


Name:			
Enrolment No:			
<b>UPES</b> <b>Odd Supplementary Examination, December 2023</b>			
<b>Course: Code of Civil Procedure &amp; Law of Limitation</b> <b>Program: B. Tech LL.b. CL/ ET- IPR</b> <b>Course Code: CLCC3004</b>		<b>Semester: VII</b> <b>Time: 03 hrs.</b> <b>Max. Marks: 100</b>	
<b>Instructions: All questions are compulsory.</b>			
<b>SECTION A</b> <b>(5Qx2M= 10 Marks)</b>			
S. No.		Marks	CO
Q 1	Law on Counterclaim has been stated under _____ provision of CPC, 1908.	2	CO1
Q 2	S. _____ of CPC, 1908 states that any objection pertaining to objection must be raised at the earliest.	2	CO1
Q 3	Non-joinder of a necessary party in a suit leads to a void decree. <b>(TRUE/ FALSE)</b>	2	CO1
Q 4	Define Res Judicata.	2	CO1
Q 5	Define the term Mesne Profit.	2	CO1
<b>SECTION B</b> <b>(4Qx5M= 20 Marks)</b>			
Q 6	Differentiate between Legal & Equitable Set-off.	5	CO2
Q 7	Describe the term, Suit.	5	CO2
Q 8	Elaborate on the concept of Garnishee order.	5	CO2
Q 9	Discuss the term Stay of the Suit.	5	CO2
<b>SECTION C</b> <b>(2Qx10M= 20 Marks)</b>			
Q 10	Explain the law relating to First and Second Appeals as provided under C.P.C. 1908 with the help of relevant case laws and provisions.	10	CO3
Q 11	Discuss the differences between Judgement, Order & Decree.	10	CO3
<b>SECTION D</b> <b>(2Qx25M= 50 Marks)</b>			

<p>Q 12</p>	<p>Mr X owned a piece of land near Kandoli Village, Dehradun. Due to certain employment opportunities, he left for the USA. Before leaving for the USA, he asked Mr Y to take care of the property. Mr X thereafter did not visit India for 11 years which was completed in 2021. In the year 2022, Mr X came back to India with the intention of selling the property and permanently settling down in the USA. Mr Y in the meanwhile constructed a kutchha building on the said land and opened a Dhaba in it. He was earning Rs. 2000/- p.d. from it.</p> <p>When Mr X visited his land and asked Mr Y to vacate his property so that he could sell it. Mr Y, however, resisted.</p> <p>Mr X brought a suit for declaration of ownership, possession and monetary relief amounting to Rs. 2,00,000/- before the Civil Court at Vikas Nagar, District Dehradun.</p> <p>In light of the above discuss: -</p> <ol style="list-style-type: none"> <li>a. The nature of the suit</li> <li>b. Jurisdiction and its kinds</li> </ol> <p><b>Support your answer with the help of relevant provisions and case laws.</b></p>	<p>25</p>	<p>CO4</p>
<p>Q 13</p>	<p>An Inspector was dismissed from service by the S.S.P. 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 D.G.P. and therefore S.S.P. being lower in rank, was not competent to pass an order against him.</p> <ol style="list-style-type: none"> <li>a) Whether the provision of Res-judicata will be applicable on writ petitions? <b>(05 Marks)</b></li> <li>b) Considering the given problem, discuss the relevant provision dealing with the concept of Constructive Res-Judicata under CPC. <b>(10 Marks)</b></li> <li>c) Cite the relevant case laws dealing with the above-mentioned problem. <b>(10 Marks)</b></li> </ol>	<p>25</p>	<p>CO4</p>