

HONS. 06/003/25

**B.A., LL.B. (Hons.) DEGREE SIXTH SEMESTER EXAMINATION,
MAY 2025**

Code of Civil Procedure and Limitation Act

Time: 3 Hours

Maximum Marks: 50

Answer ANY FIVE of the following questions. Each question carries TEN marks

1. Explain the concept of 'Jurisdiction' under the Civil Procedure Code, 1908.
2. Distinguish between a 'Decree', a 'Judgment', and an 'Order' as per the Civil Procedure Code.
3. Discuss the general principles of the Law of Limitation under the Limitation Act, 1963.
4. Rocky seizes illegal control of the Kolar Gold Fields (KGF) after death of its owner Suryavardhan and his sons and legal heirs Garuda and Virat. Over time, Rocky expands operations and developed KGF. 25 Years later, Akaay, now 30-year-old, grandson of the original mine owner Suryavardhan and son of Virat, files a civil suit claiming rightful ownership and control over the KGF mine. He asserts that the mine was unlawfully taken over following his grandfather and father's death and claims that he as the legal heir, is entitled to possession, profits, and restitution. Rocky challenges the suit on grounds that he has been in continuous and undisputed possession of the mine for several years, and that Akaay had knowledge of the occupation but chose not to assert his rights until now. He also contends that the suit is barred by limitation and lacks proper cause of action. Discuss the maintainability of Akaay's suit under the Civil Procedure Code, focusing on the law of limitation, sufficient cause, suits involving immovable property, and doctrines like acquiescence and adverse possession.
5. Baahubali and Bhallaladeva are cousins. Mahishmati their family estate belonged to their grandfather. Their Father's were only legal heirs to their grandfather who passed away intestate. But the property was never divided. Bahubali passes also away intestate living behind a newborn son Shivu and a wife Devasena. After the death of Bahubali Bhallaladeva took control over the property and has been enjoying it without objection for 25 years.

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Mahendra wishes to file a civil suit challenging Bhallaladeva's claim over the property. Bhallaladeva contests the suit, arguing that the long passage of time, his continuous possession, and the absence of a challenge for 2 decades disqualify Mahendra's claim. Discuss the maintainability of the suit under the Civil Procedure Code with reference to jurisdiction, limitation, and the effect of continuous unlawful possession on inheritance rights.

6. Kaadubettu village is located in the land that was in the name of Grandfather of Devendra Suttooru. For the past 70 years people have constructed their houses and have been living in the village though the land is still in the name of Devendra Suttooru's Grandfather. He also pays the land tax and none of the villagers have transferred the title of the land in their favour. Now Devendra Suttooru has filed a suit against the villagers alleging illegal occupation of his land. Examine the implications of limitation and the effect of continuous unlawful possession on inheritance rights
7. Anamika, a resident of Mumbai, enters into a contract with Devika, a resident of Delhi, for the supply of goods. The contract specifies that disputes shall be resolved in Chennai. Subsequently, a dispute arises, and Devika files a suit in Delhi. Anamika objects, arguing that the suit should be filed in Chennai. Discuss the jurisdictional aspects involved in this case. What are the different types of jurisdictions, and how does the CPC determine the place of suing? Analyse with relevant provisions and case laws.
8. During the pendency of a civil suit for recovery of money, the plaintiff files an application for arrest of the defendant and attachment of property before judgment, alleging that the defendant is attempting to dispose of his assets to defraud the court. Discuss the legal principles governing such interim measures under the CPC. What safeguards are available to defendants, and how do courts balance the interests of both parties when granting or refusing such interlocutory reliefs?
