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UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, May 2018

Program: B.Tech.LL.B.Cyber Law+ IPR

Semester :VIII

Subject (Course): Code of Civil Procedure Law

Max. Marks : 100

Course Code: LLBL 131

Duration : 3 Hrs

No. of page/s:03

Attempt all questions. All questions are compulsory.

Section A: (5*2=10)

Write *Short* notes on the followings:

1. Pleadings
2. Interpleader suit
3. Outside court settlement provisions in Code of Civil Procedure.
4. Restitution
5. Caveat

Section B: (4*5=20)

1. The rejection of a plaint does not, by itself, preclude the plaintiff from presenting a fresh plaint on the same cause of action. State whether the statement is true or false?
Also list out the reasons for rejection of a plaint.

2. **“A review is not an *appeal* in disguise whereby an erroneous decision is reheard and corrected”. Comment.**
3. **Discuss the principles that guide the court while dealing with an application of temporary injunction.**
4. **What are the consequences where neither party appears when the suit is called out for hearing?**

Section C: (10*2=20)

1. **“Limitation bars the remedy but not the right.” In the light of the given statement, explain the basis and importance of the Law of Limitation. Support your answer with relevant legal maxims.**
2. **What do you understand by the expression, “inherent powers of the court”? Explain with the help of relevant provisions.**

Section D: (25*2=50)

1. **In a suit, instituted by Angad against Tej Pratap, despite the summons of suit having been duly served upon Tej Pratap, he did not appear on 01.03.2018, the date fixed in the summons. The court consequently on 01.03.2018 passed an ex-parte order against Tej Pratap and listed the case for 03.04.2018 for ex parte evidence of Angad. Can Tej Pratap participate in further proceeding of the case? Can he seek setting aside of the ex-parte orders? Discuss in light with the relevant provisions.**

- 2. A person aggrieved by a decree or order may apply for review of a judgement. Analyse whether a review petition is maintainable in the following circumstances, also give reasons for your answers:**
- (a) An appeal dismissed on the ground of incompetency.**
 - (b) An order for which no appeal has been preferred.**
 - (c) Discovery of new and important evidence.**
 - (d) Mistake or error apparent on the face of record, for eg. Pronouncement of a judgement without taking into consideration the fact that the law was amended retrospectively.**

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Name of the College <small>(Please tick, symbol is given)</small>	:	SOE		SOB		SOL	✓
Program	:	B.Tech.LL.B. Cyber Law IPR					
Semester	:	VIII					
Name of the Subject (Course)	:	Civil Procedure Code and Limitation Law					
Course Code	:	LLBL 131					
Name of Question Paper Setter	:	Akanksha Singh					
Employee Code	:	40001491					
Mobile & Extension	:	9720420161, 2194					
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Section A (10 Marks)

(Attempt all questions. Each questions carry equal marks)

Q. No.1 Define restitution?

Q. No.2 caveat?

Q. No.3 who may apply for review?

Q. No.4 Describe 'No Second Appeal In Certain Cases'?

Q.No.5 Define Adjournment?

Section B (20 marks)

(Attempt all questions. Each question carry equal marks)

Q. N0.6 Discuss main purpose of granting temporary injunctions? Who may apply for grant of temporary injunctions? Against whom injunctions may be granted? Can you set aside the order of temporary injunctions?

Q. N0.7 Explain the procedure prescribed for the institution and disposal of summary suits?

Section C (20 marks)

Q. N0.8 Analyze the grounds, procedure, and powers of the high court in relation to 'Reference and 'Revision'. ?

Q.N0.9 where once time has begun to run, no subsequent disability or inability can stops it". Explain with illustrations and exceptions?

Section D (50 marks) 10* Each

(Attempt all questions. All questions carry equal marks)

Q. No.10 In a suit recovery instituted by A against B, despite the summons of suit having been duly served upon B, he did not appear on the date fixed in the summon on 1.3.1993. The court consequently on 1.3.1993 passed an ex parte order against B and listed the case for 3.4.93 for ex parte evidence of A. can B participate in further proceeding of the case ? Can he seek setting aside of the ex parte orders? Discuss?

Q. N0.14 Give brief description of rules contained in order 33 of the civil procedure code?

a- who can file a pauper suit?

b- Can a defendant be a pauper in a suit?

C- 'A' after filing an application plaint as pauper sold his property worth Rs.15,000.will A's application be accepted?