

2017

**CIVIL PROCEDURE CODE AND
LIMITATION ACT**

Paper : 4-2

Full Marks : 80

Time : Three hours

***The figures in the margin indicate
full marks for the questions.***

1. Fill in the blanks with appropriate answer given in the brackets : 1×10=10
 - (a) Set-off for unascertained sum of money is _____. (not permissible/ permissible as equitable set-off)
 - (b) The Code of Civil Procedure, 1908 is _____. (special procedural law/ general procedural law)
 - (c) The Court on being satisfied of the fact of minority of the defendant has to appoint _____ (guardian *ad litem*/ legal guardian)

Contd.

- (d) In interpleader suit, the real dispute is between _____ (the plaintiffs/ the defendants)
- (e) In an appeal, the respondent may file cross-objection in the form of _____. (Memorandum of appeal as far as applicable/an application)
- (f) The law of limitation is _____ in operation. (prospective/retrospective)
- (g) _____ is an exception to the general rule that "Law of Limitation" bars the remedy only but does not extinguish the right. (Right to property/Breach of contract)
- (h) _____ means any person against whom a decree has been passed or an order capable of execution has been made. (Decree holder/Judgment-debtor)
- (i) _____ relates to crimes and punishes offenders. (Civil jurisdiction/Criminal jurisdiction)
- (j) _____ means a case already decided. (*Res subjudice/Res judicata*)

2. Explain the following terms : $2 \times 5 = 10$

- (a) Particulars
- (b) Mesne Profits

- (c) Next friend of a minor
- (d) Summons
- (e) Matter in issue.

3. Discuss the provisions of the Code of Civil Procedure dealing with jurisdiction of Courts. 12

Or

Discuss the essentials of a civil suit. 12

4. Define the term "issue". How are the issues framed ? What are the consequences of failure to frame issues ? Cite case-law.

$2+6+4=12$

Or

What is an appeal ? What are the different kinds of appeal under the Code of Civil Procedure ? Explain the powers and duties of the appellate court. $2+2+8=12$

5. What is review ? On what grounds is a review allowed ? Discuss the procedural aspects of review. $2+4+6=12$

Or

Distinguish between :

4×3=12

- (a) Appeal and Second Appeal
- (b) Review and Revision
- (c) Set-off and Counter-claim.

6. Write explanatory notes on : **(any two)**

6×2=12

- (a) Service of summons
- (b) Suits by or against corporation
- (c) Summary suits.

Or

Write an essay on the causes of delay in Civil litigation. Refer the amendments of the Civil Procedure Code in 1999 and 2002. Refer case-law. 12

7. Explain the meaning, nature and object of the law of limitation. 12

Or

“When once time has begun to run, no subsequent disability or inability to sue stops it.” — Explain. State the exceptions, if any. 12

Total number of printed pages—4

19 (IV) CPRC 4-2

2018

CIVIL PROCEDURE CODE

Paper : 4-2

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Fill in the blanks with appropriate answer given in the brackets : $1 \times 10 = 10$
 - (a) The Code of Civil Procedure, 1908 came into force with effect from _____.
(1st January, 1909/26 February, 1909)
 - (b) _____ means any person in whose favour a decree has passed or an order capable of execution has been made.
(Decree-holder/Judgement debtor)
 - (c) A Second appeal lies to the High Court on the ground of a _____.
(substantial question of Law/question of fact)

Contd.

- (d) The law of limitation is _____.
(Procedural Law/Substantive Law)
- (e) An appeal against a decree or order can be filed in a High Court within _____. (Thirty days/Ninety days)
- (f) A suit in a Civil Proceeding instituted by the presentation of _____. (plaint/written statement)
- (g) The Period of Limitation for recovery of immovable property is _____.
(12 years/3 years)
- (h) Pleading must state the _____.
(facts/law)
- (i) The Provisions of Limitation Act, 1963 _____ to writ petition filed in the Supreme Court or in the High Court.
(apply/do not apply)
- (j) _____ deals with temporary injunctions. (Order 39/Order 40)

2. Explain the following terms : $2 \times 5 = 10$

- (i) Affidavit
- (ii) Caveat
- (iii) Cause of action
- (iv) Pauper Suit
- (v) "Garnishee Order".

