



## BRAINWARE UNIVERSITY

Term End Examination 2024-2025

Programme – BBA LL.B.-2021/BBA LL.B.-2022

Course Name – Code of Civil Procedure

Course Code - BBALLB504

( Semester V )

Full Marks : 60

Time : 2:30 Hours

[The figure in the margin indicates full marks. Candidates are required to give their answers in their own words as far as practicable.]

### Group-A

(Multiple Choice Type Question)

1 x 15=15

1. Choose the correct alternative from the following :

- (i) Identify the rejection of Plaintiff can be regarded as
  - a) Decree
  - b) Order
  - c) Review
  - d) Revision
- (ii) Identify the application of Preliminary Decree can be passed in a suit
  - a) For partition
  - b) For partnership
  - c) For possession and mesne profits
  - d) All of these
- (iii) Identify the meaning of "foreign judgment" under section 2(5) of the Code of Civil Procedure, 1908
  - a) The judgment of an Indian Court
  - b) The judgment of a Labour Court
  - c) The judgment of a foreign Court
  - d) The judgment of Provincial Small Cause Courts
- (iv) Identify the section of "legal representative" under of the Code of Civil Procedure, 1908
  - a) Section 2(9)
  - b) Section 2(10)
  - c) Section 2(11)
  - d) Section 2(12)
- (v) Identify the meaning of "order" under the Code of Civil Procedure, 1908
  - a) The formal expression of any decision of a Civil Court which is not a decree
  - b) The formal expression of any decision of a Civil Court which is not a judgment
  - c) The formal expression of any decision of a Civil Court which is not a review
  - d) The formal expression of any decision of a Civil Court which is not a revision
- (vi) Identify set off claim
  - a) money claim against original claim
  - b) Right claim
  - c) Imposition of duty
  - d) None of these

- (vii) Predict the Court where every suit shall be instituted
- |   |   |
|---|---|
| a) in the Court of the highest grade competent to try it. | b) in the Tribunal of the lowest grade competent to try it.   |
| c) in the Court of the lowest grade competent to try it.  | d) in the Labour Court of the lowest grade competent to try i |
- (viii) Predict the section of Code of Civil Procedure, 1908 dealing with Territorial jurisdiction
- |                  |                   |
|------------------|-------------------|
| a) Section 1-8   | b) Section 16-20  |
| c) Section 9-35B | d) Section 15-21A |
- (ix) Predict the mode of service of summons
- |                               |                     |
|-------------------------------|---------------------|
| a) Personal or direct service | b) Service by court |
| c) Service by plaintiff       | d) All of these     |
- (x) Predict the steps of defendant o set aside ex parte decree
- |   |   |
|---|---|
| a) can apply to the court by which such decree has been passed under Order 9, Rule 13 of CPC,1908 | b) can prefer an appeal against such decree under section 96(2) of CPC,1908 |
| c) can apply for review under Order 47, Rule 1 of CPC,1908  | d) All of these   |
- (xi) Predict the necessity of Interim orders
- |  |  |
|--|--|
| a) To protect the right of the parties in the suit | b) To destroy the right of the parties in the suit |
| c) to dismiss the right of the parties in the suit | d) to disturb the right of the parties in the suit |
- (xii) Predict the Section & Act of permanent injunction
- |   |   |
|---|---|
| a) Section 35 of Specific Relief Act,1963 | b) Section 36 of Specific Relief Act,1963 |
| c) Section 37 of Specific Relief Act,1963 | d) Section 38 of Specific Relief Act,1963 |
- (xiii) Choose the Court where Second Appeal can be filed
- |                   |               |
|-------------------|---------------|
| a) District Court | b) High Court |
| c) Supreme Court  | d) Tribunal   |
- (xiv) Choose the objective of "review"
- |                            |                                |
|----------------------------|--------------------------------|
| a) Quashing of judgment    | b) Reconsideration of judgment |
| c) Destruction of judgment | d) Repeal of judgment          |
- (xv) Choose the section of Code of Civil Procedure, 1908 dealing with "inherent powers of court"
- |                |                |
|----------------|----------------|
| a) Section 149 | b) Section 150 |
| c) Section 151 | d) Section 152 |

#### Group-B

(Short Answer Type Questions)

3 x 5=15

2. Define the term decree in the context of civil court proceedings. (3)
3. Define mesne profits. (3)
4. Compare and distinguish a plaint and a written statement. (3)
5. Explain the provisions under which a receiver is appointed by the court. (3)
6. Explain the provisions related to inherent powers of the court under CPC. (3)

OR

Compare inherent powers of the court with express provisions of the law. (3)

#### Group-C

(Long Answer Type Questions)

5 x 6=30

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7. Compare and distinguish between a decree and an order. (5)
8. Compare and distinguish between Res sub-judice and Res Judicata. (5)
9. Distinguish between a decree and a judgment. (5)
10. Compare and distinguish between the purposes of issuing a commission for the examination of witnesses and for the adjustment of accounts, as per the Code of Civil Procedure, 1908. (5)
11. Examine the concept of the 'Doctrine of Limitation' and how it bars the remedy but not the right, with reference to relevant case law. (5)
12. Analyse the requirements for granting a temporary injunction along with appropriate case laws. (5)

OR

Compare the jurisdiction of Summary Suits and the time limitation for initiating such suits as per the Code of Civil Procedure. (5)

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