2461  

Your Roll No. ..............

LL.B. / III Term  

F

Paper LB-302 – CODE OF CIVIL PROCEDURE AND LIMITATION ACT

Time : 3 Hours  
Maximum Marks : 100

(Write your Roll No. on the top immediately on receipt of this question paper.)

Note :- Answers may be written either in English or in Hindi; but the same medium should be used throughout the paper.

Attempt Five Questions including Question No. 1 and 06 which is compulsory.

Question Paper is divided into two parts, Part A consists of Question relating to Civil Procedure Code and Part - B to Limitation Act.

प्रश्न पत्र में 1 और 6 सहित कुल पांच प्रश्नों के उत्तर दीजिए। प्रश्न पत्र के बीच भाग है। भाग A में सिहित प्रश्नों सम्बन्धी प्रश्न हैं और भाग B में परिलक्षित अधिनियम सम्बन्धी प्रश्न हैं।

P.T.O.
(a) Explain the principles of res judicata with the help of decided cases and suitable illustrations. Do you agree with the statement that constructive res judicata applies to the cases falling under writ jurisdiction? Support your answers with the help of decided cases. (15)

(1) 

(b) Distinguish between a decree and an order. (05)

2. (a) Can a Court allow amendment of a Plain just before pronouncement of a decree? Critically examine the scope and stage of pleadings when amendments may be allowed, particularly with reference to amendment of written statements. Support your answers with the help of decided cases. (10)
3. (a) What are the points of consideration in the matter of granting temporary injunction when it should be granted? Discuss in brief the remedy against an order refusing to grant injunction and the powers of court if an injunction granted by court is disobeyed?

(b) What can be the grounds for rejection of a plaint?

4. (a) What are the consequences of non-appearance of a plaintiff, Defendant or both the Parties, when the suit is called for hearing. Briefly state the respective remedies for dismissal or exparte judgment of suit.

5. (a) Under what circumstances the second appeal would lie to the High Court from a decree passed in first appeal? Support your answer with the help of statutory provisions and decided cases.

(b) Reference, Review and Revisions are various remedies provided under CPC to cater to different situations. Bring out the distinctions between them.
6. (a) “The Law of Limitation extinguishes remedy but does not extinguish rights.” Elucidate with the help of relevant provisions and decided case law, the above statement and also explain when a plea of limitation may be raised?

(b) What are the guiding principles for condonation of delay under Section 5 of the Limitation Act, 1963?

7. (a) Describe what is “acknowledgement” under the limitation Act and draw a distinction between acknowledgment made under sec. 18 and 19 of limitation Act and their respective effect on the period of limitation.

(b) What is the effect of addition of a plaintiff or defendant in a pending suit upon the limitation for filing such suit?

8. (a) Examine the effect of fraud or mistake on the period of limitation.

(b) Explain the true scope of the expression “time requisite” in section 12 of the limitation Act 1963.
(क) परिसीमा अवधि पर कपट अथवा ढूंट के परिणाम की जाँच कीजिए।

(ख) परिसीमा अधिनियम, 1963 की धारा 12 में "अपेक्षित समय" अभिव्यक्ति की सही परिभाषा की व्याख्या कीजिए।