

SAP id:

Roll no:



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

Course: Civil Procedure Law II and Limitation Act, 1963
Programme: BA.LLB (Criminal Law/Labour/Constitutional Law)

Semester: VI

Time: 03 hrs.

Max. Marks: 100

Instructions:

For final exams, 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 any unfair means and provide answers in their own words.

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

S. No.		Marks	CO
1	Explain the contents of preliminary decree. Can preliminary decree be executable? Also Explain any two cases under CPC 1908, where preliminary decree can be passed in a specific suit.	20	CO2
Ans.			
2	Answer the following (a) Whether in Interpleader suit the plaintiff claims an interest in subject matter of suit. Explain by giving relevant provisions. (b) If court has asked the defendant to furnish security under Order 39 of Civil Procedure Code 1908. But he has not furnished the security. What are the options available to the court to enforce the Order	20	CO1
Ans.			
3	To decrease court's burden and for speedy disposal of suits, Judges encourage out of court settlements, where it is possible. Discuss and analyse the prerequisites of out of court settlement under relevant provision of CPC 1908. Also analyse the landmark judgment on O10 of Civil Procedure Code 1908.	20	CO4
Ans.			
4	The application of the plaintiff under Order 30 rule 1 & 2 of the CPC was dismissed by the trial court. The plaintiff preferred an appeal against the said order. However, after some arguments the appeal was dismissed. The plaintiff thereafter applied to the	20	CO3

	trial court for review of the “order of the dismissal” of the application. Decide the applicability of review in light of the rules given in CPC.		
Ans.			
5	Advice ‘A’ in following cases. (a) A’s limitation period expires on a day on which the court is closed. (b) A fails to file the appeal within the period of limitation due to illness.	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.