3. Discuss the provisions for determining the Jurisdiction of Civil Court. What is the procedure when the court has no jurisdiction to try a suit filed before it?

$8+4=12$

OR

What do you mean by "Plaint"? What particulars should a Plaint contain? What are the grounds for rejection of Plaint?

$2+5+5=12$

4. Explain the term "decree". What are the essentials of a decree? Distinguish between a "decree" and "Judgement".

$2+5+5=12$

OR

When should a defendant enter appearance in a suit? What consequence the defendant is to face for non-attendance after summons was duly served? What remedies are available to such a defaulting defendant?

$4+4+4=12$

5. What is "injunction"? When can a Civil Court grant temporary injunction? What is the remedy for violation of temporary injunction?

$2+6+4=12$

OR

On what grounds a Second appeal lies? State the circumstances when a new point can be raised for the first time in Second appeal.

6. Discuss the provisions relating to Suits by or against minor and lunatics.

12

OR

Write explanatory notes on : *(any two)*

- (a) Attachment before Judgement
- (b) Different modes of Service of Summons
- (c) Power of Court to issue Commission.

7. "Limitation bars the remedy but does not extinguish the title" — Explain. How far is it applicable to the suit for possession?

8+4=12

OR

Write in brief the important provisions of Law of Limitation. What do you mean by 'barred by Limitation'? Give examples.

8+4=12

Total number of printed pages—4

19 (IV) CPRC 4-2

2019

**CIVIL PROCEDURE CODE AND
LIMITATION ACT**

Paper : 4-2

Full Marks : 80

Time : Three hours

**The figures in the margin indicate
full marks for the questions.**

1. Fill in the blanks with appropriate answer given in the brackets : 1×10=10
 - (a) The first uniform code of Civil Procedure was enacted in the year _____.
(1859/1908)
 - (b) The Code of Civil Procedure is an _____. (adjective/substantive law)
 - (c) _____ means the formal expression of any decision of a Civil Court which is not a decree. (Order/Judgement)

Contd.

- (d) The Code of Civil Procedure 1908 was amended last in _____. (2001/2002)
- (e) _____ means any person against whom a decree has been passed on an order capable of execution has been made. (Decree holder/Judgement debtor)
- (f) _____ of the Limitation Act provides for extension of time in certain cases. (Section 5/Section 3)
- (g) The Law of Limitation Act, 1963 applies to _____ only. (Courts/Tribunals)
- (h) An application for setting aside ex-parte decree can be made within _____ days from the date of decree. (thirty days/sixty days)
- (i) Every suit by a minor is to be instituted in his name by a person who in such suit is to be called the _____ (next friend/guardian *ad litem*) of the minor.
- (j) A second appeal lies to the High Court on the ground of a _____. (substantial question of law/question of fact)

2. Explain the following questions : 2×5=10

- (a) "Decree".
- (b) Mesne Profits.
- (c) Next friend of a minor.
- (d) What is first hearing?
- (e) Interlocutory order.

3. Discuss the essentials of a Civil suit. 12

OR

What are Pleadings? When can pleadings be amended? On what grounds court may reject an amendment? 4+4+4=12

4. What is an "Issue"? How are the issues framed? What are the effects of nonframing of issues in suit? 2+6+4=12

OR

What is "attachment before Judgement"? Discuss the provisions relating to Powers of Court for such attachment. 4+8=12

5. What is an appeal? What are the essentials of an appeal? Distinguish between appeal and revision. 2+3+7=12

OR

"An executing court cannot go behind the decree". Elucidate the statement pointing out the exception, if any. 12

6. Discuss the provisions relating to suits by or against Government. 12

OR

What is injunction? Against whom injunction may be issued? When can a Civil Court grant temporary injunction?

