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**PRESIDENCY
UNIVERSITY**

BENGALURU

School of Law

Mid - Term Examinations - November 2024

Semester: V

Date: 07-11-2024

Course Code: LAW3008

Time: 11:45am – 01:15pm

Course Name: Code of Civil Procedure and Limitation Act

Max Marks: 50

Program: BA.LLB/BBA.LLB/Bcom.LLB(Hons.)

Weightage: 25%

Instructions:

(i) Read all questions carefully and answer accordingly.

(ii) Do not write anything on the question paper other than roll number.

Part A

Answer ALL the Questions. Each question carries 2 marks.

5Qx2M=10M

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|---|--|---------|-----|-----|
| 1 | What do you understand by the term representative suit? | 2 Marks | L.1 | CO1 |
| 2 | What is the difference between a set off and a Counter claim? | 2 Marks | L.2 | CO2 |
| 3 | What are the basic principles governing the amendment of pleadings? | 2 Marks | L.1 | CO2 |
| 4 | What are the various essential elements in a suit? | 2 Marks | L.1 | CO1 |
| 5 | On what grounds can the court strike out the pleadings of the parties? | 2 Marks | L.1 | CO2 |

Part B

Answer ALL Questions. Each question carries 10 marks.

4QX10M=40M

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| 6. | 6a. | What is a Suit of Civil Nature? Can a question of exclusion of a member of a caste from caste ceremonies be considered to be a suit of civil nature? | 5 Marks | L.1 | CO1 |
| | 6b. | 'A' claiming to be entitled to a house as tenant of X, sues B for possession, B is joined as proforma defendant. The suit is dismissed on finding that B is the owner of the house. X then sues B for possession and B pleads that the finding in the previous suit on the issue of ownership operates as Res judicata. Is the plea valid? Give reasons. | 5 Marks | L.3 | CO1 |

OR

7.	7a	When is a suit said to be instituted under the code of civil procedure? Support your answer with the help of various examples.	5 Marks	L.1	CO1
	7b	Describe the rule of res judicata as laid down in section 11 of the code of civil procedure. Support your answer with relevant case laws. Discuss whether the scope of res judicata is applicable to writ proceedings as well?	5 Marks	L.2	CO1
8.	8a	What is set off? Discuss the provisions regarding set off as provided under the Code of Civil procedure, 1908. Distinguish between Legal Set-off and equitable set-off.	5 Marks	L.2	CO2
	8b	What are the various grounds on which a court may reject the plaint? If a plaint is rejected by the Court will the doctrine of res judicata be applicable in such cases? Give reason to support your answer.	5 Marks	L.2	CO2
OR					
9.	9a	The plaintiff files a suit for recovery of a debt of Rs. 1 lakh. The Court awards the full amount to the plaintiff along with the interest for the period of delay. Can the Court in such cases award court fees incurred by the plaintiff as part of the costs recoverable for the defendant? Give reason to support your answer.	5 Marks	L.3	CO1
	9b	Define Decree. What is the difference between a decree, order and a judgement?	5 Marks	L.1	CO1
10.	10a.	What are the conditions for a foreign judgment to be recognized and enforced in India under the CPC? Is there a difference between recognition and enforcement of a foreign judgment?	5 Marks	L.1	CO1
	10b.	'X', 'Y' and 'Z' own a house at Delhi, a shop at Bombay, and a farm at Ganga Nagar in Rajasthan. They made a partition of this property by an agreement at Jaipur. 'X', being aggrieved by this partition, files a suit for challenging this partition in a Court at Delhi. 'Y' and 'Z' raise an objection that the suit should have been filed in a Court at Jaipur. How will the Court decide this issue?	5 Marks	L.3	CO1
OR					
11.	11a.	What are the remedies available to the plaintiff where the defendant either refuses to sign the acknowledgement regarding the service of summons or cannot be found and has no agent empowered to accept service on his behalf? In what circumstances and in what manner "substituted services" are made?	5 Marks	L.1	CO1
	11b.	Define summons. What are the objective of service of summons? Who are exempted for their personal appearance before the Court?	5 Marks	L.2	CO1

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| 12. | 12a. | 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? | 5 Marks | L.3 | CO2 |
| | 12b. | Discuss the significance of verification required under rule 11 of order 7. How does this verification contribute to the authenticity and credibility of the allegation made in the plaint? | 5 Marks | L.1 | CO2 |

OR

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| 13. | 13a | What do you understand by the term “Deemed admission”? | 2 Marks | L.1 | CO2 |
| | 13b | Write a short note on Affidavit. | 3 Marks | L.1 | CO2 |
| | 13c | What is the procedure for amendment of an order, judgement or decree as mentioned under order 20 of the code of civil procedure? | 5 marks | L.2 | CO2 |