

(Please write your Exam Roll No.)

Exam Roll No.

END TERM EXAMINATION

FIFTH SEMESTER [LLB] DECEMBER 2023-JANUARY 2024

Paper Code: LLB-307 / 303

Subject: Code of Civil Procedure

Time: 3 Hours

Maximum Marks: 75

Note: Attempt five questions in all including Q.No.1 of Part A which is compulsory.
Select one question from each Unit of Part B.

Part A

- Q1 Write short notes on the following: (5X5=25)
- Precept
 - Foreign Judgement
 - Revision
 - Receiver
 - Interpleader Suit

Part B

UNIT- I

- Q2 Define the term Decree. Explain the types of Decree under Civil Procedure Code, 1908. Distinguish between Decree and Judgment. (12.5)
- Q3 Explain the concept of *Res Judicata*. Differentiate between *Res Judicata* and *Constructive Res Judicata*. Provide Relevant Case Laws. (12.5)

UNIT- II

- Q4 Discuss the essentials of Plaintiff. Explain the grounds of rejection of plaintiff with the help of suitable case laws. (12.5)
- Q5 Discuss the provision of appearance and non-appearance of the parties under Order IX of the Civil Procedure Code, 1908 with the help of relevant case laws. (12.5)

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UNIT- III

- Q6 Discuss the provisions regarding concept and types of Commissions under Order XXVI of the Civil Procedure Code, 1908. (12.5)
- Q7 Define Indigent Person. Explain the provision regarding suit by indigent persons under the Code of Civil Procedure, 1908. (12.5)

UNIT- IV

- Q8 "Once the judgment is signed and pronounced by the Court, it becomes *functus officio* and has no jurisdiction to alter it." Discuss. (12.5)
- Q9 Describe the procedure for filing an appeal from original decree. What are the differences between first appeal and second appeal? (12.5)



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END TERM EXAMINATION

FIFTH SEMESTER [LLB] JANUARY-FEBRUARY 2023

Paper Code: LLB307

Subject: Code of Civil Procedure

Time: 3 Hours

Maximum Marks: 75

Note: Attempt five questions in all including Q.No.1 of Part A which is compulsory. Select one question from each unit of Part B.

PART-A

Q1 Write short notes on the following:

(5x5=25)

- Resjudicata
- Plaint
- Amendment of pleadings
- Inter-pleader suit
- Commissions

PART-B

UNIT-I

Q2 What do you understand by inherent power of Courts? Discuss its scope and extent. (12.5)

Q3 Explain the meaning of 'decree'. Differentiate between 'decree' and 'order' with the help of case law. (12.5)

UNIT-II

Q4 What should a Court do when plaintiff is present and the defendant is absent? What remedies are available to defendant in such case? When can an ex-parte decree be set aside? (12.5)

Q5 Explain the concept of 'Jurisdiction' and types of jurisdiction under civil procedure code. Discuss the role of consent in case of jurisdiction with help of suitable case law. (12.5)

UNIT III

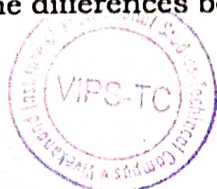
Q6 What are the special features of summary procedure under Or. 37, CPC? How it is different from ordinary procedure in suits? (12.5)

Q7 Discuss the concept and procedure provided for temporary injunction under Or 39CPC with the help of case law. (12.5)

UNIT-IV

Q8 Discuss the circumstances under which a Court can 'Review' its own decision. (12.5)

Q9 Describe the procedure for filling an appeal from original decree? What are the differences between first appeal and second appeal? (12.5)



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END TERM EXAMINATION

FIFTH SEMESTER [LLB] NOVEMBER-DECEMBER-2018

Paper Code: LLB-307

Subject: Civil Procedure Code

(Batch-2014 Onwards)

Maximum Marks :75

Time : 3 Hours

Note: Attempt all questions from Part A. Attempt one question from each unit of Part B.

