


Name:			
Enrolment No:			
UNIVERSITY OF PETROLEUM AND ENERGY STUDIES End Semester Examination, December 2022			
Course: Code of Civil Procedure and Limitation Act		Semester: V	
Program: B.A LLB/B.B.A LLB/B.Com LLB		Time: 03 hrs.	
Course Code: CLCC3035		Max. Marks: 100	
Instructions: All questions are compulsory. Read instructions carefully before attempting.			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1	_____ means a person who is not having sufficient means to pay court fees.	2	CO1
Q 2	Right to Appeal is an Inherent Right. (True) or (False)	2	CO1
Q 3	Limitation bars the _____ but not the Right.	2	CO1
Q 4	Who is Guardian ad litem?	2	CO1
Q 5	List out modes of ADR given in Section 89 of CPC.	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6	Write a short note on Garnishee Order.	5	CO2
Q 7	Discuss the concept of Condonation of Delay under the Limitation Act, of 1963.	5	CO2
Q 8	What is an Interpleader Suit?	5	CO2
Q 9	Can a <i>Exparte</i> Decree be set aside? Support your answer with the help of relevant provisions under Code of Civil Procedure 1908.	5	CO2
SECTION-C (2Qx10M= 20 Marks)			
Q 10	Explain the concept of foreign judgment under Code of Civil Procedure 1908, also explain whether Res-Judicata applies on foreign judgment or not.	10	CO3

Q 11	The term, “Reference, “Review”, and “revision” can be used interchangeably”. Defend or refute. Give reasons in support of your answer.	10	CO3
SECTION- D (2Qx25M= 50 Marks)			
Q 12	<p>Mr Puran Singh (Head of the Family) with his three minor sons, Rakesh (born on 25th January 1960), Rajesh (born on 10th February 1962) and Jitesh (born on 15th Oct. 1965) constituted a Joint Hindu Family. As per Hindu Law, Karta is having the power to alienate a Joint Hindu Family without obtaining the Consent of other members of the family in certain cases like for Legal necessity. So, by exercising his power as the Karta, Mr Puran Singh sold the Ancestral House of the family to one Mr Prem Chand on 20th June 1969 and possession of the said house was delivered to the buyer of the house on the same day. Due to a heart attack, Mr Puran Singh passed away on 31st March 1974. Rakesh and Jitesh instituted a suit on 1st January 1987 for setting aside the alienation made by their deceased father. Determine whether the suit filed against Mr Prem Chand is sustainable or not.</p> <p>(Note- The limitation Period for setting aside the alienation is 12 years from the date vendee takes possession of the property).</p> <p>a) Apply the relevant provisions of the Limitation Act, of 1963 to determine the issue.</p> <p>b) What are the various defences available to Vendee in this given situation?</p>	10+15=25	CO4
Q 13	<p>Mr. R, a well-known builder of Delhi and Mr. S entered a contract of sale of house. As per the terms of contract, R is required to sell his house located in Delhi and in return, he will get 55 lakh rupees as a consideration amount. Mr. S had paid 10 lakh rupees as an earnest money to book the flat and had promised to pay the remaining consideration amount at the time of execution of sale deed in favour of Mr. S. After committing to S, R have had discussions with 2 other buyers who were offering 65 lakh rupees for the same house. On the day of execution of sale deed, Mr. R has refused to execute the sale deed and stated that, he is ready to return 10 lakh rupees (which had paid by S as an earnest money).</p> <p>Aggrieved by this refusal, Mr. S with the help of well-known lawyer of Delhi instituted the suit against Mr. R but he had an apprehension that he might sell this property to some other buyer. Being his lawyer, suggest</p>	12.5+12.5= 25	CO4

	<p>appropriate remedies to Mr. S for the protection and preservation of the subject matter.</p> <p>Let us suppose that suit has been decreed in favor of Mr. S. What remedies are available to Mr. R against the decree.</p> <p>(NOTE-Mention all the remedies available to Mr. S for preservation of the property, but you are required to explain any one remedy in detail)</p> <p>(Mention all the remedies available to Mr. R against the decree, but you need to explain only one remedy in detail)</p>		
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