



**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

MAKEUP EXAMINATION – JAN 2023

Course Code: LAW 116

Course Name: Code of Civil Procedure and Limitation Act

Program: BALLB(Hons.)/BBALLB(Hons.)/BCOMLLB(Hons.)

Date: 23-JAN- 2023

Time: 09.30 AM – 12.30 PM

Max Marks: 100

Weightage: 50%

Instructions:

(i) Read the all questions carefully before answering.

Part A [Memory Recall Questions]

Answer all the Questions. Each question carries TWO marks.

(10Qx 2M= 20M)

1. What is a plaint? What are the contents of the plaint? (C.O.No.3) [Knowledge level]
2. What is Interpleader suit? (C.O.No.3) [Knowledge level]
3. Define Decree. (C.O.No.3) [Knowledge level]
4. What constitutes pleading? (C.O.No.3) [Knowledge level]
5. Write a short note on Temporary Injunction. (C.O.No.2) [Knowledge level]
6. Write a note on Attachment and sale of property. (C.O.No.2) [Knowledge level]
7. Write a short note on abatement of suits. (C.O.No.3) [Knowledge level]
8. Who is a Necessary Party and Proper Party? (C.O.No.3) [Knowledge level]
9. Explain the distinction between Question of Law and Question of Fact. (C.O.No.3) [Knowledge level]
10. Give illustrations on cases subjected to summary procedure. (C.O.No.4) [Knowledge level]

Part B [Thought Provoking Questions]

Answer all the Questions. Each question carries TEN marks.

(4Qx10M=40M)

11. A civil court has jurisdiction to try all suits of a civil nature unless their cognizance is either expressly or impliedly barred'. Explain this statement in the light of pecuniary and territorial jurisdiction of the civil courts. (C.O.3) [Comprehension level]
12. Explain the procedure for institution of suit by or against the government or public officers under the provisions of the Civil Procedure-Code. (C.O.3) [Comprehension level]

13. 'Law of Limitation only extinguishes the right but does not bar the remedy' Explain.

(C.O.4) [Comprehension level]

14. What is Set off? Discuss the provisions regarding set off as provided under the Civil Procedure Code and distinguish between legal and equitable set off.

(C.O.2) [Comprehension level]

Part C [Problem Solving Questions]

Answer all the Questions. Each question carries TWENTY marks. (2Qx20M=40M)

15. 'A' publishes a series of books under the title. The Oxford and Cambridge publications so as to induce the belief that the books are publications of the Oxford and the Cambridge Universities or either of them. Both Universities join as plaintiff in one suit to restrain A from using the title. Discuss with reasons whether both the Universities can jointly sue 'A' or not.

(C.O.No.5) [Application level]

16. 'A' file a suit against 'B' for breach of contract by 'B'. The suit is dismissed for default of appearance. Decide if the decision of the court dismissing the suit qualifies as a Decree? Give reasons for your answer.

(C.O.No.4) [Application level]