2+2+8=12

7. Explain the object and reasons for the law of limitation. 12

OR

Explain the terms : 3×4=12

- (a) Condonation of Delay
- (b) Sufficient Cause
- (c) Legal disability.

Total number of printed pages-5

19 (IV) CPCL

2021

**CIVIL PROCEDURE CODE AND
LIMITATION ACT**

Full Marks : 80

Time : Three hours

***The figures in the margin indicate
full marks for the questions.***

1. Fill in the blanks with appropriate options :
1×10=10
 - (i) In computing the period of limitation for Appeal, the time requisite for obtaining a copy of decree shall be _____ .
(included/excluded)
 - (ii) Period of limitation for filing an application for a Review of judgment is _____ days from the date of the judgment. (30/60)
 - (iii) Period of limitation for instituting a suit for compensation for libel is _____ year(s) from the date when the libel is published. (one/three)

Contd.

(iv) For instituting a suit against a Carrier for compensation for non-delivery of, or delay in delivering, goods, the period of limitation is _____ year(s) from the date when the goods were ought to be delivered. *(one/ three)*

(v) Period of limitation for instituting a suit to enforce payment of money secured by mortgage upon immovable property is _____ years from the date when the money sued for becomes due. *(three/ twelve)*

(vi) When the suit is called on for hearing and neither party appears, the court _____ dismiss the suit. *(may/ cannot)*

(vii) _____ has the right to begin the suit and examine the witnesses. *(Plaintiff/ Defendant)*

(viii) Decree is to be drawn up in accordance with the _____. *(judgment/ plaint/ written statement)*

(ix) Appeal from Appellate Decree (2nd appeal) lie to the High Court, if High Court is satisfied that the case involved _____ . *(substantial question of law/ question of facts)*

(x) An application for review lies to the _____ court. (same/superior)

2. Write short notes on **any five** of the following : $2 \times 5 = 10$

(i) Mesne Profit

(ii) Counterclaim

(iii) Summary procedure

(iv) Ex-parte Decree

(v) 'Next Friend' of a minor

(vi) Caveat

(vii) Acknowledgement for the purpose of Limitation Act

(viii) Sufficient cause under Limitation Act

(ix) Condonation of delay

(x) Misjoinder and Non-Joinder of parties in a suit.

3. Explain the term 'Suit'. How is suit instituted under CPC ? Who may be joined as Plaintiffs and Defendants in a suit ? $2+6+4=12$

OR

Explain the term “Pleading” and discuss the general rules for Constitution of Pleading. When court may strike out or amend the pleadings? Explain the consequences if a party fails to amend the pleading after obtaining order from the court to amend the pleading. 4+4+4=12

4. Explain the term **Plaint**. What particulars are necessary to be contained in a **plaint**? Explain the procedure and circumstances for rejection of a **plaint**. 2+6+4=12

OR

Explain the term **Written Statement**. What is the period within which **Written Statement** is to be filed? Explain the principles of denial of the statements of **plaint** while submitting the **Written Statement**. 2+4+6=12

5. What is **summons**? What are the procedures of service of **summons**? Explain consequences, if defendant refuses to accept **summons**. 2+6+4=12

OR

In what circumstances, court may grant a temporary injunction and when court may vacate or modify the injunction order ?

6+6=12

6. Explain the procedure of filing suit by or against the Government. In what situation, a suit against government may be instituted without issuing the notice u/s 80 CPC ?

8+4=12

OR

Who is an Indigent Person under CPC ? Explain the provisions for filing the suit as an Indigent Person including the filing of an appeal by him.

4+8=12

7. What is attachment before judgment ? Discuss the provisions relating to powers of court for such attachment.

6+6=12

OR

Explain the provisions of Appeal from Original Decree, Appeal from Appellate Decree and Appeal from Orders under CPC.

4+4+4=12

Total number of printed pages—4

19 (4) CPRC 4.2

2023

CIVIL PROCEDURE CODE

Paper : 4.2

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Choose the correct word : $1 \times 10 = 10$
- (a) The first uniform Code of Civil Procedure was enacted in the year _____ (1859/1908)
- (b) Procedural laws prescribe procedure for the _____.
(enforcement of rights and liabilities/
determines rights and liabilities)
- (c) The Code of Civil Procedure (Amendment) Act 2002, came into force on _____.
(1st July, 2002/2nd June, 2002)

Contd.