PART-A

Q1 Write short notes on the following:-

- Interpleader Suit
- Mesne Profit
- Amendment of pleadings
- Garnishee order
- Caveat

(5x5= 25)



PART-B UNIT-I

Q2 Describe the concept of *Res-judicata* with help of case law. Differentiate between *Res-judicata* and *Res-Sub judice*. (12.5)

Q3 Explain the concept of Decree and the types of decree under CPC. Distinguish between decree and order and final judgment. (12.5)

UNIT-II

Q4 What should a court do when plaintiff is present and the defendant is absent? What remedies are available to defendant in such case? When can an ex-parte decree be set-aside? (12.5)

Q5 What considerations are borne in mind by a court while imposing costs on one of the parties? Also explain the different types of cost provided under Civil Procedure Code, 1908. (12.5)

UNIT-III

Q6 What are the main principles which guide the court, while dealing with an application of temporary injunction? What are the consequences of disobedience or breach of an injunction? (12.5)

Q7 Write Short notes on-

- Receiver
- Summary Procedure

(6)
(6.5)



UNIT-IV

Q8 Describe the procedure for filling an appeal from a decree. Also explain the power and duties of First Appellate Court? (12.5)

Q9 Describe the procedure for making a 'Reference' to High court. What is the difference between Reference and Revision? (12.5)



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END TERM EXAMINATION

FIFTH SEMESTER [LLB] NOVEMBER - DECEMBER 2017

Paper Code: LLB-307

Subject: Code of Civil Procedure

Time: 3 Hours

Maximum Marks: 75

Note: Attempt any five questions including Q no.1 which is compulsory.
Select one question from each unit.

(5x5=25)

- Q1 Write short notes on the following:-
- (a) Decree
 - (b) Mesne-Profits
 - (c) Substituted service of summons.
 - (d) Define 'Indigent person'.
 - (e) Appeal from original decree.



UNIT-I

- Q2 What is the principle of Res judicata and what circumstances can this principle be applied? (12.5)
- Q3 What do you understand by inherent jurisdiction of Civil Court? (12.5)

UNIT-II

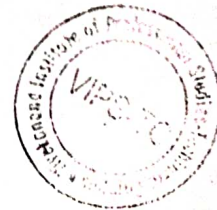
- Q4 What do you understand by the pecuniary jurisdiction of a court? Will a court be competent to hear a suit exceeding its limits if the parties to the suit have given their consent? (12.5)
- Q5 What will be the consequences of appearance and non appearance of parties when the suit is called on for hearing? (12.5)

UNIT-III

- Q6 When can a receiver be appointed by civil court? Explain the power of receivers and his duties as contained in civil procedure code. (12.5)
- Q7 What is Interpleader suit? What are the provisions in this regard in the Civil Procedure Code? (12.5)

UNIT-IV

- Q8 What do you understand by 'reference' Point out the difference between Review and Revision provided in Civil Procedure Code. (12.5)
- Q9 'Unless a right of appeal is clearly given, by statute, it does not exist' Comment. Can a appellate court reverse a decree on the ground of misjoinder of parties? (12.5)



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END TERM EXAMINATION

FIFTH SEMESTER [LLB] NOVEMBER - DECEMBER 2016

Paper Code: LLB-301

Subject: Code of Civil Procedure-I

Time: 3 Hours

Maximum Marks: 75

Note: Attempt any five questions including Q no.1 of Part A which is compulsory. Select one question from each unit of Part B.

PART-A

Q1 Write short notes on the following:-

(5x5=25)

- (a) Explain the term 'Caveat'
- (b) Interpleader Suit
- (c) Foreign Judgement
- (d) Inherent Power of Court
- (e) Adjournments

PART-B

UNIT-I

Q2 Explain the doctrine of 'Res-Judicata' and 'Constructive Res-Judicata' giving relevant provisions and case law. Whether the bar of Res-Judicata will apply to consent decree? Comment. (12.5)

Q3 What are the essentials of a decree? Distinguish between decree and order. (12.5)

UNIT-II

Q4 Discuss the concept of Jurisdiction of a Court. Whether with the consent of the parties the Jurisdiction can be conferred upon the court? What is the difference between lack of Jurisdiction and erroneous exercise of Jurisdiction? (12.5)

Q5 What should a court do when plaintiff is present and the defendant is absent? What remedies are available to defendant in such case? When an ex-parte decree be set-aside? Refer to leading cases. (12.5)

UNIT-III

Q6 Discuss the law relating to grant of Temporary injunctions under Order xxxix CPC, 1908. What are the consequences of disobedience of Temporary injunction granted by the court? Under what circumstances the court grant the temporary injunction without giving notice to opposite party? (12.5)

Q7 Write short notes on the following:-
(a) Appointment of Receiver
(b) Commissions (12.5)

UNIT-IV

Q8 Discuss the procedure to be followed in a summary suit under Order XXXVII CPC. What are the principles followed by the court while considering the question of granting leave to defendant in such suit? Support your answer with decided cases. (12.5)

Q9 Who is an Indigent person? State briefly the procedure laid down in filing suits in forma pauperis? (12.5)

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END TERM EXAMINATION

FIFTH SEMESTER [LLB] NOVEMBER - DECEMBER 2016

Paper Code: LLB-307

Subject: Code of Civil Procedure

Time: 3 Hours

Maximum Marks: 75

Note: Attempt any five questions including Q.no.1 which is compulsory.
Select one question from each Unit.

