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Term End Examination 2025-2026
Programme – BBA LL.B.-2021/BBA LL.B.-2022/BBA LL.B.-2023
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) Select the meaning of the decree-holder:
- | | |
|--|---|
| a) In whose favour decree has been passed. | b) In whose favour decree has been passed or an order capable of execution has been made. |
| c) Against a party in the suit. | d) None of these. |
- (ii) Select the enactment year of the Code of Civil Procedure, 1908:
- | | |
|---------|---------|
| a) 1907 | b) 1908 |
| c) 1909 | d) 1907 |
- (iii) What is an 'Order' in the context of the CPC?
- | | |
|--|---|
| a) A formal expression of any decision of a Civil Court which is not a Decree. | b) A conclusive determination of the rights of the parties. |
| c) The reasoning provided by the judge. | d) A synonym for a Decree. |
- (iv) What does the term 'Mesne-Profits' refer to?
- | | |
|---|---|
| a) The profits received by a person in lawful possession of property. | b) The profits which the person in wrongful possession of such property actually received or might with ordinary diligence have received therefrom, together with interest on such profits. |
| c) The profits from an ancestral property. | d) The future profits expected from a property. |
- (v) Infer doctrine of 'Res judicata':
- | | |
|-----------------------------------|--|
| a) A matter that is pending. | b) A matter that has been finally decided. |
| c) A matter that can be appealed. | d) A matter that requires restitution. |
- (vi) Select the essential elements of "Decree":
- | | |
|----------------------------------|--|
| a) There must be an adjudication | b) Such adjudication must have been done in a suit |
|----------------------------------|--|

- c) It must have determined the rights of the parties with regard to all or any of the matters in controversy in the suit
- d) All of these
- (vii) Select the meaning of "judgment-debtor" under section 2(8) of the Code of Civil Procedure, 1908
- a) any person in whose favour a decree has been passed or an order capable of execution has been made
- b) any person against whom a decree has been passed or an order capable of execution has been made
- c) any person in whose favour a review has been passed
- d) any person in whose favour a revision has been passed.
- (viii) Select the section of "legal representative" under of the Code of Civil Procedure-
- a) Section 2(11)
- b) Section 2(12)
- c) Section 2(13)
- d) Section 2(14)
- (ix) Select 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
- (x) Select the section of "Res Sub-Judice" under of the Code of Civil Procedure, 1908
- a) Section 9
- b) Section 10
- c) Section 11
- d) Section 12
- (xi) Choose the two main types of pleadings.
- a) Affidavit and Decree
- b) Summons and Warrant
- c) Plaint and Written Statement
- d) Appeal and Revision
- (xii) Choose 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
- (xiii) A sues B in Delhi for breach of contract. The contract was made in Mumbai and the breach occurred in Chennai. Choose where can A NOT file the suit?
- a) Delhi, where B resides.
- b) Mumbai, where the contract was made.
- c) Chennai, where the breach occurred.
- d) Kolkata, where A resides.
- (xiv) Choose the Order of Code of Civil Procedure, 1908 dealing with Concept of pleadings.
- a) Order V
- b) Order VI
- c) Order VII
- d) Order VIII
- (xv) Predict the fact that Written statement by the defendant is a reply of
- a) Plaint
- b) Written statement
- c) Summon
- d) Review

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Explain Retrospective Operation of Limitation Act, 1963. (3)
3. Compare decree and order. (3)
4. Explain the provisions on institution of suits under C.P.C (3)
5. Explain Necessary & Proper parties under CPC. (3)
6. Examine the provisions on appeal under Section 96 of CPC, 1908. (3)

OR

Examine the grounds of second appeal. (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Define inherent powers of courts under the Code of Civil Procedure (CPC) (5)

8. Explain injunction and discuss its essential characteristics and types. (5)
9. Explain the procedure for executing a court decree under the Code of Civil Procedure. (5)
10. Explain 'Continuous Running of Time' as envisaged under Section 9 of the Limitation Act, 1963? (5)
11. Define injunction and discuss the types of injunction. (5)
12. Explain the circumstances outlined in Order 39, Rule 1 of the Code of Civil Procedure, 1908, under which a court may grant a temporary injunction as a statutory relief. (5)

OR

Compare the liability of an indigent person who succeeds in a suit with one who partially succeeds in a suit. (5)

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