

Roll No.
SAP ID



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, July 2020
Open Book – Through Blackboard Learning Management System

Course: Code of Civil Procedure II and the Limitation Act, 1963
Programme: BA LLB (Hons) (Spcl- Energy Law) Batch 1 & Batch 2

Semester:VI

Time: 03 hrs.

Max. Marks: 100

Instructions:

As this examination is in open-book format, the students are expected to demonstrate a very high degree of Academic Integrity and not copy contents from resources referred. Instructors would look for understanding of the concept by the students and any similarity found from resources online/ offline shall be penalized in terms of deduction of marks and even cancellation of paper in requisite cases. The online examination committee of the School would also look for similarity of two answer scripts and if answer scripts of two or more students are found similar, both the answer scripts shall be treated as copied and lead to cancellation of the paper. In view of the aforesaid points, the students are warned that they should desist from using any unfair means.

All Questions are Compulsory
Answer each question in not more than 500 words

S. No.		Marks	CO
1	“Every appeal is to be filed in the form of Memorandum of Appeal.” Explain and analyze the essential ingredients of Memorandum of Appeal in the light of relevant legal provisions. What material is to be considered for the preparation of the Memorandum of Appeal?	20	CO2
Ans.			
2	“Power to grant injunction under Order 39, CPC is extraordinary in nature and it must be exercised in accordance with sound judicial principles.” Elucidate the principles involved for grant of temporary injunction with the help of relevant case laws.	20	CO1
Ans.			
3	“Limitation bars only remedy but does not destroy the right itself.” Explain with the help of relevant examples and discuss whether this rule is subject to any exception.	20	CO2
Ans.			
4	“If there are specific provisions of the Code dealing with a particular topic and they expressly or by necessary implication exhaust the scope of the powers of the Court or the jurisdiction that may be exercised in relation to a matter the inherent power of the Court cannot be invoked in order to cut across the powers conferred by the Code.” Critically examine the statement discussing the scope and limitations on the inherent powers of the court to make orders in the interest of justice under S. 151, CPC.	20	CO4
Ans.			

5	<p>Mr. X, a decree holder, resident of Indra Vihar Dehradun obtained decree in the district Court of Dehradun against Mr. Y, resident of Haridwar over a breach of contract. The judgment- debtor actually and voluntarily resides in Haridwar and carries business there. Mr. Y does not have property sufficient to satisfy the decree within the local limits of the jurisdiction of the district Court of Dehradun but he has property within the local limits of the Court of Haridwar. Now the decree-holder has applied for transfer of the decree for execution in the Court of Haridwar.</p> <p>(a) In above situation which court is competent to execute the said decree and in which Court the application for transfer would be made for execution of the decree? Mention the relevant legal provisions regarding transfer of decree.</p> <p>(b) Whether the district Court of Dehradun ceases its jurisdiction to execute the decree when the decree is transferred to the Court of Haridwar? Discuss with the help relevant provision of law.</p>	20	CO3
Ans.			

I,, understand that submitting work that isn't my own may result in failure in this paper and I may also be subject to Disciplinary Proceedings as per the Academic Integrity policy of the University.