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**PRESIDENCY UNIVERSITY**

**Bengaluru**

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| **End - Term Examinations – JANUARY 2025** |
| **Date:** 16-01-2025 **Time:** 09:30 am – 12:30 pm |

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| **School:** SOL | **Program:** BA.LLB/BBA.LLB/B.COM.LLB. (Hons.) | |
| **Course Code :** LAW3008 | **Course Name ;** Civil Procedure Code and Limitation Act | |
| **Semester**: V | **Max Marks**: 100 | **Weightage**: 50% |

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| **CO - Levels** | **CO1** | **CO2** | **CO3** | **CO4** | **CO5** |
| **Marks** | **39** | **14** | **19** | **14** | **14** |

**Instructions:**

1. *Read all questions carefully and answer accordingly.*
2. *Do not write anything on the question paper other than roll number.*

**Part A**

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| **Answer ALL the Questions. Each question carries 2marks. 10Q x 2M=20M** | | | | |
| **1** | A is tradesman in Calcutta. B carries on business in Delhi. B, by his agent in Calcutta, buys goods of A and requests A to deliver them to a transport company. A deliver the goods accordingly in Calcutta. A wants to sue B for the price of the goods. Where can A file a suit against B in this case? | **2 Marks** | **L.3** | **CO1** |
| **2** | A filed a suit against B for recovery of money. After filing the suit, A comes to know that the said court does not have the jurisdiction to try the suit. What is the remedy available to A in such case? | **2 Marks** | **L.2** | **CO1** |
| **3** | 'A' presented an application for leave to sue in forma pauperis but 'A' dies pending the hearing of the application. Can the application be continued by 'B' who is a legal representative of 'A'? Give reasons. | **2 Marks** | **L.2** | **CO2** |
| **4** | In a case where the plaintiff is a minor and his next friend has been terminated either due to retirement, removal or death, will the proceedings in this case be stayed, until the appointment of a next friend in his place? Give reason for your answer. | **2 Marks** | **L.1** | **CO2** |
| **5** | A judgment debtor is detained in civil prison in execution of a decree. Whether after release, his liability to pay the debt is discharged? | **2 Marks** | **L.2** | **CO3** |
| **6** | A judgement debtor made an objection before the court that the decree was obtained through fraud. Can his objection be decided through an execution proceeding or does he have to file a separate suit with regard to the objection? | **2 Marks** | **L.2** | **CO3** |
| **7** | The term “prescribed period” and “period of limitation” as mentioned in the Limitation Act is not the same. Mention the difference between the two. | **2 Marks** | **L.1** | **CO4** |
| **8** | A filed a suit against B. A’s suit being time barred was dismissed by the trial court. What remedy is available to A in this case? | **2 Marks** | **L.1** | **CO4** |
| **9** | A filed a suit against B and decided to serve him summons through e-mail. However, B failed to appear before the court after receiving of summons. What is consequence of non-appearance of B in this case? | **2 Marks** | **L.2** | **CO5** |
| **10** | Discuss whether the Court has inherent power to correct its mistakes. Can the court set aside an ex-parte-decree while exercising its inherent powers? | **2 Marks** | **L.2** | **CO5** |

**Part B**

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| **Answer the Questions Total 80 Marks** | | | | | |
| **11.** | **a.** | In the instant case, X deposits ornaments with Y as his agent. He then writes to A for making ornaments as security for a debt due from himself, to A. X afterwards alleges that A's debt is satisfied but A refuses it. Both claim ornaments from Y. Discuss whether an inter-pleader suit lie on behalf of Y in this case. | **10 Marks** | **L.2** | **CO2** |
| **or** | | | | | |
| **12.** | **a.** | Miss S is an indigent person who has initiated a civil suit under Order 33 of the Code of Civil Procedure (CPC) against a wealthy corporate entity for wrongful termination of her employment. Miss S claims that she was unfairly dismissed from her job without proper compensation. In light of the above problem, examine whether Miss S can file a suit as an indigent person under Order 33 of the Code of Civil Procedure. | **10 Marks** | **L.4** | **CO2** |
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| **13.** | **a.** | In a case involving a property dispute where the plaintiff claims rightful ownership of a piece of land, the defendant is alleged to be attempting to construct a building on the disputed land. Describe the process and grounds upon which the plaintiff can seek a temporary injunction under Order 39 to restrain the defendant from further construction activities. | **10Marks** | **L.2** | **CO5** |
| **or** | | | | | |
| **14.** | **a.** | Critically analyze the concept of “inherent powers of the court” with the help of relevant case laws. | **10 Marks** | **L.4** | **CO5** |

