



**BRAINWARE UNIVERSITY**  
**Term End Examination 2020 - 21**  
**Programme – Bachelor of Law**  
**Course Name – Code of Civil Procedure**  
**Course Code - LLB302**

**Semester / Year - Semester III**

Time allotted : 75 Minutes

Full Marks : 60

[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 60=60

1. (Answer any Sixty )

(i) Code of Civil Procedure was enacted in

- |         |         |
|---------|---------|
| a) 1907 | b) 1908 |
| c) 1909 | d) 1910 |

(ii) The Code of Civil Procedure, 1908 consisted of

- |                 |                 |
|-----------------|-----------------|
| a) 155 sections | b) 156 sections |
| c) 157 sections | d) 158 sections |

(iii) The Code of Civil Procedure, 1908 was last amended in the year

- |         |         |
|---------|---------|
| a) 2001 | b) 2002 |
| c) 2003 | d) 2004 |

(iv) The objective of the Code of Civil Procedure, 1908 states

- |  |   |
|--|---|
| a) This is an Act to consolidate and amend the laws relating to the procedure of the Courts of Criminal Judicature | b) This is an Act to consolidate and amend the laws relating to the procedure of the Courts of Civil Judicature |
| c) This is an Act to consolidate and amend the laws relating to the procedure of the Labour Court                  | d) This is an Act to consolidate and amend the laws relating to the procedure of Cyber Appellate Tribunal       |

(v) Code of Civil Procedure, 1908 has been classified into

- a) XI Parts
- b) XII Parts
- c) XIII Parts
- d) XIV Parts

(vi) The definition of “Decree” has been provided in

- a) Section 2(1) of The Code of Civil Procedure, 1908
- b) Section 2(2) of The Code of Civil Procedure, 1908
- c) Section 2(3) of The Code of Civil Procedure, 1908
- d) Section 2(4) of The Code of Civil Procedure, 1908

(vii) Decree may be

- a) Preliminary
- b) Final
- c) Partly Preliminary and Partly Final
- d) All of these

(viii) Example of a Decree is

- a) Dismissal of appeal for default
- b) Dismissal of appeal as time barred
- c) Appointment of Commissioner to take accounts
- d) Order of remand

(ix) Preliminary Decree can be passed in a suit

- a) For partition
- b) For partnership
- c) For possession and mesne profits
- d) All of these

(x) According to Section 2(8) of The Code of Civil Procedure, 1908 “Judge” means

- a) The presiding officer of a Civil Court
- b) the presiding officer of a Criminal Court
- c) The presiding officer of a Labour Court
- d) The presiding officer of an Administrative Tribunal

(xi) The Provision of “mesne profits” has been provided in

- a) Section 2(9) of The Code of Civil Procedure, 1908
- b) Section 2(10) of The Code of Civil Procedure, 1908
- c) Section 2(11) of The Code of Civil
- d) Section 2(12) of The Code of Civil

Procedure, 1908

Procedure, 1908

(xii) "Order" means

- |   |   |
|---|---|
| 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 |

(xiii) The expressions "Suit", "plaint" and "Written statement"

- |   |   |
|---|---|
| a) Have been defined in the Code of Civil Procedure, 1908 | b) Have not been defined in the Code of Civil Procedure, 1908 |
| c) Have been defined in Indian Constitution               | d) Have been defined in Administrative Law                    |

(xiv) Written Statement is a reply of plaint made by

- |              |              |
|--------------|--------------|
| a) Advocate  | b) Judge     |
| c) Plaintiff | d) Defendant |

(xv) In accordance with the concise dictionary meaning, restitution means

- |  |   |
|--|---|
| a) An act of restoring a thing to its proper owner | b) An act of taking a thing from its proper owner |
| c) An act of review                                | d) An act of revision                             |

(xvi) "The Courts shall (subject to the provisions herein contained) have jurisdiction to try all suits of a civil nature excepting suits of which their cognizance is either expressly or impliedly barred". This statement has been provided in

- |                           |                            |
|---------------------------|----------------------------|
| a) Section 7 of CPC, 1908 | b) Section 8 of CPC, 1908  |
| c) Section 9 of CPC, 1908 | d) Section 10 of CPC, 1908 |

