

TILAK MAHARASHTRA VIDYAPEETH, PUNE
BACHELOR OF LAWS (LL.B.) (Three Years Semester Pattern) CREDIT SYSTEM
EXAMINATION : NOVEMBER : 2016
FIFTH SEMESTER
Sub.: The Code of Civil Procedure, 1908 and the Limitation Act. 1963 (LW-501)

Date : 22/11/2016

Total Marks : 60

Time: 10.00am to 12.30 pm

Instructions: 1) All questions are compulsory.
2) Figure indicate to the right full marks.

Q. 1. Choose correct option from the following. (10)

- 1) The code of civil procedure come in to force:-
 - a) On the first day of January 1909
 - b) On the first day of march 1974
 - c) On the first day of April 1909
 - d) None of these
- 2) The decree shall not include :-
 - a) Any adjudication from which an appeal lies as on appeal from an order
 - b) Any order of dismissal for default
 - c) Both a and b
 - d) None of these
- 3) According to which section court to try all civil suits unless barred
 - a) Section 9
 - b) Section 10
 - c) Section 11
 - d) Section 12
- 4) Which order under CPC provides rules regarding Judgement and Decree
 - a) Order XIX
 - b) Order XX
 - c) Order XXI
 - d) Order XXII
- 5) In case of failure of filing the written statement within thirty days the defendant can be allowed to file the same on such other day specified by the court for the reasons recorded in writing , which shall not be later than:-
 - a) 45 days
 - b) 60 days
 - c) 90 days
 - d) 120 days
- 6) A caveat shall not remain in force after expiry of :-
 - a) 30 days
 - b) 60 days
 - c) 90 days
 - d) 120 days
- 7) A decree is an operative part of a _____ in civil suits for appeal.
 - a) Order
 - b) Judgement
 - c) Both of the above
 - d) None of the above
- 8) Under section 96 of CPC an appeal can lie against the:-
 - a) Preliminary Decree
 - b) Original Decree
 - c) Secondary decree
 - d) None of the above

- 9) All objection on the ground of misjoinder of causes of action shall be taken at:-
- a) The earliest possible opportunity
 - b) Any stage
 - c) During appearance
 - d) None of the above
- 10) The meaning of written statement is:-
- a) Suit of plaintiff
 - b) Suit of defendant
 - c) Answer by defendant of plaintiff suit
 - d) Answer by plaintiff of defendant's suit

Q. 2. Answer the following in short. (up to 30 words) (10)

- 1) What is summons?
- 2) What is meant by written statement?
- 3) Define the term review.
- 4) Explain the period of limitation.
- 5) What is the meaning of interpleader suit?

Q. 3. Short Notes. (any four) (20)

- 1) Kinds of Jurisdiction.
- 2) Various rules as to place of suing.
- 3) Res Judicata
- 4) Return of Plaint and Rejection of Plaint
- 5) Temporary Injunction
- 6) Suit by or against the Minor
- 7) Adjournment.

Q. 4. Answer the following questions. (Any two) (20)

- 1) Discuss the provisions regarding summary proceeding.
- 2) Critically examine the concept of Caveat
- 3) Discuss the provision of Appeal in Civil procedure code.
- 4) Explain the provisions regarding the condonation of delay and exclusion of time in computing the period of limitation under the limitation Act 1963.