


Name:			
Enrolment No:			
UPES End Semester Examination, December 2024			
Course: Code of Civil Procedure & Law of Limitation Program: LLB – 3 Year Course Code: CLCC2029		Semester: III Time: 03 hrs. Max. Marks: 100	
Instructions: <ol style="list-style-type: none"> 1. Attempt all questions. 2. Support your answer with the help of relevant case laws. 			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1	Define order.	2	CO1
Q 2	What is territorial jurisdiction under the Code of Civil Procedure, 1908?	2	CO1
Q 3	The Code of Civil Procedure, 1908 came into force on _____.	2	CO1
Q 4	Reciprocating territory has been defined in Section _____ of the Code of Civil Procedure, 1908.	2	CO1
Q 5	What is a summon?	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6	"Period of Limitation is different from the prescribed period". Discuss it in lieu of the Limitation Act, 1963 with illustrations.	5	CO2
Q 7	What is constructive <i>res judicata</i> ? Explain the conditions related to constructive <i>res judicata</i> .	5	CO2
Q 8	Discuss the power of Court to issue commissions under the Code of Civil Procedure, 1908.	5	CO2
Q 9	Differentiate between first appeal and second appeal.	5	CO2
SECTION-C (2Qx10M=20 Marks)			
Q 10	Elaborate on the distinctions between the reference, review and revision as provided under the Code of Civil Procedure, 1908.	10	CO3
Q 11	Discuss the provision related to the title of a purchaser under Section 65 of the Code of Civil Procedure (CPC). How does Section 65 protect the	10	CO3

	rights of a purchaser in cases where property is sold in execution of a decree? Support your answer with relevant case laws and examples.		
SECTION-D (2Qx25M=50 Marks)			
Q 12	<p><i>Mr. Rajiv, a businessman, secured a loan of amount Rs. 2574990 from Mr. Sameer to expand his business. Due to unforeseen financial losses, Rajiv was unable to repay the loan by the stipulated deadline. After months of delay, Sameer filed a suit, and the court issued a decree against Rajiv, ordering him to repay the amount. Despite repeated demands, Rajiv neither complied with the decree nor provided any explanation for the delay. Sameer then moved the court for execution by way of arrest and detention in civil prison until the decree is satisfied or execute by other means.</i></p> <p>Based on the abovementioned facts:</p> <ol style="list-style-type: none"> 1. Examine the procedure of arrest under which the legal authorities can arrest Mr. Rajiv. Discuss how does the arrest and detention ensure a balance between the rights of the decree-holder and the judgment-debtor? 2. Elaborate on the grounds of release available to Mr. Rajiv and support your answer with relevant provisions and illustrations. 	15+10	CO4
Q13	<p><i>In a civil suit for breach of contract, Mr. Akash files a plaint claiming damages from Mr. Vikas due to non-performance of certain contractual obligations. However, after the suit is filed, Akash discovers additional facts that significantly strengthen his case, including certain documents that clearly establish Vikas's liability. Akash moves to amend his pleadings to include these new facts and documents. Vikas objects, arguing that allowing such an amendment at this stage would prejudice his defense.</i></p> <p>Based on the abovementioned facts:</p> <ol style="list-style-type: none"> 1. Apply the principles governing the amendment of pleadings under Order VI, Rule 17 of the CPC in the present facts. Under what circumstances can a court permit amendment? 2. Analyze what factors should it consider when deciding on such an application? Support your answer with case laws and illustrations. 	15+10	CO4