(xvii) Territorial jurisdiction has been dealt with by

- |                             |                               |
|-----------------------------|-------------------------------|
| a) Section 1-8 of CPC, 1908 | b) Section 16-20 of CPC, 1908 |
|-----------------------------|-------------------------------|

c) Section 9-35B of CPC, 1908

d) Section 15-21A of CPC, 1908

(xviii) The procedure relating to suit has been provided in

a) Section 1-8 of CPC, 1908

b) Section 16-20 of CPC, 1908

c) Section 26-35B of CPC, 1908

d) Section 15-21A of CPC, 1908

(xix) Concept of non-joinder or misjoinder of parties have been provided in

a) Rule 1(9) of CPC,1908

b) Rule 1(10) of CPC,1908

c) Rule 1(11) of CPC,1908

d) Rule 1(12) of CPC,1908

(xx) Amendment of pleadings has been provided in

a) Order VI, Rule 1-4 of CPC,1908

b) Order VI, Rule 5-8 of CPC,1908

c) Order VI, Rule 17 of CPC,1908

d) Order VI, Rule 15-16 of CPC,1908

(xxi) Rejection of plaint can be done when

a) Where plaint does not disclose cause of action

b) Where relief claimed is undervalued

c) Where plaint is insufficiently stamped

d) All of these

(xxii) Every summon will contain

a) Signature of judge or such officer appointed by him

b) Seal of the court

c) A copy of the plaint

d) All of these

(xxiii) Written statement by the defendant is a reply of

a) Plaint

b) Written statement

c) Summon

d) Review

(xxiv) Set off means

a) A claim set up against himself

b) A claim set up against another

c) Both A claim set up against himself and

d) Neither A claim set up against himself

A claim set up against another

and A claim set up against another

(xxv) Appearance of parties has been provided in

a) Order 6 of CPC,1908

b) Order 7 of CPC,1908

c) Order 8 of CPC,1908

d) Order 9 of CPC,1908

(xxvi) To set aside ex parte decree the defendant

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

(xxvii) Discovery and inspection of documents has been provided in

a) Order 9 of CPC,1908

b) Order 10 of CPC,1908

c) Order 11 of CPC,1908

d) Order 12 of CPC,1908

(xxviii) The power of the court to issue commissions has been provided in

a) Order 23 of CPC,1908

b) Order 24 of CPC,1908

c) Order 25 of CPC,1908

d) Order 26 of CPC,1908

(xxix) Arrest before judgment can be made on the ground of

a) The defendant wants to avoid the process of court

b) Fear that the defendant can escape the local limit of his jurisdiction

c) Fear that the defendant can remove the property within local limit of his jurisdiction

d) All of these

(xxx) The primary object of attachment before judgment is

a) to prevent any attempt on the part of the defendant to defeat the realization of decree that may be passed against him.

b) to facilitate any attempt on the part of the defendant to defeat the realization of decree that may be passed against him.

- c) to enhance any attempt on the part of the defendant to defeat the realization of decree that may be passed against him.
- d) To help any attempt on the part of the defendant to defeat the realization of decree that may be passed against him.

(xxxi) An injunction is a judicial process whereby

- a) A party is required to do, or to refrain from doing a particular act.
- b) A party is not required to do, or to refrain from doing a particular act.
- c) The Judge is required to do, or to refrain from doing a particular act.
- d) The Advocate is required to do, or to refrain from doing a particular act.

(xxxii) The permanent injunction has been provided under

- 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

(xxxiii) The provision of “receiver” has been provided in

- a) Order 37 of CPC,1908
- b) Order 38 of CPC,1908
- c) Order 39of CPC,1908
- d) Order 40, CPC,1908

(xxxiv) Withdrawal of suit without leave of court has been provided in

- a) Order 21, Rule 1-2 of CPC,1908
- b) Order 22, Rule 1-2 of CPC,1908
- c) Order 23, Rule 1-2 of CPC,1908
- d) Order 24, Rule 1-2 of CPC,1908

(xxxv) After the death of the plaintiff,

- a) A civil suit will be continued by the legal representative of the diseased plaintiff
- b) A civil suit will be dismissed
- c) A civil suit will be continued by the legal representative of the defendant
- d) A civil suit will be continued by the legal representative of the advocate

(xxxvi) According to Section 56 of the Code of Civil Procedure, 1908, the court will not order the arrest of

- a) a woman
- b) a man
- c) a transgender
- d) an advocate

(xxxvii) After providing the notice, the plaintiff has to wait for a period of

- a) Two months
- b) Three Months
- c) Four months
- d) Five months

(xxxviii) Summary suit has been provide in

- a) Order 37 of CPC,1908
- b) Order 38 of CPC,1908
- c) Order 39 of CPC,1908
- d) Order 40 of CPC,1908