- (d) What is the period of limitation for filing suit for recovery of money ?
(Five years/Three years)
- (e) The period of limitation for recovery of immovable property is
(12 years/3 years)
- (f) The Court on being satisfied of the fact of minority of defendant has to appoint _____.
(legal guardian/guardian-ad-litem)
- (g) _____ is exception to the rule that law of limitation bars the remedy only but does not extinguish the right.
(Right to Property/Breach of Contract)
- (h) A suit in a civil proceeding instituted by the presentation of _____.
(plaint/written statement)
- (i) The expression _____ means the judicial examination of the decision by the higher court of decision of inferior court.
(review/appeal)
- (j) A second appeal lies to the High Court on the ground of a _____.
(substantial question of law/question of fact)

2. Write short notes on : 2×5=10

- (a) Interlocutory order
- (b) Condonation of delay
- (c) Next friend of a minor
- (d) Legal disability
- (e) Legal set off and equitable set off

3. What are pleadings ? When can pleadings be amended ? On what grounds court may reject an amendment sought to be made in pleadings ? 4+2+6=12

Or

Discuss the essentials of a civil suit. 12

4. Define the term 'issue'. How are the issues framed ? What are the consequences of failure to frame issue ? Cite a case law. 2+4+6=12

Or

Explain the term 'decree'. What are the essentials of a decree ? Distinguish between preliminary decree and final decree.

2+3+7=12

5. Discuss the provisions relating to suits by or against government. 12

Or

What is 'injunction'? When can a civil court grant temporary injunction? What is the remedy for violation of temporary injunction? 2+4+6=12

6. What is an 'appeal'? What are the different kinds of appeal under the Code of Civil Procedure? Explain the powers and duties of the Appellate Court. 2+4+6=12
7. "Limitation bars the remedy but does not extinguish the title" — Explain. How far is it applicable to the suit for possession? 12

Or

"When once time has begun to run, no subsequent disability or inability to institute a suit or make an application stop it." Explain. State the exception if any.

2024

**CIVIL PROCEDURE CODE AND
LIMITATION ACT**

Paper : 4-2

Full Marks : 80

Time : Three hours

***The figures in the margin indicate
full marks for the questions.***

1. Fill in the blanks with appropriate options :
1×10=10

(a) _____ means the formal expression of an adjudication of civil court, which conclusively determines the rights of the parties with regard to all or any of the matters in controversy in the suit.
(Decree/ Order)

(b) _____ is a person against whom a decree has been passed or an order capable of execution has been made.
(Decree holder/ Judgement debtor)

Contd.

- (c) _____ deals with appointment of a receiver. (Order 39/Order 40)
- (d) A 'garnishee' is _____. (judgement debtor/judgement debtor's debtor)
- (e) Under Order 38 Rule 12, agricultural produce is not attachable before judgement. (True/ False)
- (f) According to _____, a mandatory notice shall have to be served to file a suit against government. (Section 80/Section 81)
- (g) Review application shall be filed within _____ days from the day of judgement or order passed. (30/90)
- (h) As per Section 96 of CPC, no appeal shall lie from an original decree passed exparte. (True/ False)
- (i) The law of limitation is _____ in operation. (prospective/retrospective)
- (j) The Limitation Act, 1963 came into force on _____. (1.1.1964/5.10.1963)

2. Answer the following questions : 2×5=10

- (a) *Res sub judice*
- (b) Interpleader suit

- (c) Summary proceedings
- (d) Caveat
- (e) Acknowledgment under the Limitation Act

3. What do you mean by the term 'jurisdiction of civil court'? Discuss the provisions for determining the jurisdiction of a civil court. 2+10=12

Or

What is plaint? What are the particulars necessary for a plaint? What are the grounds for return and rejection of a plaint? 2+6+2+2=12

4. What is summon? What are the essentials and purpose of summon? What are different modes of service of summon? Explain. 2+2+8=12

Or

Explain written statement. Write down the provisions of denial in the written statement. When can a defendant raise the point of set off in his written statement against the plaintiff? Discuss. 2+5+5=12

5. What are different kinds interlocutory orders under the Code of Civil Procedure ? When can the civil court issue commission ? What is Letter of Request under CPC ?