Q1 Write short notes on the following: (5x5=25)

- Garnishee order
- Concept of Restitution
- Amendment of Pleadings
- Order XXXIII
- Reference to High Court

Unit-I

Q2 What is *Res Subjudice*? Explain the differences between *Res Judicata* and *Res Subjudice*. (12.5)

Q3 What do you mean by Execution of Decree? Discuss the various modes of execution of decree. (12.5)

Unit-II

Q4 Discuss the provisions to determine the jurisdiction of suits. A, residing in Delhi, publishes defamatory statements in Bihar against B. In which Court, the suit can be instituted? Explain. (12.5)

Q5 Explain the Plaintiff and written statements. Discuss the ground of rejection of a plaint as defined in the Code of Civil procedure. (12.5)

Unit-III

Q6 What do you mean by Interim orders? On what grounds, the interim order can be rejected? (12.5)

Q7 What do you mean by summary procedure? How it is different from the ordinary suit? (12.5)

Unit-IV

Q8 What is Appeal? What are the differences First Appeal and Second Appeal? (12.5)

Q9 What are the differences between Review and Revision? (12.5)

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MERCY CHANCE EXAMINATION

FIFTH SEMESTER [LLB] FEBRUARY-MARCH 2016

Paper Code: LLB-301

Subject: Code of Civil Procedure-I

Time: 3 Hours

Maximum Marks: 75

Note: Attempt any five questions including Q.no1 of Part A which is compulsory. Select one question from each unit of part B.

PART-A

- Q1 Write short note on:-
(a) Suit by Indigent person
(b) Receiver
(c) Commissions
(d) Structure of a plaint
(e) Decree and order

(5x5=25)

PART-B

UNIT-I

- Q2 What are the scope of inherent powers of a civil court under Section 151 of the Code of Civil Procedure 1908? Refer the case laws. (12.5)
- Q3 Explain the concepts of Res-Judicata with the help of case laws. Differentiate it from the principle of 'constructive res judicata'. (12.5)

UNIT-II

- Q4 Discuss the law relating to appearance of parties and consequences of non-appearance under Order IX of Civil Procedure Code, 1908. (12.5)
- Q5 Explain the concept of pleading and amendment of pleadings under the Civil Procedure Code 1908. (12.5)

UNIT-III

- Q6 Discuss the law relating to temporary injunction sand interlocutory orders under Civil Procedure Code 1908. (12.5)
- Q7 Write short notes on:-
(a) Arrest before judgment
(b) Security of Costs. (12.5)

UNIT-IV

- Q8 Discuss the law relating to summary procedure under Order 37 of Civil Procedure Code 1908 with the help of case law. (12.5)
- Q9 Write short notes on:-
(a) Suits by or against Govt.
(b) Interpleader suit (12.5)

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END TERM EXAMINATION

FIFTH SEMESTER [LLB] DECEMBER-2015

Paper Code: LLB-301

Subject: Code of Civil Procedure-I

Time: 3 Hours

Maximum Marks: 75

Note: Attempt any five questions including Q no.1 of Part A which is compulsory. Select one question from each unit of Part B.

PART-A

Q1 Write short notes on the following:-

- (a) Caveat
- (b) Jurisdiction of a Civil Court
- (c) Amendment of Pleadings
- (d) Principle laid down in the case of *Bihari Chaudhary v. State of Bihar*, (1984) 2 SCC 627.
- (e) Interpleader Suits

(5x5=25)

PART-B UNIT-I

- Q2 (a) Define Res-judicata and state the conditions that are necessary to satisfy for the application of the Doctrine of Res-judicata (6.5)
(b) Discuss Res-judicata between Co-defendants. (6)

- Q3 (a) What do you mean by Decree? Explain its essentials and types of Decrees. (6.5)
(b) Distinguish between Decree and Judgement. (6)

