

Name:

Enrolment No:



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, May, 2019

Course: Code of Civil Procedure & Law of Limitation

Semester: VIII

Programme: B.TECH. (CSE), LL.B. (Hons.) Cyber Laws/B. TECH.(ET), LL.B. (Hons.) IPR 2015

Time: 03 hrs.

Max. Marks: 100

Instructions: Maintain word limit. Cross out remaining used pages of answer sheets.

SECTION A

S. No.		Marks	CO
Q 1	Answer the following:	5	CO1,2
	<p>I. Limitation bars the but not the Right.</p> <p>II. Order XXVII of Civil Procedure Code, 1908 talks about.....</p> <p>III. Permanent Injunction can be claimed by using Order XXXIX of C.P.C (True) or (False).</p> <p>IV. Right to Appeal is an Inherent Right. (True) or (False)</p> <p>V. means a person who is not having a sufficient means to pay court fees.</p>		
Q 2	Match the following	5	CO1,2
	<p>a) Continues running of Time (i) Order 27 CPC.</p> <p>b) Suits by or Against Govt (ii) Section 89 CPC.</p> <p>c) Condonation of delay (iii) Section 9 Limitation Act</p> <p>d) Alternative Dispute Resolution (iv) Section 5 Limitation Act</p> <p>e) Costs (v) section 35 CPC</p>		

SECTION B

Q 3	Write Short notes on the following:	20	CO1,3
	<p>i) Properties that cannot be attached, while executing a decree.</p> <p>ii) Temporary Injunction</p> <p>iii) Section 80 Notice</p> <p>iv) Set off</p>		

SECTION-C			
	Answer any two of the following.	20	
Q 4	Differentiate between Reference, Review and Revision in civil procedure.		CO1,3,4
Q 5	Explain the law relating to First and Second Appeals as provided under C.P.C. 1908 with help of relevant case laws and provisions.		CO1,3,4
Q 6	What is the aim and objective of the Limitation Act 1963? Explain the rule as to legal disability given in the Act.		CO2,4
SECTION-D			
Q 7	'G' bequeaths on his unborn child his house at Dehradun. Soon after that 'G' and his wife met with a car accident where 'G' dies and his wife dies after giving birth to 'Y'. The house was illegally taken over by his brother 'A'. 'Y' after attaining age of 18 years, he files suit against 'A' for recovery of the house as rightful owner. 'A' argues that the limitation period for such suits are 12 years and since 18 years have passed, the suit is time barred. Decide.	15	CO 2,4
Q 8	Abhishek, a boy of 17 years old filed a suit in the court of law for recovery of the disputed estate through a next friend. Before the decision delivered, he celebrates his 18 th birthday. State the law in the two following cases also discuss about the status of the next friend: I. He elects to proceed with the suit. II. He elects NOT to proceed with the suit.	10	CO 1,3,4
Q 9	'Yoda' files a suit in the District Court of Galaxy city stating that the coalition of GKP political party with PKT political party in the coming elections in the province called Cosmoland is not politically viable and hence the coalition is barred by law and henceforth be declared so by the court. Court presumed its jurisdiction and proceeded with the suit. Decide if such case is validly instituted and decided under CPC; discussing the presumptions favouring civil court. Cite relevant provisions in your answer.	15	CO 1,3,4
Q 10	Ten Akali Sikhs sue for the removal of the mahant of a religious institution. The suit is dismissed on the ground that the institution is a Hindu Dera and not a Sikh Gurudwara. Subsequently, and after the passing of the Sikh Gurudwara Act, 1925,	10	CO1,3,4

	<p>64 Sikh sue for a declaration that the institution is Sikh Gurudwara. Discuss the legal validity of institution of both the suits. Cite relevant provisions in favour of your answer.</p>		
--	--	--	--

CONFIDENTIAL

Name of Examination <small>(Please tick, symbol is given)</small>	:	MID		END	<input type="checkbox"/>	SUPPLE	
Name of the School <small>(Please tick, symbol is given)</small>	:	SOB/SOL		SOL	<input type="checkbox"/>	SOB/SOL	
Programme	:	B.TECH. (CSE), LL.B. (Hons.) Cyber Laws/B. TECH.(ET), LL.B. (Hons.) IPR 2015					
Semester	:	VIII					
Name of the Course	:	Code of Civil Procedure & Law of Limitation					
Course Code	:	LLB131					
Name of Question Paper Setter	:	Ms. Yasha Sharma					
Employee Code	:	40001523					
Mobile & Extension	:	9451897087; 2193					
<p>Note: Please mention additional Stationery to be provided, during examination such as Table/Graph Sheet etc. else mention "NOT APPLICABLE":</p>							
FOR SRE DEPARTMENT							
Date of Examination	:						
Time of Examination	:						
No. of Copies (for Print)	:						

Note: - Pl. start your question paper from next page

Model Question Paper (Blank) is on next page

Name: Enrolment No:	
--	--

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, May, 2019

Course: Code of Civil Procedure & Law of Limitation

Semester: VIII

Programme: B.TECH. (CSE), LL.B. (Hons.) Cyber Laws/B. TECH.(ET), LL.B. (Hons.) IPR 2015

Time: 03 hrs.

Max. Marks: 100

Instructions: All questions are compulsory.

SECTION A

S. No.		Marks	CO
Q 1	Answer the following:	10	CO1,3
	1. Costs u/CPC 2. Foreign Judgement 3. Supplemental proceeding 4. Judgement debtor 5. Mesne Profit		

SECTION B

Q 3	Write Short notes on the following:	20	CO1,4
	i) Legal Disability ii) Permanent Injunction iii) Counter Claim iv) Set off		

SECTION-C

	Answer the following.		
Q 4	Discuss the different modes alternate dispute resolution in civil procedure.	10	CO1,3,4
Q 5	Elaborate the aim and objective of the Limitation Act 1963. Explain the rule as to legal disability given in the Act.	10	CO2

SECTION-D

Q 7	A entered into a written contract with B at Delhi on 1.04.2017 for supply of cement at the rate of Rs. 100 per bag weighing 50 kgs. A has his registered office in Delhi, and other offices at Rohtak and Gurugram. B has registered office only in Rohtak. On 20.04.2017, A supplied cement worth Rs. 25,00,000/- to B at Rohtak. B made payments from time to time, sometimes vide cheque and sometimes in cash. The last	10	CO2,4
-----	---	-----------	--------------

	<p>payment through cheque was made on 25.06.2017. an amount of Rs. 5,00,000/- remained unpaid. A wants to initiate ordinary Civil proceedings against B for the recovery of the money In the light of the above facts answer the following questions:</p> <p>a) Is there any other Judicial recourse available to A for Speedy recovery of the unpaid amount? (5 Marks)</p> <p>b) Discuss the place of suing and law on this point in CPC. (5 Marks)</p>		
Q 8	<p>Alok filed a suit in the court of law for recovery of the disputed estate through a next friend. Before the decision delivered, he celebrates his 18th birthday. Discuss about the status of the next friend if He elects to proceed with the suit; he elects NOT to proceed with the suit.</p>	20	CO1,3,4
Q 9	<p>Barney wants to file an indigent suit in the court of Dehradun. Guide him about the procedure and how would he prove his indigency?</p>	10	CO1,3,4
Q10	<p>As a civil judge 'X' needs to know Return of plaint and rejection of plaint are two different things. Explain 'X' the difference between the two concepts and the grounds.</p>	10	CO1,4