

Name: Enrolment No:			
UPES End Semester Examination, December 2024 Course: Code of Civil Procedure & Law of Limitation Program: BA LLB/ BBA LLB/ B. COM LLB Course Code: CLCC3035 Semester: XI Time: 03 hrs. Max. Marks: 100 Instructions: Attempt all questions. Support your answer with the help of relevant case laws.			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1	As per Section 82, Execution shall not be issued on any such decree unless it remains unsatisfied for the period of _____ computed from the date of such decree. a) 01 month b) 03 months c) 06 months d) 12 months	2	CO1
Q 2	List down the parties against whom Execution proceedings can be instituted.	2	CO1
Q 3	An appeal cannot be filed in the case of an <i>ex-parte decree</i> . (True/ False)	2	CO1
Q 4	Order 17 of the Code of Civil Procedure, 1908, states that adjournment shall be granted as many times as possible to a party during the hearing of the suit. (True/ False)	2	CO1
Q 5	What is an affidavit?	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6	"Acknowledgement in writing gives rise to a fresh period of limitation". Elaborate. <i>Support your answer with the help of illustrations.</i>	5	CO2
Q 7	Compare Legal and Equitable set-off.	5	CO2
Q 8	Explain the term pleadings. Can the parties amend the pleadings?	5	CO2
Q 9	Explain the significance of Sec 9 of Code of Civil Procedure.	5	CO2

SECTION-C (2Qx10M=20 Marks)			
Q 10	Distinguish between the rejection and return of a plaint under the Code of Civil Procedure. Additionally, discuss the implications of such rejection on the plaintiff's right to refile.	10	CO3
Q 11	Explain the legal framework related to (i) Arrest, and (ii) attachment, as a mode of execution of decree under the Code of Civil Procedure, 1908.	10	CO3
SECTION-D (2Qx25M=50 Marks)			
Q 12	Ms Priya, an entrepreneur based in Bengaluru, partnered with Mr Ramesh, a financier from Hyderabad, to establish a boutique clothing brand. The agreement was signed on March 1, 2020, with each partner contributing equally to the business. However, due to the pandemic and subsequent lockdowns, the business operations suffered a significant setback, and the partners could not launch the brand as planned. By the end of 2021, Ms. Priya withdrew from the partnership, citing ongoing financial losses. In January 2022, Mr Ramesh attempted to recover his financial contributions, alleging a breach of contract by Ms Priya. After a series of unsuccessful negotiations, Mr. Ramesh filed a suit to recover his investment. However, he delayed taking legal action, filing the suit on December 1, 2025, several months after the prescribed time limit. Mr. Ramesh's counsel argued that the delay should be condoned under Section 5 of the Limitation Act, 1963, citing his intent to settle the matter out of court as "sufficient cause" for the delay. Ms Priya opposed the suit, asserting that Mr Ramesh's delay was unjustified and that the suit should be dismissed as time barred. Based on the abovementioned facts: 1. Analyse whether Mr Ramesh's decision to delay filing the suit could be considered "sufficient cause" for condoning the delay. What principles do courts apply in assessing what qualifies as "sufficient cause"? 2. Justify the statement that "the rules of limitation bar the remedy and not the right."	15+10= 25	CO4
Q13	Mr Arun filed a suit to recover ₹5 lakhs from Ms Tara, alleging that she had borrowed the amount from him but failed to repay it despite repeated reminders.	12.5+12.5= 25	CO4

	Summons were issued to Ms. Tara three times, but she did not appear before the court. After ensuring proper service of summons, the court proceeded ex parte on 15 November 2021 and passed a decree in favour of Mr Arun, ordering Ms Tara to pay the amount with interest. Two months later, Ms. Tara learned about the proceedings and wants to apply to set aside the ex parte decree. Based on the abovementioned facts: 1. Assess whether a court set aside an ex parte decree. If yes, on what grounds? 2. Evaluate the significance of due diligence in Ms. Tara's case. Did she act promptly upon discovering the ex parte decree, and how might this impact the court's decision to set aside the decree?		
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