



**PRESIDENCY UNIVERSITY,
BENGALURU**

SCHOOL OF LAW

MID TERM EXAMINATION

Odd Semester: 2018-19

Course Code: LAW 116

Course Name: CPC&LA

Branch & Sem: All Programs. V Sem

Date: 22 October 2018

Time: 2 Hours

Max Marks: 60

Weightage: 30%

Instructions:

- (i) **All parts of the questions are compulsory**

Part A

Answer **all** the Questions.

1. State whether an interference with rights of Mohammedan to receive prayers over a body before burial in front of a particular mosque is violation of his/her civil right or not. Also state with reason whether a suit can be filed in Civil Court for its violation. (3 marks)
2. What is Substituted Service of Summons under Code of Civil Procedure? (5 marks)
3. The matrimonial suits were instituted by husband and wife in different Courts. A suit for judicial separation was filed by the husband at Jaipur on 31-3-2006 whereas another suit for the restitution of conjugal rights was filed by the wife on 28-2-2008 at Indore. The suit instituted by husband reached to a stage of evidence. State whether Res Subjudice applies to this suit or not give reason. Also state which suit will be stayed by the Court? (4 marks)
4. Explain the provision relating to Counter Claim under Code of Civil Procedure. (8 marks)

Part B

Answer **all** the Questions.

5. A is a trademan in Calcutta. B carries a business in Delhi. B, by his agent in Calcutta buys goods of A and requests A to deliver them to the East Indian Railway Company. A delivers the goods accordingly in Calcutta. State with reason where A can file the suit. (2 marks)
6. An award was made in New York and was confirmed by the New York Supreme Court. Then a suit to enforce the award or judgment of New York Supreme Court was filed in Bombay High Court. Explain with reason whether this judgment can be enforced in India (2 marks)

7. "A" and her mother brought a suit against her father's brother for partition and delivery of 1/5th share of the family property to the mother for a marriage provision for herself. The question of A's marriage expenses was not directly and substantially in issue. The claim for partition was disallowed because properties were found to be ancestral and since the claim for partition was disallowed, the incidental claim for marriage expenses was also disallowed. Then "A" brought a suit against her father's brother for providing the marriage expenses. Decide with reason whether "A's" suit will be allowed by the court or not.

(4 marks)

8. Explain in detail the provision relating to Examination of Parties by Court.

(8 marks)

9. What is Amendment of Pleading under Code of Civil Procedure, 1908?

(4 marks)

Part C

10. A right created by a statute which itself provided a machinery for enforcement of that right and finality of such statutory provision. State whether suit enforcement of such right can be filed before Civil Court.

(3 marks)

11. "A" a husband in relation to his self- acquired property makes a Will conferring life estate on his wife and absolute rights in favour of his sons. However, there was nothing in the Will to indicate that life estate has been given to wife in recognition or in lien of her pre-existing right. Sons sort an injunction for restraining the wife from alienating the property. Decide with reason whether Sons will succeed in getting injunction.

(3 marks)

12. Explain the grounds on which Interlocutory order can be issued.

(6 marks)

13. Explain the Joinder of Plaintiff, Defendant and Cause of Action.

(6 marks)

14. Define "Legal Representative".

(2 marks)