carbide Corp.
vs
Union of India
A.I.R. (1991)4, SCC 584

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