


Name:			
Enrolment No:			
<b>UPES</b> <b>End Semester Examination, May 2023</b>			
<b>Course: Code of Civil Procedure II and Limitation Act</b> <b>Semester: VIII</b> <b>Program: B. TECH.LLB (Cyber Laws)</b> <span style="float: right;"><b>Time : 03 hrs.</b></span> <b>Course Code: CLCC 3010</b> <span style="float: right;"><b>Max. Marks: 100</b></span>			
<b>Instructions: All questions are compulsory.</b>			
<b>SECTION A</b> <b>(5Qx2M=10Marks)</b>			
S. No.		<b>Marks</b>	<b>CO</b>
Q 1	How will the following decrees be executed:	<b>10</b>	<b>CO1</b>
	a. A decree for specific performance of contract where the judgment debtor willfully disobeys it	<b>2</b>	
	b. A decree for injunction and the judgment debtor willfully disobeys it	<b>2</b>	
	c. A decree for restitution of conjugal rights and the judgment debtor willfully disobeys it	<b>2</b>	
	d. A decree for the endorsement of a negotiable instrument and the judgment debtor willfully disobeys it	<b>2</b>	
	e. A decree for mesne profits and the judgment debtor willfully disobeys it	<b>2</b>	
<b>SECTION B</b> <b>(4Qx5M= 20 Marks)</b>			
Q 2	Explain the following:	<b>20</b>	<b>CO2</b>
	a. Essentials of a First Appeal	<b>5</b>	
	b. Grounds for issuing Commission	<b>5</b>	
	c. Grounds on which an application for arrest before judgment be made by the plaintiff.	<b>5</b>	
	d. Grounds for filing an application for a review	<b>5</b>	
<b>SECTION-C</b> <b>(2Qx10M=20 Marks)</b>			
Q 3	Analyse the following:	<b>20</b>	<b>CO3</b>

	a. The expression “sufficient cause” has not been defined in the Limitation Act 1963. Analyse.	<b>10</b>	
	b. “The inherent powers of the court are in addition to the powers specifically conferred on the court by the Code. They are complementary to those powers and the court is free to exercise them for the ends of justice and to prevent the abuse of the process of the Court.” Analyse the statement.	<b>10</b>	
<b>SECTION-D</b> <b>(2Qx25M=50 Marks)</b>			
Q 4	Solve the following:	<b>50</b>	<b>CO4</b>
a.	A sues B in the court of a subordinate judge for a declaration of his title to certain property and obtains a temporary injunction restraining B from selling the property ‘until the suit is disposed of’. A fails to prove his title and the suit is dismissed. A appeals from the decree to the High Court. Again, A applies to the Court of the subordinate judge for a further injunction restraining B from selling the property until the appeal from the High Court has been heard. Will the application be maintainable? Justify with relevant provisions from the Code.	<b>25</b>	
b.	X, the pleader of C, has filed an affidavit with his due signature for verification of documents against the notice for the order of inspection filed by the respondent D. X also claimed that the documents are a part of the privileged communication between him and the Mayor in Council, Municipal Corporation of Kolkata, therefore cannot be produced in original before the Court. But D claimed that the document is essential for the settlement of the issues. I. Will X succeed? Discuss the provisions relating to the inspection of privileged documents in Code of Civil Procedure? II. The expression ‘affidavit’ has not been defined in the Code. Does CPC have any provisions relating to affidavits and its essential attributes? If so, please explain the provisions.	<b>15+10</b>	