(xxxix) An appeal contains

- a) A decision
- b) A person aggrieved
- c) A reviewing bod ready and willing to entertain an appeal
- d) All of these

(xl) Section 96-Section 99A of the Code of Civil Procedure deals with

- a) First Appeal
- b) Second Appeal
- c) Review
- d) Revision

(xli) Appeal to Supreme Court has been provided in

- a) Articles 132, 133 and 134-A of constitution of India
- b) Sections 132, 133 and 134-A of CPC,1908
- c) Sections 132, 133 and 134-A of CrPC,1908
- d) Sections 79-82 of CPC,1908

(xlii) “Interlocutor Order” has been provided in

- a) Section 113 of CPC,1909
- b) Section 114 of CPC,1909
- c) Section 115 of CPC,1909
- d) Section 116 of CPC,1909

(xliii) The ‘Doctrine of Restitution’ is based on the maxim

- a) Actionable Per se
- b) “Actus curiae neminem gravabit”
- c) Assentio Mentium.
- d) Pacta sund servanada.

(xliv) The provision of “caveat” has been provided in

- a) Order 147 of CPC,1908
- b) Order148-A of CPC,1908
- c) Order 148-B of CPC,1908
- d) Order 149 of CPC,1908

(xlv) The Limitation Act has been passed in the year

- a) 1961
- b) 1962
- c) 1963
- d) 1964

(xlvi) The Limitation Act, 1963 is

- a) Act no 33 of 1963
- b) Act no 34 of 1963
- c) Act no 35 of 1963
- d) Act no 36 of 1963

(xlvii) “Condonation of delay” is dealt with under

- a) Section 5 of the Limitation Act, 1963
- b) Section 6 of the Limitation Act, 1963
- c) Section 7 of the Limitation Act, 1963
- d) Section 8 of the Limitation Act, 1963

(xlviii) In which of the following cases the Supreme Court held that “Starting point of limitation commences from date when possession becomes adverse but not from date when right of ownership arises”

- a) Vasantiben Prahladji Nayak vs Somnath Muljibhai Nayak (2004)
- b) Vasudev Degra vs Anupam Degra (2003)
- c) Keshavanand Bharati vs State of Kerala
- d) N. Narayanan vs. P Narayanan (2001)

(xlix) The period of limitation for filing a revision is

- a) 180 Days
- b) 90 Days
- c) 60 days
- d) 30 days

(l) 'Legal Disability' has been provided in

- a) Section 5 of the Limitation Act, 1963
- b) Section 6 of the Limitation Act, 1963
- c) Section 7 of the Limitation Act, 1963
- d) Section 8 of the Limitation Act, 1963



(li) The period of limitation hot setting aside a sale on execution of a decree is

- a) 180 Days
- b) 90 Days
- c) 60 days
- d) 30 days

(lii) Section 4 of Limitation Act, 1963 applies where the case is governed by

- a) Limitation Act, 1963
- b) Local Law
- c) Special Law
- d) Either Limitation Act, 1963, Local Law or Special Law

(liii) Section 5 of Limitation Act, 1963 applies to

- a) Suits
- b) Appeal and application
- c) Execution
- d) Election petition

(liv) Section 6 of Limitation Act, 1963 applies to

- a) Suits
- b) Execution of Decree
- c) Both Suits and Execution of Decree
- d) Neither Suits and Execution of Decree

(lv) Limitation for filing an appeal commences

- a) From The date of judgement
- b) The date of signing the decree
- c) The date of application of copy of the judgement
- d) The date of availability of copy of the judgement

(lvi) Section 17 of Limitation Act, 1963 applies to

- a) Suits
- b) Execution proceedings
- c) Both Suits and Execution proceedings
- d) Neither Suits and Execution proceedings

(lvii) Section 21 of Limitation Act, 1963 applies to

- a) Suits
- b) Appeal and application
- c) Execution
- d) All of these

(lviii) Period of limitation for suits relating to accounts is

- a) 3 years
- c) 1-3 years

- b) 1 year
- d) 12 years

(lix) Period of limitation for suits relating to trust and trust property is

- a) 3 years
- c) 3 years- 12 years

- b) 1 year
- d) 12 years- 60 years

(lx) Period of limitation for suits relating to immovable property is

- a) 3 years
- c) 3 years- 30 years

- b) 1 year
- d) 30 years