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**Presidency University**

**Bengaluru**

 **SCHOOL OF LAW**

**Make-Up Examinations, July 2024**

**Semester**: V

**Course Code**: LAW116

**Course Name**: CIVIL PROCEDURE CODE, 1908

**Program**: VIII B.A.LL.B / BB.A.LL.B/ B.COM LL.B

**Date**: 01-07-2024

**Time**: 9:30 AM-12:30 PM

**Max Marks**: 100

**Weightage**: 50%

 **Instructions:**

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

**Part A**

**Answer any 4 Questions. Each question carries 5 marks. (4Qx 5M= 20M)**

1. Define the term Mesne Profit. (C.O.1) [Knowledge]

2. What principles govern the application of the Rule of Res Judicata? Discuss with reference to case law. (C.O.1) [Knowledge]

3. What do you understand by ‘foreign judgment’? When it is deemed to be conclusive? Discuss. (C.O.2) [Knowledge]

4. “Limitation bar the remedy but does not extinguish the right”. Elaborate in the light of relevant provisions. (C.O.5 ) [Knowledge]

5. Write note on Necessary and Proper Parties. (C.O.4) [Knowledge]

6. Short notes on Caveat. (CO.4 ) [Knowledge]

**Part B**

**Answer any 4 Questions. Each question carries 10 marks. (4Qx10M=40M)**

7. What are the orders from which an appeal lies? Whether an appeal lies from an order passed by a court in the exercise of its appellate jurisdiction? (C.O.No.4) [Application]

8. Explain the various provisions in relation to legal disability under the Limitation Act, 1961. Briefly state the concept of ‘Continuous running of time. (C.O.No.5) [Application]

9. Explain the provisions of the Code of Civil Procedure which deal with inherent powers of the courts. What are the limitations on these powers? (C.O.No 5) [Application]

10. Discuss the circumstances and grounds on which temporary injunctions can be granted? What are the consequences if such injunction is not complied with? (C.O.No.3) [Application]

11. Explain with illustration, the basic characteristics of an "Interpleader Suit". (C.O.No.4) [Application]

12. Examine the procedure for bringing suit by or against the government. (C.O.No.3) [Application]

**Part C**

**Answer any 2 Questions. Each question carries 20 marks. (2Qx20M=40M)**

13. What are the guiding principles for condonation of delay under section 5 of the Limitation Act, 1963? Is the position of government and private individuals same under section 5 of The Limitation Act, 1963? Discuss. (C.O.No. 5) [Analysis]

14. Critically analyze the provisions under the Civil Procedure Code, 1908, regarding non-appearance of the parties and consequences of non-appearance. (C O.No. 3) [Analysis]

15. Critically determine the nature, scope and modes of setting up counter claim. Who may file counter claim and upto which stage a counter claim may be set up? Discuss the effect of counter claim. (C.O.No. 4) [Analysis]