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Term End Examination 2025-2026**Programme – B.A. LL.B.-2022/B.A. LL.B.-2023****Course Name – Code of Civil Procedure****Course Code - BALLB504****(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) Select the best definition of a decree.
- a) A formal expression of an adjudication that conclusively determines the rights of the parties.
- b) A formal expression of any decision of a civil court which is not a decree.
- c) A statement given by a judge explaining the grounds of a decree or order.
- d) A decision made by a foreign court on a matter before it.
- (ii) Identify the key difference between a decree and an order.
- a) A decree is final in nature, while an order is always interlocutory in nature.
- b) A decree is appealable, while an order is not appealable.
- c) A decree determines the substantive rights of the parties, while an order concerns only their procedural rights.
- d) A decree is passed in a suit instituted upon presenting a plaint, while an order is given in a suit that may be instituted upon the presentation of either a plaint, an application, or a petition.
- (iii) Which of the following statements is true about foreign judgments.
- a) Foreign judgments are enforced based on the principle of reciprocity.
- b) Foreign judgments are enforced based on the principle of res judicata.
- c) Foreign judgments are enforced based on the principle of public policy.
- d) All of these.
- (iv) Which of the following is not a category of order.
- a) Final order
- b) Interlocutory order
- c) Appealable order or non-appealable order
- d) All of these.
- (v) Choose the best definition of a foreign court.
- a) A court situated outside India and not established by the authority of the Central Government.
- b) A court established by the authority of the Central Government.

- c) A court situated in India and established by the authority of the Central Government.
- d) A court situated in India and not established by the authority of the Central Government.

(vi) Identify the court that cannot pronounce a foreign judgment.

- a) A court in India
b) A court in the United States
c) A court in the United Kingdom
d) A court in France

(vii) Identify that among the following which is not a requirement for a foreign judgment to be enforceable in India.

- a) The foreign judgment must be pronounced by a court of competent jurisdiction.
b) The foreign judgment must be final and conclusive.
c) The foreign judgment must not be contrary to public policy in India.
d) The foreign judgment must be in English.

(viii) Show the type of decree that is passed in a suit for divorce.

- a) Final decree
b) Preliminary decree
c) Partly preliminary and partly final decree
d) None of these

(ix) Identify the type of order that is passed when a court allows a party to amend their pleadings.

- a) Interlocutory order
b) Final order
c) Appealable order
d) Non-appealable order

(x) Show which of the following is not a condition for the application of res subjudice.

- a) The two suits must be between the same parties or their representatives.
b) The matter in issue in the subsequent suit must be directly and substantially in issue in the previous suit.
c) The previous suit must be pending in the same or in any other court.
d) The previous suit must have been decided by a court of competent jurisdiction.

(xi) Identify the type of case that is liable to be stayed under Section 10 of the CPC.

- a) A case that is already being considered by another court.
b) A case that has already been decided by another court.
c) A case that is not within the jurisdiction of the court.
d) None of these.

(xii) Select the best definition of restitution.

- a) The act of restoring something to its original state.
b) The act of punishing someone for a crime.
c) The act of awarding damages to someone for a loss.
d) All of these.

(xiii) Identify the key difference between restitution and damages.

- a) Restitution is the restoration of something lost, while damages are compensation for a loss.
b) Restitution is ordered by a court, while damages are awarded by a jury.
c) Restitution is only available in civil cases, while damages are available in both civil and criminal cases.
d) All of these.

(xiv) Indicate which of the following is not a condition for the application of restitution.

- a) The decree or order must have been reversed or varied.
b) The party applying must be entitled to benefit under the reversing decree or order.
c) The relief claimed must be consequential on the reversal or variation.
d) The party applying must be a party to the original litigation.

(xv) Show the type of case in which restitution is most likely to be ordered.

- a) A case in which a defendant has been wrongly convicted of a crime.
b) A case in which a plaintiff has been wrongly awarded damages.
c) A case in which a defendant has been wrongly dispossessed of their property.
d) All of these.

2. Compare and distinguish between a decree and a judgment. (3)
3. Define mesne profits. (3)
4. Discuss the conditions that must be met for the doctrine of res judicata to be applied under Section 11 of the CPC. (3)
5. Discuss the object and applicability of the doctrine of restitution in the legal context. (3)
6. Explain the basic principles and requirements for granting a temporary injunction, as established by legal precedents. (3)

OR

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

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Discuss the purpose and significance of an affidavit in legal proceedings. (5)
8. Explain the concept of "Institution of Suit" under the CPC and its procedural significance. (5)
9. Define Summary Suit under Order XXXVII of CPC and explain its objective as outlined in the Civil Procedure Code. (5)
10. Compare the liability of an indigent person who succeeds in a suit with one who partially succeeds in a suit. (5)
11. Evaluate the principle of continuous running of time under Section 9 of the Limitation Act. (5)
12. Analyse the effect of Section 3 of the Limitation Act on the jurisdiction of courts. (5)

OR

Compare the Doctrine of Sufficient Cause with the concept of Legal Disability under the Limitation Act. (5)

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