

Name:

Enrolment No:



**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**  
**End Semester Examination, December 2019**

**Course:** Code of Civil Procedure I

**Programme:** B.A.LL.B(H), B.Com.LL.B(H), B.B.A.LL.B(H)

**Semester:** V  
**CC:CLCC3004**

**Time:** 03 hrs.

**Max. Marks:** 100

**Instructions:** Read the questions carefully and substantiate with relevant sections and case laws.

**SECTION A**

		Marks	CO
Q1	Explain <u>any 5</u> of the following :  (a) Misjoinder of parties (b) Grounds of return of plaint (c) Public Order (d) Judgement (e) Counter- Claim (f) Order	10 (2x5)	CO1 CO2

**SECTION B**

Answer all the questions

Q2	On what grounds can a civil court set aside ex parte decree against defendants under Order 9 of the C.P.C.?/ What should a court do when plaintiff is present and the defendant is absent? What remedies are available to defendant in such cases?	10	CO1 CO2
Q3	What are the grounds for rejection of plaint under the code of Civil Procedure?	10	CO1 CO2

**SECTION-C**

Answer all the questions

Q4	A civil court has how many kinds of jurisdiction. Explain each category in brief.	10	CO1 CO2
Q5	A filed a suit for partition of property situated in Ghaziabad and Meerut against C & D in a Civil Court of Ghaziabad on 1st August 2019, which is pending for adjudication before the concerned Court. Meanwhile on 25th October 2019, C & D also filed suit for partition of same properties in Civil Court of Meerut. Can A raise an objection with respect to subsequent suit filed in Meerut. Decide.	10	CO1 CO2 CO5

**SECTION-D**

Answer all the questions

Q6	<p>An A.S.I. was dismissed from service by the D.I.G. He challenged the said decisions by filing a writ petition in the High Court on the ground that he was not afforded a reasonable opportunity. The writ petition was dismissed. He then filed a civil suit and raised an additional plea that he was appointed by the I.G.P. and therefore D.I.G. being lower in rank, was not competent to pass an order against him.</p> <ol style="list-style-type: none"> <li>1. Whether the provision of Res-judicata will be applicable on writ petitions.</li> <li>2. In the light of the given problem, discuss the relevant provision dealing with the concept of Constructive Res-Judicata under CPC.</li> <li>3. Cite the relevant case laws dealing with the above mentioned problem.</li> </ol>	<p style="text-align: center;"><b>5</b></p> <p style="text-align: center;"><b>10</b></p> <p style="text-align: center;"><b>10</b></p>	<p style="text-align: center;"><b>CO3</b> <b>CO4</b></p>
Q7	<p>“One cardinal principle to be observed in trial by a court obviously is that a party has a right to appear and plead his cause on all occasions when that cause comes on for hearing and that it follows that a party should not be deprived of that right, unless the Code of Civil Procedure deprives him of it.”</p> <ol style="list-style-type: none"> <li>1. Can one insist on retrial of the part of the case during which he was absent?</li> <li>2. Can a party seek setting aside of the ex-parte order? If so on what grounds?</li> <li>3. Explain the above statement in reference to Sangram Singh v. Election Tribunal (1995) 2 SCR 1.</li> </ol>	<p style="text-align: center;"><b>5</b></p> <p style="text-align: center;"><b>10</b></p> <p style="text-align: center;"><b>10</b></p>	<p style="text-align: center;"><b>CO3</b> <b>CO4</b></p>