

2023

LAW

Civil Procedure Code and Limitation Act

Paper - 701

(NEW SYLLABUS)

Full Marks : 80

Time : 3 Hours

The figures in the right-hand margin indicate marks.

Candidates are required to give answers in their own words as far as practicable.

Answer **question no. 1** and any **five** from the rest.

1. Answer any **ten** questions: $2 \times 10 = 20$

- a) Tell the type of order that is passed when a court allows a party to amend their pleadings.
- b) Write about balance of convenience test.
- c) When was Code of Civil Procedure enacted?
- d) What is written statement?
- e) What is ownership?
- f) What is prescription?
- g) What is the period of limitation for filing a case on breach of contract?
- h) What is the period of limitation for suits relating to immovable property?

[Turn over]

- i) Who is a garnishee?
 - j) Give an example of a decree partly final partly preliminary.
 - k) Define order.
 - l) Who is a judgement debtor?
2. Elucidate with case laws the concept of Res subjudice. Is the concept of resjudicata applicable to writs? 6+6=12
3. Explain 'amendment of pleadings' under the Code of Civil Procedure, 1908. 12
4. Explain the basic requirements and principles for granting temporary and mandatory injunction. 12
5. Write short notes on: 3×4=12
- a) Mesne Profit
 - b) Applicant
 - c) Easement
 - d) Promissory Note
6. Who is a receiver? How is a receiver appointed? Write down the duties of a receiver. 4+8=12
7. Discuss rules of pleadings under the Code of Civil Procedure, 1908. 12

8. Discuss with case laws the law relating to condonation of delay. 12
9. State the object of the Limitation Act, 1963. Discuss whether the Limitation Act, 1963 is exhaustive. 6+6=12
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