

LLB : 5-1/22

2022

(November/December)

(5th Semester)

LAW

Paper No. : 5:1

DIMAPUR LIBRARY
Hill View Colony
Dimapur : Nagaland

(**Civil Procedure Code and Limitation Act**)

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** from the rest

1. Write short notes on any **four** of the following : 5×4=20

- (a) Mesne profits
- (b) Garnishee order
- (c) Consent decree
- (d) Percept
- (e) Irregular exercise of jurisdiction

L23/277

(Turn Over)

2. "A civil court has jurisdiction to try all suits of a civil nature unless their cognizance is either expressly or impliedly barred." Explain this statement in the light of pecuniary and territorial jurisdiction of the civil courts. 16
3. Distinguish between any two of the following : $8 \times 2 = 16$
- (a) Preliminary decree and Final decree
 - (b) Appeal and Revision
 - (c) Set-off and Counter claim
4. Explain the special suit under Civil Procedure Code. 16
5. (a) Explain the provisions relating to arrest and detention in civil cases. 8
- (b) Explain various modes of serving summons. 8
6. (a) Discuss pleadings. Can the pleadings be amended by the parties? Give sufficient reason for your answer. 8
- (b) Explain the procedure for addition, substitution and joinder and non-joinder of parties. 8

7. (a) Discuss the provisions relating to second appeal. How is it different from the first appeal? 8
- (b) Explain the concept and provisions relating to judgement and decree. 8
8. (a) How is period of limitation computed in case of disability? Explain the grounds under Condonation under Limitation Act. 8
- (b) "Law of limitation only extinguishes the right but does not bar the remedy." Explain. 8
9. (a) What is the procedure required to be followed during hearing of the suit and examination of witnesses? Explain. 8
- (b) Discuss the provisions relating to inherent powers of court. 8
10. Write the facts and principles of law laid down in—

State Bank of India

vs.

Indexport Regd.

(1992) 2 SCC 159

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