

Roll No



**PRESIDENCY UNIVERSITY
BENGALURU**

SET-A

**SCHOOL OF LAW
END TERM EXAMINATION – MAY/JUNE- 2024**

Semester : Semester VI - 2021

Course Code : LAW3008

Course Name : - Civil Procedure Code and Limitation Act

Program : BA LLB Honors

Date : June 14, 2024

Time : 1:00 PM - 4:00 PM

Max Marks : 100

Weightage : 50%

Instructions:

- (i) Read all questions carefully and answer accordingly.
- (ii) Question paper consists of 3 parts.
- (iii) Scientific and non-programmable calculator are permitted.
- (iv) Do not write any information on the question paper other than Roll Number.

PART A

ANSWER ANY FOUR QUESTIONS

4Q X 5M = 20 MARKS

1. Define Decree. What are the essential elements of a decree?
(CO1) [Knowledge]
2. What are the various conditions which must be fulfilled to constitute res judicata?
(CO1) [Knowledge]
3. What are the basic principles governing the amendment of pleadings?
(CO1) [Knowledge]
4. Write short note on Interrogatories.
(CO1) [Knowledge]
5. When can a person lodge a caveat in the court? What is the purpose of lodging a caveat?
(CO1) [Knowledge]
6. Explain the provision of legal disability under the limitation act.
(CO1) [Knowledge]

PART B

ANSWER ANY FOUR QUESTIONS

4Q X 10M = 40 MARKS

7. What factors determine the jurisdiction of a civil court in a particular case? Explain the following rule, "Court to try all civil suits unless barred".
(CO3,CO2) [Application]
8. What is the procedure mentioned under order 32 of the code of civil procedure for the purpose of filing a suit by a minor?
(CO1,CO3) [Application]

9. Explain the Provisions of discovery and inspection mentioned under Order 11 of the Code of Civil Procedure 1908.

(CO3,CO1) [Application]

10. Consider a situation where a decree for possession of immovable property is passed in favor of the plaintiff, but the judgment debtor refuses to vacate the premises. Explain the procedure for executing such a decree under Order 21, including the issuance of warrants and eviction of the judgment debtor.

(CO3,CO1) [Application]

11. Elucidate the difference between a revision and review? Which Courts exercise the respective jurisdictions? Indicate with the help of legal provisions.

(CO2,CO3) [Application]

12. Describe the key provisions and limitations outlined in the Limitation Act of 1963. What is the impact of such limitation in various cases?

(CO1,CO3) [Application]

PART C

ANSWER ANY TWO QUESTIONS

2Q X 20M = 40 MARKS

13. Rajesh, an Indian businessman, obtained a judgment for a substantial sum of money against Ananya, another Indian national, in a court in Singapore for a breach of contract. Ananya, who resides in India, has refused to comply with the judgment. Rajesh now seeks to enforce this foreign judgment in India. On the basis of them problem as stated above, explain the legal provisions of Sections 13 and 14 of the CPC regarding the recognition and enforcement of foreign judgments in India. Outline the key criteria that must be met for a foreign judgment to be recognized as conclusive under Section 13.

(CO3,CO4) [Analysis]

14. Which is the Court competent to deal with question relating to execution, discharge and satisfaction of a decree? Can a Court executing a decree, go behind the decree? If so, under what circumstances? What should the executing court do when a decree imposes reciprocal obligations on both sides? What obstacles are likely to arise in the execution of a decree for the sale of immovable property and how can they be overcome? Describe the procedure for the execution of such decree

(CO3,CO4) [Analysis]

15. Miss S, an indigent person, 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. Examine the provisions under Order 33 of the CPC pertaining to the filing and conduct of suits by indigent persons. Evaluate the safeguards and exemptions provided to indigent litigants concerning court fees, costs, and the appointment of a next friend or guardian ad litem.

(CO4,CO3) [Analysis]