


<b>Name:</b>	 <b>UPES</b> <small>UNIVERSITY OF TOMORROW</small>
<b>Enrolment No:</b>	

**UPES**  
**End-Semester Examination, December 2023**

**Course: Code of Civil Procedure & Law of Limitation** **Course Code: CLCC3035**  
**Programme: BA LL.b. (B1+B2+B3+B4+B5) BBA LL.b. (B1+B2+B3) B. Com LL.b.** **Semester: V**  
**Time: 03 Hours**

**Instructions- All questions are compulsory.**

**SECTION A**  
**(5Qx2M=10Marks)**

S. No.		Marks	CO
Q 1	What is a Deemed Decree?	2	CO1
Q 2	What is the difference between the period of limitation and the prescribed period?	2	CO1
Q 3	A decree passed in violation of section 11 CPC, 1908 is valid. (TRUE/FALSE)	2	CO1
Q 4	Adjournment is provided under Order _____ of CPC, 1908.	2	CO1
Q 5	Differentiate between the issue of fact and the issue of law.	2	CO1

**SECTION B**  
**(4Qx5M= 20 Marks)**

Q 6	State the difference between the First and Second Appeal under the Code of Civil Procedure, 1908.  <p style="text-align: center;"><b><u>OR</u></b></p> Elaborate on the various remedies available to the aggrieved person against the <i>ex-parte</i> decree.	5	CO2
Q 7	Short note on- “Foreign judgement when conclusive”.  <p style="text-align: center;"><b><u>OR</u></b></p> Write down a short note on- “Legal Disability.”	5	CO2

Q 8	Write a short note on the Rejection of the Application to file a suit as an Indigent person.  <b><u>OR</u></b> What do you understand by the term “First hearing”? What is the purpose of conducting the first hearing?	5	CO2
Q 9	Comment on the essentials of Appeals in Civil Suits.  <b><u>OR</u></b> “Explain in brief various modes of executing a decree”.	5	CO2
<b>SECTION-C</b> <b>(2Qx10M= 20 Marks)</b>			
Q 10	<b>“Inherent powers spring not from the legislation but from the nature and constitution of the tribunals or the courts themselves to enable them to maintain dignity, secure obedience to its process and rules, protect its officers from indignity and wrong and to punish unseemly behavior.”</b> Analyze the given statement and point out various limitations on the inherent powers of the court (if any).	10	CO3
Q 11	<b>The Code of Civil Procedure clearly states unambiguous provisions of appeal, review, revision, and reference that signify not only the importance of regulating civil cases but dispensing them with the utmost principle of justice.</b> In the light of the above statement give the differences between review, revision, and reference in CPC, 1908.	10	CO3
<b>SECTION- D</b> <b>(2Qx25M= 50 Marks)</b>			
Q 12	Mr A while leaving India signed the plaint for the institution of a suit against Mr B for recovery of Rs. 25000/-. All the relevant documents along with the plaint and Vakalatnama were handed over to his counsel. When Mr A returned to India, he enquired from his counsel whether he had instituted the suit.	25	CO4

	<p>His counsel replied that the suit must have been instituted. However, on locating papers, the counsel found that the suit of Mr A was not instituted within the period of limitation. To avoid embarrassment, his counsel instituted the said suit for recovery along with an application for condonation of delay.</p> <p><b>What will be the fate of the suit? Decide by applying the relevant provision of the Limitation Act, 1963 and the case law.</b></p>		
Q 13	<p>Mr Ajeet, a well-known builder of Dehradun, and Mr Sushil entered into a registered Agreement to sell for the sale and purchase of a flat. As per the terms of the agreement, Mr Ajeet was required to sell the flat located in Dehradun and in return, he will get Rs 55 lakh as a consideration amount. Mr Sushil had paid Rs 10 lakh as earnest money to book the flat and had promised to pay the remaining consideration amount at the time of execution of the sale deed in favour of Mr Sushil. After committing to Mr Sushil, Mr Ajeet had discussions with 2 other buyers who were offering Rs 65 lakh for the same flat. On the day of execution of the sale deed, Mr Ajeet refused to execute the sale deed and stated that he was ready to return Rs 10 Lakh. Aggrieved by this refusal, Mr Sushil, with your assistance, instituted the suit against Mr Ajeet.</p> <p>However, he had an apprehension that Mr Ajeet might sell this property to some other buyer.</p> <p><b>Being his lawyer, suggest an appropriate remedy to Mr Sushil for the protection and preservation of the subject matter.</b></p>	25	CO4