UNIT-II

- Q4 (a) Explain the law relating to suits of civil nature as under Section 9 of the Code of Civil Procedure. (6.5)
(b) A files a suit against B for declaration that the religious rites performed by B during the Puja of the deity were not proper. B contends that he has been performing the Puja as per the Hindu religious rites. Is the suit maintainable by a civil Court? Decide. (6)

- Q5 What is a complaints and discuss the contents of complaints? Explain the grounds for rejection of a plaint? (12.5)

UNIT-III

- Q6 Under what circumstances, can a court order arrest before judgement and attachment before judgement? (12.5)

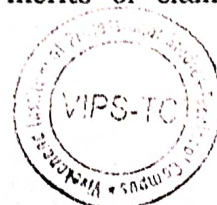
- Q7 When and by whom can receiver be appointed? Explain powers and duties of receiver as under the Code of Civil Procedure. (12.5)

UNIT-IV

- Q8 Discuss the law relating to suit by or against the government? Is there any exemption from arrest and personal appearance? Discuss with suitable case laws. (12.5)

- Q9 Discuss the law relating to suits in *forma pauperis* in the Code of Civil Procedure. Can the court try the issues affecting merits of claim in an application to sue in *forma pauperis*? (12.5)

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END TERM EXAMINATION

FIFTH SEMESTER [LLB] DECEMBER 2014

Paper Code: LLB-301

Subject: Code of Civil Procedure-I

Time: 3 Hours

Maximum Marks: 75

Note: Attempt any five questions including Q no.1 of Part A which is compulsory. Select one question from each unit of Part B.

PART-A

- Q1 Write Short notes on the following:- (5x5=25)
- Res sub judice
 - Foreign Judgement
 - Difference between Decree and Judgement
 - Mesne Profits
 - Interpleader suits

PART-B

UNIT-I

- Q2 "The principle of res-judicata is conceived in the larger public interest which requires that all litigation must sooner than later, come to an end." Discuss the principle with the help of case law. (12.5)
- Q3 What do you understand by inherent power of courts? Discuss scope and extent of inherent powers. (12.5)

UNIT-II

- Q4 What do you understand by the ex-parte as envisages under order IX of C.P.C. Discuss ex-parte decree and the remedy available to set it aside. (12.5)
- Q5 (a) What do you mean by pleadings? What should every pleading contain? (6.5)
(b) Distinguish between set-off and counter claim. (6)

UNIT-III

- Q6 (a) What are the main principles which guide the court, while dealing with an application of temporary injunction? (6.5)
(b) What are the consequences of disobedience or breach of an injunction? (6)

- Q7 Describe the procedure for grant of "Attachment before Judgement" with relevant provision under C.P.C. (12.5)

UNIT-IV

- Q8 What are the special features of summary procedure under order XXXVII C.P.C. How is it different from the ordinary procedure in suits. (12.5)
- Q9 Write short notes on the following:- (6.5)
(a) Suit by or against the Govt. (6.5)
(b) Suit by Indigent person. (6)

SUPPLEMENTARY EXAMINATION

FIFTH SEMESTER [LLB] SEPTEMBER 2014

Paper Code: LLB-301

Subject: Code of Civil Procedure-I

Time: 3 Hours

Maximum Marks: 75

Note: Attempt any five questions including Part A which is compulsory.
Select one questions from each unit of Part B.

PART-A

- Q1 Define and Explain the following:- (5x5=25)
- (a) "Judgement"
 - (b) "Res-Judicata"
 - (c) "Cause of action"
 - (d) "Judgement Debtor"
 - (e) "Mesne Profit".

PART-B

UNIT-I

- Q2 What is the object, nature and scope of a Caveat? (12.5)
- Q3 What do you understand by the term "Inherent Powers of a Court"? Does the C.P.C give these powers to a court or simply recognises the inherent powers viz. a viz. other powers and provisions in C.P.C? (12.5)

UNIT-II

- Q4 Section 9 C.P.C empowers a Civil Court to try all suits of Civil nature with certain exceptions. Explain those exceptions, particularly in cases of:- (12.5)
- (a) grant of relief of reinstatement in service of an industrial workman;
 - (b) grant of relief of eviction of a tenant paying Rs. 2250/- p.m. as rent to his land lord.
- Q5 What is the general rule of pleadings and under what circumstance the court may allow amendment of pleadings? (12.5)

