

Roll No



**PRESIDENCY UNIVERSITY  
BENGALURU**

**SCHOOL OF LAW  
MID TERM EXAMINATION - APR 2024**

**Semester :** Semester VI

**Course Code :** LAW3008

**Course Name :** Sem VI - LAW3008 - Civil Procedure Code and Limitation Act

**Program :** BA LLB Honors

**Date :** Apr 3, 2024

**Time :** 11.30AM-1.00PM

**Max Marks :** 50

**Weightage :** 25%

**Instructions:**

- (i) Read all questions carefully and answer accordingly.
- (ii) Question paper consists of 3 parts.
- (iii) Scientific and non-programmable calculator are permitted.
- (iv) Do not write any information on the question paper other than Roll Number.

**PART A**

**ANSWER ANY 5 QUESTIONS**

**5Q X 10M = 50**

1. Discuss the principle of res judicata in the following proceedings:
  - i) Application for amendment of decree
  - ii) Application for review

(CO2,CO1) [Comprehension]
2. Under what circumstance can an objection as to place of suing be allowed by an appellate Court? A suit was dismissed by trial Court, later on a subsequent suit is filed on the ground of alternative plea which is inconsistent with the main plea of the dismissed suit. Will the principle of res judicata be applicable in this case? Give reason to support your answer.

(CO3,CO2) [Comprehension]
3. Whether the principles of 'res judicata' will operate in the following cases? Give reasons for your answer.
  - a) A suit was dismissed on the plea of limitation without adjudicating merits. A subsequent suit is filed in which the same pleas are raised.
  - b) A suit was dismissed for default of appearance or for want of jurisdiction and a fresh suit is filed on the same cause of action.

(CO3,CO2) [Comprehension]
4. Define "written statement" in the context of Code of Civil Procedure. What is the time limit prescribed by the court for filing the written statement? What are the consequences if a defendant fails to file the written statement within the stipulated time?

(CO1,CO2) [Comprehension]
5. On what grounds can the enforcement of a foreign judgment be challenged in an Indian court? Can the Indian court re-examine the merits of the case decided by the foreign court?

(CO1,CO2) [Application]

6. What are the general principles governing territorial jurisdiction of Courts for the purpose of filing of suits? Based on the place of suing where would the suit lie?

1. A suit for redemption of mortgage of immovable property.

2. A suit for compensation for wrong done to movable property at A, where the plaintiff resides at B and the defendant resides at C.

(CO1,CO2) [Application]

7. Plaintiff sues defendant for Rs. 5,000 for the purchase of construction equipment. The defendant claims that the equipment was defective from the start thereby causing damage to his other equipment which amounted to Rs. 2,000. The defendant further incurred a loss of Rs. 1,000 for repairs. What defence will the defendant use in this situation? Explain your reasoning based on order 8 of the Code of Civil Procedure. How should the defendant plead this defence in his written statement?

(CO2,CO1) [Application]