



LLB-5:1/17

2017

LAW

(Civil Procedure Code And Limitation Act)

Paper No. 5:1

Full Marks : 100

Pass Marks : 40

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 short on notes on *any four* of the following: 4x5
 - a) Essentials of a decree
 - b) Representative suits
 - c) Joinder of cases of action
 - d) Legal set-off
 - e) Temporary injunction
 - f) Interlocutory order

2. What is pleading as defined in the Civil Procedure Code? What is the object of pleadings? Enumerate the rules regarding pleadings. 16

3. What are the particulars that a plaint must contain? When does a court return a plaint and what is the effect of the return? In what cases a plaint must be rejected? 8+4+4

4. a) Explain joinder of plaintiffs and joinder of defendants. 8

(Please turn over)

- b) What is non-joinder of parties and misjoinder of parties? Is suit proceedings affected by non-joinder or misjoinder of parties? 8
5. a) What are the powers of the appellate court? Discuss the remand of a case by the appellate court and whether the appellate court can frame issues and refer them for trial to the court from whose decree the appeal is preferred. 8
6. Explain the principle of restitution under Sec-144 of CPc. Is an order granting restitution appealable? Who may apply for restitution? Against whom restitution can be granted? 6+3+3+4
7. a) Discuss the different kinds of jurisdiction. What is original and appellate jurisdiction? 8
- b) Explain the different modes of service of summons after the admission of the plaint. 8
8. a) What is sufficient cause which admits extension of prescribed periods under the Limitation Act? Enumerate the judicially pronounced reasons for adopting a liberal approach in the application of sufficient cause. 8
- b) The rule is that where once time has begun to run, no subsequent disability or inability to institute a suit or make an application stop it. What are the exceptions to the rule where the running of the time will be suspended? 8
9. What is acknowledgement of liability? What are the conditions to be fulfilled for completing a fresh period of limitation through acknowledgement? 16
10. State the facts and discuss the principles of law in – 16
Union Carbide Corporation
Vs
Union of India AIR 1992
SCC 248 (1991) 4 SCC 584

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