

Name:			
Enrolment No:			
UPES Odd Supplementary Examination, December 2023			
Course: Code of Civil Procedure & Law of Limitation Program: BA LLB & B. Com LL.b. Course Code: CLCC3004		Semester: V Time: 03 hrs. Max. Marks: 100	
<u>Instructions:</u> All questions are compulsory.			
SECTION A (5Qx2M= 10 Marks)			
S. No.	Order _____ of CPC, 1908 states the procedure for a Suit to be filed by an Indigent Person.	Marks	CO
Q 1	S. _____ talks of Lok Adalat under CPC, 1908.	2	CO1
Q 2	CPC, 1908 lays down the procedure for Criminal Complaints in India. (TRUE/ FALSE)	2	CO1
Q 3	A civil suit must be instituted before a Court of the highest grade competent to try it. (TRUE/ FALSE)	2	CO1
Q 4	Define Judgment.	2	CO1
Q 5	Define the term Pleader as per CPC, 1908.	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6	Elaborate on the Right to Lodge a Caveat under CPC, 1908.	5	CO2
Q 7	Interpret the law on Foreign Judgments in the light of Sec 13 of CPC, 1908.	5	CO2
Q 8	Elaborate on the concept of Constructive Res judicata.	5	CO2
Q 9	Compare an Order and a Decree.	5	CO2
SECTION C (2Qx10M= 20 Marks)			
Q 10	A publishes a series of books under the title Oxford and Cambridge Publication to induce the belief that books are the publication of Oxford and Cambridge University or either of them. Whether these two universities may be joined as plaintiffs or not? Discuss the effect of Non-joinder and Misjoinder of the necessary and proper party in a civil suit.	10	CO3

	Support your answer with the help of relevant case laws.		
Q 11	<p>Determine whether the following disputes are cognizable by Civil Courts or not based on statutory provisions under CPC, 1908.</p> <p>Give reasons in support of your answers-</p> <p>a) Industrial dispute. b) Offence of Murder. c) Recovery of possession and mesne profit. d) Specific Performance of Contract.</p> <p>Support your answer with the help of relevant case laws.</p>	10	CO3
	<p>SECTION D (2Qx25M= 50 Marks)</p>		
Q 12	<p>Mr A brings a suit against Mr B and Mrs C for the recovery of possession of a plot of land. The suit is dismissed against Mrs C for want of causes of action and is decreed against Mr B. Mr A, in execution of this decree, has taken delivery of possession of land in excess of the decree. The excess belongs to Mrs C.</p> <p>i. Explain what remedy is available. ii. Also, explain the modes of execution given under order 21 of the Code of Civil Procedure 1908.</p>	25	CO4
Q 13	<p>Decide the following by applying the relevant provisions of the Limitation Act, of 1963</p> <p>a) Lalit Kumar filed a suit for recovery against Narain Dutt 02 days after the expiry of the prescribed time of limitation. The court took objection to the suit for being barred by limitation and asked the counsel for Lalit Kumar as to why the suit should not be dismissed as it was barred by time, without issuing notice to the defendant. State whether the suit can be dismissed at this stage.</p> <p>In the circumstances stated above, suppose the court omitted to take notice of the bar of limitation the defendant also did not take a bar of limitation as a defence and the case had reached the final stage of arguments. Whether the bar of limitation can be argued and what should be the decision of the court.</p> <p>b) A wanted to file a suit against B. He started on the last day of limitation from his hometown to the court and met with an accident on the way and was hospitalized for 7 days. He filed a suit immediately, thereafter, claiming benefit of section 5 of the Limitation Act, 1963.</p> <p>Examine as to whether the same can be allowed. Give reasons in support of your answer. Cite relevant cases.</p>	25	CO4