

Roll No.													
----------	--	--	--	--	--	--	--	--	--	--	--	--	--



PRESIDENCY UNIVERSITY

BENGALURU

End - Term Examinations – MAY 2025

Date: 26-05-2025

Time: 01:00 pm – 04:00 pm

School: SOL	Program: BA.LLB/BBA.LLB/B.Com. LLB (Hons.)	
Course Code: LAW2049	Course Name: Civil Procedure Code and Limitation Act I	
Semester: IV	Max Marks: 100	Weightage: 50%

CO - Levels	CO1	CO2	CO3	CO4	CO5
Marks	19	29	14	24	14

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 2marks.

10Q x 2M=20M

1	What do you understand by the term “pro-foma defendant”?	2 Marks	L.1	CO1
2	Explain in brief the concept of "Mesne Profits".	2 Marks	L.2	CO1
3	Under what circumstances can a court return a plaint?	2 Marks	L.1	CO2
4	Can the doctrine of res judicata be applicable in case if a Plaint is rejected by the court?	2 Marks	L.2	CO2
5	What are the grounds for setting aside ex-parte decree?	2 Marks	L.1	CO3
6	Distinguish between necessary parties and proper parties.	2 Marks	L.2	CO3
7	What are the penalties that can be imposed by the court for non-appearance of witness	2 Marks	L.1	CO4
8	What is the significance of the “date of a decree”?	2 Marks	L.1	CO4
9	What is the various requisite for a valid attachment under the limitation act?	2 Marks	L.1	CO5
10	A suit was dismissed on the plea of limitation without adjudicating merits. A subsequent suit is filed in which the same pleas are raised. Determine whether the principle of res judicata will operate in the following case?	2 Marks	L.1	CO5

Part B**Answer the Questions****Total 80 Marks**

11.	a.	A, the Landlord sues B, the Tenant for Rs. 10,000 for unpaid rent. The tenant claims that the property was not in a habitable condition due to a leak in the roof, thereby causing damage to his furniture worth Rs. 15,000. In such as situation what defense will the defendant choose? Give reasons for your answer.	10 Marks	L.3	CO 2
------------	-----------	---	---------------------	------------	-----------------

Or

12.	a.	Discuss the essential elements of a plaint mentioned under Order 7 of the CPC? Further, under what circumstances can a court reject a plaint under Order 7 Rule 11?	5+5=10 Marks	L.2	CO 2
------------	-----------	---	-------------------------	------------	-----------------

13.	a.	"The Law of Limitation only extinguishes the right but does not bar the remedy'. Critically analyze the following statement in light of recent case laws.	10 Marks	L.4	CO 5
------------	-----------	---	---------------------	------------	-----------------

or

14.	a.	"Legal disability bars a person from filing a suit under the limitation Act". In light of the above statement explain the rules with regard to legal disability under the limitation Act.	10 Marks	L.2	CO 5
------------	-----------	---	---------------------	------------	-----------------

15.	a.	Explain the consequences for appearance and non-appearance of parties in a suit with the help of relevant provisions.	10 Marks	L.2	CO 3
------------	-----------	---	---------------------	------------	-----------------

Or

16.	a.	Critically analyze the various modes of service of summons under order V of Code of civil procedure?	10 Marks	L.4	CO 3
------------	-----------	--	---------------------	------------	-----------------

17.	a.	Mr. X filed a suit against Mr. Y in the District Court claiming ownership of a piece of land. The District Court dismissed Mr. X's suit on the grounds of insufficient evidence to prove his ownership. Subsequently, Mr. X filed another suit against Mr. Y in the same District Court, seeking possession of the same piece of land, relying on different documents as evidence of ownership. Mr. Y challenges the maintainability of the second suit, arguing that it is barred by the principle of res judicata. Decide whether the second suit filed by Mr. X is barred or not by the principle of res judicata. Support your answer with legal reasoning.	15 Marks	L.3	CO 1
------------	-----------	---	---------------------	------------	-----------------

Or

18.	a.	Discuss the place of suing as mentioned under the Code of Civil Procedure with the help of examples.	15 Marks	L.2	CO 1
19.	a.	Prepare a plaint and a written statement on the following facts – – A died leaving behind a will bequeathing his properties in favour of his friend B to the exclusion of A's widow and children. The will included recitals that X and Y had secured possession of the properties belonging to A in pursuance of an alleged deed of sale, that its true nature was not sale and that it was actually a transaction of mortgage, B claimed title to the properties in suit on the strength of the will in his favour and instituted a suit challenging the previous sale of properties by A in favour of X and Y and seeking possession of the properties. A's widow and children do not contest the suit. X and Y contest the suit	15 Marks	L.3	CO 2
Or					
20.	a.	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?	15 Marks	L.3	CO 2
21.	a.	Critically analyze the need and importance of appointment of a commission by the court for the purpose of taking evidence in cases where a witness is unable to appear before the court.	10 Marks	L.4	CO 4
	b.	Critically evaluate the scope of discovery and inspection under Order 11 of the Code of civil procedure with the help of relevant case laws.	10 Marks	L.4	CO 4
Or					
22.	a.	Discuss the powers of the court regarding the impounding of documents and the consequences of non-compliance with production orders under Order 13 of the CPC	10 Marks	L.2	CO 4
	b.	Explain the rules relating to admission with regard to order 12 of the Code of Civil Procedure.	10 Marks	L.2	CO 4