

Name:	
Enrolment No:	

**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**

**Online End Semester Examination, May, 2021**

**Course: Civil Procedure Code-II and Limitation Act, 1963**

**Course Code: CLCC3010**

**Programme: B.COM LL.B.**

**Time: 03 hrs.**

**Semester: VI**

**Max. Marks: 100**

S. No.	SECTION A (6 questions x 5 Marks= 30 Marks)	Marks	CO
	<b>1. Each Question will carry 5 Marks</b> <b>2. Instruction: Write Short notes on the following (write down each answer in 100 words only). Please follow the word limit strictly. Avoid unnecessary elaboration.</b>		
1	Write a short note on Interpleader Suit. Cite the relevant provision of law.	5	CO1
2	Distinguish between Temporary Injunction and Permanent Injunction.	5	CO1
3	What do you understand by a preliminary decree and a final decree?	5	CO1
4.	Write a short note on Arrest before judgment as provided under CPC.	5	CO1
5	For what all purposes witnesses can be summoned in the court? What should be the content of the summons to be served on the witnesses?	5	CO1
6	Discuss in brief the grounds for preferring an appeal before the Supreme Court under CPC.	5	CO2
	<b>SECTION B (5 question x 10 Marks= 50 Marks)</b> <b>1. Each question will carry 10 marks</b> <b>2. Instruction: Write each answer in 250 words only.</b>		
7	“A review by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent errors.” Explain and analyse the statement in	10	CO2

	view of the circumstances and grounds required for review of judgment under CPC. Cite the relevant legal provisions and case laws.		
8	<p>“The Code allows more than one mode of execution of decrees. As a general rule, a decree holder has an option to choose a particular mode for executing and enforcing a decree passed by a competent court in his favour. It is for him to decide in which mode he will execute his decree. This power, however, is subject to such conditions and limitations as may be prescribed by the code. It is also subject to the discretion of the court.”</p> <p>In the light of this statement, explain briefly the various modes of execution of a decree.</p>	10	CO2
9	<p>“The legislative intent is clear that it never wanted Second Appeal to become a ‘Third Trial on Facts’ or One more dice the in gamble.” Critically examine the statement in the light of relevant statutory provisions of CPC supported by judicial pronouncements.</p> <p style="text-align: center;">OR</p> <p>Critically examine the Alternative Dispute Resolution mechanism as a mode of alternative settlement of dispute under CPC in the light of decided cases.</p>	10	CO4
10	<p>“The revisional power of the High court is to be exercised for checking that the subordinate courts are acting within the bounds of their jurisdiction and that the subordinate courts are not exercising such jurisdiction arbitrarily or capriciously.”</p> <p>In the light of the statement discuss the conditions necessary for the exercise of revisional jurisdiction by the High Court. Cite the relevant provisions of law and case laws.</p>	10	CO2
11	<p>“Every court is constituted for the purpose of administering justice between the parties and therefore must be deemed to possess, as a necessary corollary, all such powers as may be necessary to do right and to undo the wrong in the course of administration of</p>	10	CO4

	justice.” In the light of the statement, critically examine the scope and limitations on the inherent powers the Court.		
	<p style="text-align: center;"><b>Section C (20 Marks)</b></p> <p><b>1. Question carries 20 Marks.</b></p> <p><b>2. Instruction: Write answer in not more than 750 words.</b></p>		
12	<p>Ankit filed a suit against Vishal for the specific performance of the contract in 2015. The suit was decreed by the trial court in favour of Ankit. Vishal, who felt aggrieved by the decree of the trial court, filed a delayed appeal in the district court along with an application for condonation of delay. Vishal, the appellant asserted that while he was coming to the court to file an appeal, on the last day when the limitation period was to expire, he met with an accident and therefore he could not file the appeal within the prescribed period of limitation. He prayed for the condonation of delay in filing the appeal. Ankit, the respondent, did not dispute the fact of the appellant meeting with an accident on the last day but contended that the appellant was non-diligent for the whole of the earlier period of limitation prescribed and could have filed the appeal earlier.</p> <p>Determine whether in the given circumstances the delay can be condoned by the Court or not? Would your answer be different if instead of an accident, appellant had failed to file an appeal due to the reason of some important business meeting? Give Reason in support of your answer.</p>	<b>20</b>	<b>CO3</b>