



**UNIVERSITY OF PETROLEUM AND ENERGY
STUDIES**

End Semester Examination, December 2021

Course: Code of Civil Procedure I

Program: BA LL.B (Hons.) (EL/CL/Cr.L)

B. Com. LL.B (Hons.) (TL/M&EL/ LC&SP)

B. Sc. LL.B. (Hons.) (Intellectual Property Rights/Food, Health
and Environment Law/ Medical and Forensic Law)

BBA LL.B (Hons.) (CL/BFIT/ITIL)

Semester : V

Duration : 03 hrs.

Max. Marks: 100

Course Code: CLCC 3004

Instructions:

SECTION A

(Type the answers in test box)

Objective Type Questions/Definitions/fill in the blanks

5Qx2M=10 Marks

Q. No.		Marks	CO
1	Write a note on Set-off.	2	CO1
2	Define Mesne Profits	2	CO1
3	Difference between lack of jurisdiction and irregular exercise of jurisdiction.	2	CO1
4	Differentiate between final and preliminary decree.	2	CO1
5	Briefly write down the two conditions of joinder of plaintiff.	2	CO1

SECTION B

(Scan and upload)

(Conceptual based question)

4Q x5M=20 Marks

Q. No.		Marks	
1	What are the different Mode of Service of Summons?	5	CO2
2	What is an interpleader suit? State special procedure with regard to an interpleader suit.	5	CO2
3	Write a detailed note on Institution of suit. State various provisions and rules dealing with institution of suit.	5	CO2
4	When a foreign judgement doesn't become conclusive?	5	CO2

SECTION-C
(Scan and upload)

(Descriptive/Analytical Questions)

2Qx10M=20 Mark

Q.No.		Marks	CO
1	What should a court do when plaintiff is present and the defendant is absent? What remedies are available to defendant in such cases? When can an ex-parte decree be passed and when it can be set-aside?	10	CO3
2	Discuss the conditions of Return and rejection of plaint. Decide, if a plaint is rejected will it be considered a decree. Give reasons to support your answer.	10	CO3

SECTION-D

(Scan and upload)

(Case Studies/ Application Based Questions)

2Qx25M =50 Marks

Q.No.		Marks	CO
1	<p>A sub-inspector of police was dismissed from service by D.I.G. He challenged the order of dismissal by filing a writ petition before H.C. on the ground that he was not afforded a reasonable opportunity of being heard before the passing of the order. The contention was refused and the petition was dismissed. Thereafter he filed a suit and raised an additional ground that since he was appointed by IGP the DIG has no power to dismiss him. Trial court also dismissed the appeal. Later, the matter was raised before the apex court.</p> <p>1. Decide whether S. 11 is applicable in the above set of facts. Explain with provisions and case laws.</p> <p>2. Decide whether Section 11 is applicable in writ petitions? Support your answer with relevant case laws.</p>	15 10	CO4
2	A resident of Dehradun entered into an agreement for buying a plot admeasuring 500 sq.ft situated in Gurgaon with Leela Buildwell Pvt. Ltd. Co. having its registered Principal Office in Bangalore and several branch offices at Mumbai, Delhi & Dehradun. Contract was executed in Bangalore. Payment of such plot was also made in Bangalore. Later on Leela Build well Pvt. Ltd. Co. cancelled the agreement with A by alleging that	25	CO4

<p>Mr. A failed to make the payment installment for construction of building on such plot. However, Mr. A claimed that he has made all payment timely and there was no delay on his part. Accordingly, Mr. A decided to file a suit for specific performance of contract and recovery of possession of above-mentioned plot.</p> <p>Advise Mr. A regarding place of suing with help of relevant provisions and suitable case-laws.</p>		
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