

HONS. 06/003/24

B.A., LL.B. (Hons.) DEGREE SIXTH SEMESTER EXAMINATION, MAY 2024

CIVIL PROCEDURE CODE AND LIMITATION ACT

TIME: 3 HRS

MAX. MARKS 50

ANSWER ANY FIVE. ALL QUESTIONS CARRY EQUAL MARKS

1. “The court has the discretion to either to allow or reject an application of a person claiming to be a proper party, depending upon the facts and circumstances and no person has a right to insist that he should be impleaded as a party, merely because he is a proper party”. What is meant by non-joinder and misjoinder of parties? Explain the rules relating to adding, striking out or substituting parties.
2. Define decree and explain preliminary decree and final decree. Explain how decree is different from order.
3. What is meant by *constructive resjudicata*? Explain with provisions of law and judicial decisions.
4. Explain ‘representative suit’ with the help of the dictum used in Narayanan vs. Periyadan Narayanan Nair (2021 Ker HC)
5. Explain *pleadings* under CPC. Elaborate on the fundamental principles and necessary particulars relating to pleadings.
6. Write note on ant TWO (i) interpleader suit (ii) precept (iii) attachment before judgment
7. A has obtained a decree against B for one lakh. B has obtained a decree against C for 50,000/- Can A get B’s decree attached? Explain the procedure for attachment of decree.
8. A loan was availed by the A from Bank. Amounts are due to the Bank and it is not disputed. The contention raised by the A is that the loan was availed in the year 1985 and the revenue recovery proceedings were initiated only in 1999 therefore, the revenue recovery proceedings are not legal. Bank contended that there was acknowledgement of the debt as evidenced by Ext.R2 series of acknowledgements and, therefore, recovery of the loan is not barred. Explain the

significance of valid acknowledgement under Limitation Act with the help of legal provisions and judicial decisions.