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| **15.** | **a.** | Explain the concept of “limitation period” under the Limitation Act with the help of relevant provisions. | **10Marks** | **L.2** | **CO4** |
| **Or** | | | | | |
| **16.** | **a.** | The Code of civil procedure (Amendment) Act 2002 has been considered as one of the major amendments that helped in re-shaping the course of civil cases in India. In light of the above statement, critically analyze the scope of the amendment in India. | **10 Marks** | **L.4** | **CO4** |

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| **17.** | **a.** | Sarah rents a furnished apartment from David for a period of one year, starting from January 1st, 2024, at a monthly rent of Rs. 50,000/-. The lease agreement specifies that the apartment will be equipped with all major appliances in good working condition, including a functioning refrigerator and washing machine. Upon moving in, Sarah discovers that the refrigerator is malfunctioning and unfit for use. Despite repeated requests to David, he fails to repair or replace the refrigerator within a reasonable timeframe. Six months into the tenancy, Sarah withholds Rs. 25,000/- from the monthly rent, citing the inconvenience caused by the non-functional refrigerator and David's inaction. David then decides to file a suit against her for recovery of the remaining rent along with an eviction suit against Sarah from the apartment for non-payment of rent. On the basis of the above-mentioned problem what defenses can be availed by Sarah in this case? | **15 Marks** | **L.3** | **CO1** |
| **Or** | | | | | |
| **18.** | **a.** | Satnam Singh enters into a contract with Mohan and Sujeet to supply bags of cement to them. Mohan and Sujeet make payment in advance but Satnam Singh refuse to perform his part of the contract and fails to supply 1000 bags of cement. Explain with the help of statutory provision, whether Mohan and Sujeet can join together in a suit against Satnam Singh. Further what are the consequences of non-joinder and mis joinder of parties to a suit. Support your answer with the help of suitable case laws. | **7+8 =15**  **Marks** | **L.3** | **CO1** |

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| **19.** | **a.** | Critically analyze the role and powers of the executing court in overseeing the execution process under Order 21 of the Code of Civil Procedure. What measures can the court take to ensure prompt and effective enforcement of decrees? | **8+7=15**  **Marks** | **L.4** | **CO3** |
| **Or** | | | | | |
| **20.** | **a.** | In a civil suit, Mr. X obtained a decree against Mr. Y for the recovery of a debt amounting to Rs. 1,00,000. However, Mr. Y fails to comply with the court's order to pay the debt. To enforce the decree, Mr. X seeks the attachment of Mr. Y's property by the court. In light of the above problem, explain the concept of attachment of property by the court with relevant provisions under the Code of Civil Procedure (CPC). Further, discuss the purpose and significance of attachment in the execution of decrees. | **7+8 =15**  **Marks** | **L.3** | **CO3** |

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| **21.** | **a.** | Explain the principle of “Res Sub-Judice” as mentioned under section 10 of the Code of Civil Procedure with the help of relevant case laws. | **10Marks** | **L.2** | **CO1** |
|  | **b.** | Explain the following rule, “Court to try all civil suits unless barred” with the help of relevant case laws. | **10 Marks** | **L.2** | **CO1** |
| **Or** | | | | | |
| **22.** | **a.** | Discuss the importance of admission and denial made by the defendant in the written statement? | **10 Marks** | **L.2** | **CO1** |
|  | **b.** | Distinguish between pecuniary jurisdiction and territorial jurisdiction of a civil court for filing a lawsuit? | **10 Marks** | **L.2** | **CO1** |

**\*\*\*\*\* BEST WISHES \*\*\*\*\***