



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2021

Course: Code of Civil Procedure I
Program: B. Tech., LL.B-CSE& IPR

Semester: VII
Duration: 3Hrs.
Max. Marks: 100

Course Code: CLCC 3004

Instructions:

SECTION A
(Type the answers in test box)

Objective Type Questions/Definitions/fill in the blanks

5Qx4M=20Marks

Q. No.		Marks	CO
1	Write a note on Counter Claim	4	CO1
2	Define Res-Subjudice	4	CO1
3	Define the term Cause of Action	4	CO1
4	Explain the reasons of delay and pendency of suits in civil courts in India.	4	CO3
5	Whether Pecuniary Jurisdiction varies in every state. Give your answer with a reason.	4	CO2

SECTION B
(Scan and upload)

4Q x10M=40Marks

Q. No.		Marks	
1	What are the different types of jurisdiction under The Code of Civil Procedure 1908?	10	CO1
2	X files a suit against Y for possession of a property as an owner. The suit is dismissed by the court. Later X files a suit for foreclosure as a Mortgagee and claims possession also, Decide whether Res-Judicata will apply on the subsequent suit	10	CO4
3	Under O1 R8 of The Code of Civil Procedure 1908, a suit can be filed and defended by one person. Explain the essentials of such suit. Whether a decree under O XXIII can be passed under the suit?	10	CO2
4	Whether Res-judicata will apply on suits filed in the courts of India, if a judgment on the same matter is passed by foreign court? Explain the relevant law.	10	CO2

SECTION-C
(Scan and upload)

2Qx20M=40 Mark

Q.No.		Marks	CO
1	<p>W the wife of H, files a suit against H under Hindu Adoption and Maintenance Act 1956. She claimed relief of maintenance in Civil Judge Junior Division. The court heard and decided the suit on merits. The main issue under trail was whether the husband has deserted the wife or not. The court decided the issue in affirmative and the maintenance was granted to the wife.</p> <p>Another suit was filed by H against W in family court, there also the issue raised was whether the husband has deserted the wife. The contention of W was that on this issue the court is already decided former suit and hence Res-Judicata will apply on this issue.</p> <p>Contention of H is the civil judge court was incompetent to try divorce petition and therefore Res-Judicata will not apply. Decide the contention of both the parties and also Role of courts of different jurisdiction in India.</p>	20	CO3
2	<p>B residing in Calcutta, has an agent A at Calicut employed to sell his goods there. A sues B in Calicut claiming a balance due upon an account in respect of dealings between him and B. During the pendency of the suit in Calicut court competent to grant the relief, B institutes a suit against A in Calcutta for an account and damages caused by A's alleged negligence. Can the Calcutta court proceed with trial of B's suit? Decide.</p>	20	CO4