5+5+2=12

Or

Discuss the provisions relating to the suit by or against the minor or unsound persons under the Code of Civil Procedure. 12

6. What is an appeal ? When a second appeal lie on the High Court ? Distinguish between appeal and review., 4+5+3=12

Or

“An executing court cannot go behind the decree.” Elucidate the statement with some judicial decisions. 12

7. What are the reasons for the enactment of the Limitation Act, 1963 ? Explain the nature and scope of the Act. 4+8=12

Or

Write brief notes on : 6+6=12

(a) Bar of Limitation and Sufficient Cause

(b) Computation of Period of Limitation

Total number of printed pages—4

19 (SEM-IV) CPCLA 4.2

2025

**CIVIL PROCEDURE CODE AND
LIMITATION ACT**

Paper : 4.2

Full Marks : 80

Time : Three hours

***The figures in the margin indicate
full marks for the questions.***

1. Fill in the blanks with appropriate options :
1×10=10
- (a) The first uniform Code of Civil Procedure was enacted in the year _____ (1859/1908)
- (b) Rejection of Plaintiff for non-payment of court fees _____ decree. (is/is not)
- (c) When the suit is called on for hearing and neither party appears, the court _____ dismiss the suit.
(may/cannot)

(d) An application for setting aside ex-parte decree can be made within _____ days from the date of decree.

(thirty/ sixty)

(e) In Interpleader suit, the real dispute is between _____.

(the plaintiffs/ the defendants)

(f) The period of limitation for the recovery of the immovable property is _____ years.

(3/ 12)

(g) Every suit by a minor is to be instituted in his name by a person who in such suit is to be called the _____ (next friend/ guardian ad litem) of the minor.

(h) A right of appeal is a _____.

(a natural right/ creation of statute)

(i) The Law of Limitation Act, 1963 applies to _____ only.

(courts/ tribunals)

(j) _____ is exception to the general rule that Law of limitation bars the remedy only but does not extinguish the right.

(Right to property/ Breach of contract)

2. Answer the following questions : $2 \times 5 = 10$

(a) Mesne Profits

(b) Interlocutory order

(c) Next friend of a minor

(d) State *two* differences between Reference and Revision.

(e) Explain the term 'Sufficient Cause'.

3. Define Pleadings. State the general rules of pleadings. When can pleadings be amended? $2+5+5=12$

Or

State the differences between : $6+6=12$

(i) Res Subjudice and Res Judicata

(ii) Legal Set-off and Equitable Set-off

4. What is an 'issue'? How are the issues framed? What are the effects of non-framing of issues in a suit? Cite case laws.

$2+4+6=12$

Or

Explain the term 'decree'. What are the essentials of a decree? State the grounds on which an ex-parte decree can be set-aside.

$2+6+4=12$

5. Discuss the provisions relating to suits by or against the government. 12

Or

Write explanatory notes on : $4 \times 3 = 12$

- (i) Suits by Indigent persons
 - (ii) Temporary Injunction
 - (iii) Attachment before judgement
6. What is review ? On what grounds is a review allowed ? Discuss the procedural aspects of review. $2+4+6=12$

Or

Under what circumstance the High Court can exercise its revisional power under the Code of Civil Procedure ? Discuss the extent and limitations of the High Courts power of revision. $8+4=12$

7. "Limitation bars the remedy but does not extinguish the title"—Explain. How far is it applicable to the suit for possession ? $8+4=12$

Or

Explain the various provisions in relation to legal disability under the Limitation Act, 1961. Briefly explain the concept of 'continuous running of time'. $8+4=12$