



BRAINWARE UNIVERSITY

Term End Examination 2024-2025

Programme – LL.B.-2021/LL.B.-2022/LL.B.-2023

Course Name – Code of Civil Procedure

Course Code - LLB302

(Semester III)

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 key difference between inherent powers of courts and statutory powers.
- | | |
|---|---|
| a) Inherent powers are not explicitly mentioned in the Code of Civil Procedure, while statutory powers are. | b) Inherent powers are discretionary, while statutory powers are mandatory. |
| c) Inherent powers can be used to override statutory powers, while statutory powers cannot be used to override inherent powers. | d) None of these |
- (ii) Indicate which of the following is not a purpose of the inherent powers of courts.
- | | |
|--|--|
| a) To ensure that justice is served. | b) To prevent abuse of the legal process. |
| c) To supplement the statutory powers of courts. | d) To override the statutory powers of courts. |
- (iii) Predict the type of case in which a court is most likely to exercise its inherent powers.
- | | |
|--|--|
| a) A case in which there is no specific provision in the Code of Civil Procedure that addresses the issue. | b) A case in which the court needs to protect its own authority. |
| c) A case in which the court needs to prevent a miscarriage of justice. | d) All of these |
- (iv) Identify from the following- which NOT a consequence of being declared an indigent person?
- | | |
|--|--|
| a) Exemption from court fees | b) Exemption from other litigation costs |
| c) Priority in the hearing of the case | d) Preferential treatment by the court |
- (v) Select the Meaning of an interpleader suit.
- | | |
|--|--|
| a) A legal action filed by a person or entity to resolve a dispute between two or more parties over money or property. | b) A legal action filed by a person or entity to enforce a contract. |
|--|--|

- c) A legal action filed by a person or entity to seek damages for a tort.
- d) A legal action filed by a person or entity to challenge the validity of a law or regulation.
- (vi) Indicate the essentials for filing an interpleader suit.
- a) A conflict over liability, money, or property; multiple claimants with detrimental claims; the plaintiff has no interest except expenses and is willing to give it to the rightful claimant; and no ongoing suit enforcing rival claimant's rights.
- b) A conflict over liability, money, or property; multiple claimants with non-detrimental claims; the plaintiff has no interest except expenses and is willing to give it to the rightful claimant; and no ongoing suit enforcing rival claimant's rights.
- c) A conflict over liability, money, or property; multiple claimants with detrimental or non-detrimental claims; the plaintiff has a financial interest in the subject matter of the litigation; and no ongoing suit enforcing rival claimant's rights.
- d) A conflict over liability, money, or property; multiple claimants with detrimental or non-detrimental claims; the plaintiff has no interest except expenses and is willing to give it to the rightful claimant; and an ongoing suit enforcing rival claimant's rights.
- (vii) Choose the Object of Indian Limitation Act, 1963.
- a) The Law of limitation does not prescribe a time period within which a right can be enforced in a Court of Law
- b) The Law of limitation prescribes a time period within which a right can be enforced in a Court of Law
- c) The Law of limitation prescribes a time period within which a right can be enforced outside the Court of Law
- d) The Law of limitation prescribes a time period within which a right cannot be enforced in a Court of Law
- (viii) Choose the Period of limitation for filing a case On a bill of exchange or promissory note payable at a fixed time after _____ date.
- a) 6 years
- b) 3 years
- c) 2 years
- d) 1 year
- (ix) Choose the Period of limitation for filing a case For specific performance of a contract.
- a) 5 years
- b) 2 years
- c) 3 years
- d) 12 years
- (x) choose correct provision for revision of judgement.
- a) Section 115
- b) Section 111
- c) Section 113
- d) Section 112
- (xi) Choose the provision for appeal to Supreme Court.
- a) Order 45
- b) Order 46
- c) Order 48
- d) Order 42
- (xii) Choose the provision for appeal by indigent person.
- a) Order 44
- b) order 47
- c) Order 47
- d) Order 41
- (xiii) Predict provisions for appearance and non appearance of parties.
- a) Order 9
- b) Order 19
- c) Order 9
- d) Order 18
- (xiv) Predict written statement-
- a) Document contains with defence of defendant
- b) Document contains with claims
- c) Document contains with issues
- d) None of these
- (xv) Predict correct answer-
- a) appeal against an ex parte decree is possible
- b) appeal against an ex parte decree is not made
- c) Ex parte decree is not appealable
- d) None of these

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Illustrate amendment of pleadings under the Code of Civil Procedure,1908. (3)
3. State non-appearance of both parties to the suit. (3)
4. State the concept of Constructive Res judicata under the Code of Civil Procedure,1908. (3)
5. Illustrate whether Limitation Bars Remedy. (3)
6. Explain an Interpleader Suit and its essentials in litigation. (3)

OR

Compare an Interpleader Suit with a regular civil lawsuit. (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Compare the liability of an indigent person who succeeds in a suit with one who partially succeeds in a suit. (5)
8. Explain the provisions relating to persons under legal disability under the Limitation Act, 1963? (5)
9. Explain the provisions for place of suing. (5)
10. Define inherent powers of courts under the Code of Civil Procedure (CPC). (5)
11. Compare and distinguish between temporary injunction and perpetual injunction, emphasizing their purpose and legal implications. (5)
12. Examine the power and function of the appellate court. (5)

OR

Analyse provisions regarding appeal against preliminary decree. (5)

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