

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 : DECEMBER - 2024

NINETH/FIFTH SEMESTER

Sub.: The Code of Civil Procedure 1908 and limitation Acts 1963 (LW-9001/501)

Date : 03/12/2024

Total Marks : 60

Time: 10.00 am to 12.30 pm

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

Q. 1. Answer the following question. (15)

A) Explain the legal consequences of the appearance and non-appearance of parties in civil suits, with reference to relevant provisions of the Civil Procedure Code (CPC).

OR

B) Discuss the doctrine of Res-Judicata. What are the conditions for application of Res-Judicata? How does it differ from Res-Subjudice?

Q. 2. Answer the following question. (15)

A) Who is an Indigent Person under CPC? Explain the provisions for filing the suit as Indigent Person including the filing of an appeal by him.

OR

B) Define 'Execution' as per the Civil Procedure Code, 1908. Discuss in detail the various modes of execution of a decree in a civil suit, with relevant provisions.

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

- a) Caveat Sec. 148 – A.
- b) Distinguish between judgment and decree
- c) Interlocutory orders
- d) Difference between Reference and review
- e) Framing of issues
- f) Bar of Limitation

Q. 4. Answer the following questions. (10)

A) X files a suit against Y for recovery of money. The Trial Court decrees the suit in favor of X. Y files a first appeal. Discuss the essentials, stages, and procedural requirements for admitting a first appeal under the CPC.

OR

B) Y, a minor, discovers that his property has been illegally encroached upon on 1st January 2019. The limitation period for filing the suit is three years. Y attains majority on 15th January 2021. Determine the last date by which Y should file the suit, with reference to the relevant provisions under the Limitation Act, 1963