UNIT-III

- Q6 In what cases temporary injunctions can be granted by a Civil Court. What are the necessary ingredients to be pleaded and proved for the satisfaction of the court to grants injunction. Support your answer with case law. (12.5)
- Q7 Before institution of Suit for recovery of Rs 5 lacs against B, A the suitor gets confirmed report that B is going to wind up and run away from the jurisdiction of the Civil court after selling all his moveable and immovable properties. What type of protection can he sought by A from the Court of the twice of filing of his suit so that his suit does not get frustrated before passing of Judgement/Decree by the Court. Discuss the relevant provision of Law and case Law. (12.5)

UNIT-IV

- Q8 What do you mean and understand by Summery Procedure for trial of civil suits? Explain in detail the summary procedure. What are the necessary precautions and acts to be performed by the defendant in order to save himself from grant of Decree against him? (12.5)
- Q9 Write short notes on the following:- (2x6.25=12.5)
- (a) Suits relating to public nuisance
 - (b) Suits by Indigent person

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END TERM EXAMINATION

FIFTH SEMESTER [LLB] DECEMBER 2013-JANUARY 2014

Paper Code: LLB-301

Subject: Civil Procedure Code-I
(2005-2011)

Time: 3 Hours

Maximum Marks: 75

Note: Part A is compulsory. Attempt one question from each unit in Part B.

PART - A

Q.1 Write short note on the following:

(5X5=25)

- (a) Res. Subjudice
- (b) Interpleader Suits
- (c) Mesne profits
- (d) Rejection of Plaintiff
- (e) Caveat

PART - B

(12.5X4=50)

UNIT - I

- Q.2 "It would be fair and just that the parties to raise all available pleas in the suit or proceedings, when the action is initiated." In the light of the above statement explain the principle of constructive Res-judicata.
- Q.3 What do you understand by inherent power of courts? Discuss scope and extent of inherent powers.

UNIT - II

- Q.4 What do you understand by the Ex-parte as envisaged under order 9 of CPC. Discuss Ex-parte decree and the remedy available to set it aside.
- Q.5 (a) What do you mean by pleadings? What should every pleading contain?
(b) Distinguish between set-off and counter claim.

UNIT - III

- Q.6 Describe the procedure for grant of Attachment before judgement with relevant provision under CPC.
- Q.7 (a) What are the main principles which guide the court, While dealing with an application of temporary injunction?
(b) What are the consequences of disobedience or breach of an injunction?

UNIT - IV

- Q.8 What are the special features of summary procedure under order 37, CPC. How is it different from the ordinary procedure in suits.
- Q.9 Write short notes:
(a) Suit by or against the Govt
(b) Suit by Indigent person.

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SUPPLEMENTARY EXAMINATION

SIXTH SEMESTER [LLB] SEPTEMBER 2013

Paper Code: LLB 301

Subject: Civil Procedure Code-I

Time : 3 Hours

Maximum Marks :75

Note: Part-A is compulsory. Attempt one question from each unit in Part B.

Part-A

(5x5 = 25)

Q1. Write short notes on the following:

- Mesne Profits
- Caveat
- Inter pleader Suit
- Written Statement
- Restitution

Part-B

Unit-I

(12.5 x 4 = 50)

Q2. What is a decree? Distinguish between decree and order.

Q3. What is the concept of res-judicata? Also explain the principle of 'constructive res-judicata' with suitable examples.

Unit-II

Q4. Discuss the law relating to appearance of parties and consequences of non-appearance as provided in order IX of Civil Procedure Code, 1908.

Q5. Discuss the concept of Jurisdiction of a court. Whether with the consent of the parties the Jurisdiction can be conferred upon the court? What is the difference between lack of jurisdiction and erroneous exercise of jurisdiction?

Unit-III

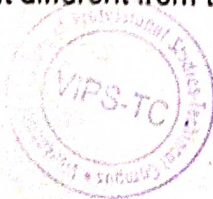
Q6. Discuss the law relating to grant of temporary injunctions under order XXXIX CPC, 1908. What are the consequences of disobedience of temporary Injunction granted by the court.

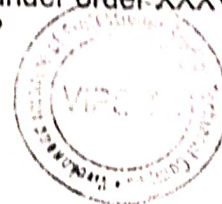
Q7. Discuss in detail the procedure and principles governing the appointment of Receivers. What are their power and duties.

Unit-IV

Q8. Who is an Indigent person? State briefly the procedure laid down in filling suits in forma pauperis?

Q9. What are the special features of summary procedure under order XXXVII, CPC? How is it different from the ordinary procedure in suits?





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