

**TILAK MAHARASHTRA VIDYAPEETH, PUNE**  
**BACHELOR OF LAWS (LL.B.) (Three Years Semester Pattern)/**  
**B.A. LL.B. (ACADEMIC LAW)**  
**(FIVE YEARS SEMESTER PATTERN) CREDIT SYSTEM**  
**EXAMINATION : MAY-JUNE - 2022**  
**FIFTH/NINETH SEMESTER**  
**Sub.: The Code of Civil Procedure, 1908 and the Limitation Act. 1963**  
**(LW - 501/LW - 9001)**

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**Date : 23/05/2022**

**Total Marks : 60**

**Time: 10.00 am to 12.30 pm**

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**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, 1908 came into force with effect from
  - a) 1<sup>st</sup> January 1908
  - b) 1<sup>st</sup> January 1909
  - c) 1<sup>st</sup> September 1908
  - d) 1<sup>st</sup> September 1909
- 2) A suit to set aside a decree on the ground of lack of territorial jurisdiction is barred
  - a) Under Section 21 of CPC
  - b) Under Section 22 of CPC
  - c) Under Section 24 A of CPC
  - d) Under Section 24 of CPC
- 3) The term Res judicata means-
  - a) Further Proceeding
  - b) A matter already adjudicated
  - c) Stay of Proceeding
  - d) Bar the Proceeding
- 4) 'Pleading' shall means ----- as per Order VI of CPC 1908
  - a) Plaint
  - b) Written Statement
  - c) Both a and b
  - d) Counter Claim
- 5) Mense Profit can be claimed with respect to
  - a) Immovable Property only
  - b) Movable Property only
  - c) Both (a) and (b)
  - d) None of above
- 6) A person may be sue a foreign state
  - a) Only with the consent of Central Government
  - b) With the consent of the President of India
  - c) With the Consent of the State Government
  - d) Both (a) and (c) above
- 7) Order XXXIII of Code of Civil Procedure, 1908 deals with ---
  - a) Suits by Indigent Person
  - b) Suits by or against Government
  - c) Suits against Minor
  - d) Suits against person of unsound mind
- 8) When did the Limitation Act Come in to force---
  - a) 1<sup>st</sup> October 1964
  - b) 1<sup>st</sup> January 1964
  - c) 1<sup>st</sup> January 1963
  - d) 1<sup>st</sup> November 1965
- 9) The expression 'time requisite' used in Section 12(2) of the Limitation Act, 1963 means
  - a) Maximum time
  - b) Actual time taken
  - c) Minimum time taken
  - d) None of the above

- 10) In which of the following cases the court may not issue a commission
- a) To hold a scientific technical or expert investigation
  - b) To make a partition
  - c) To examine any person
  - d) For execution of decree

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

- 1) What do you mean by Decree?
- 2) Define the term 'Order' under the CPC.
- 3) What is an interim order?
- 4) Explain the meaning of term 'Restitution'
- 5) Under Limitation Act, 1963 'Continues running of times' means.

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

- 1) Kinds of Jurisdiction
- 2) Mesne Profit
- 3) Summary Suit
- 4) Attachment before judgment
- 5) Legal Disability
- 6) Difference between Set off and Counter Claim

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

- 1) "Every suit shall be instituted in the Court of lowest grade competent to try it". Explain the provision's in regards to institution of suit and stages of Civil Suit.
- 2) Who is an 'Indigent Person' explain the provisions for suit by indigent persons.
- 3) Explain the Doctrine of Res judicata under the code of Civil Procedure, 1908.
- 4) Explain the provisions regarding Bar of Limitation and exclusion of time in legal proceeding under Limitation Act, 1963.

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