



17944



BRAINWARE UNIVERSITY

Term End Examination 2025-2026

Programme – LL.B.-2022/LL.B.-2023/LL.B.-2024

Course Name – Code of Civil Procedure

Course Code - LLB302

(Semester III)

Library
Brainware University
398, Ramkrishnapur Road, Barasat
Kolkata, West Bengal-700125

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 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
- (ii) Select the appropriate word to Complete the following sentence: A judgment is a statement given by a judge explaining the ____ of a decree or order.
 - a) grounds
 - b) conclusions
 - c) reasons
 - d) findings
- (iii) Which of the following is not a required element of a plaint.
 - a) The name and address of the plaintiff.
 - b) Question of law
 - c) The facts of the case.
 - d) The relief sought by the plaintiff.
- (iv) Identify the correct option in regards to mesne profit : A mesne profit claim is usually joined with the action for recovery of ____.
 - a) possession of the land
 - b) mesne profits
 - c) damages
 - d) interest
- (v) Choose the best definition of a written statement.
 - a) The defendant's response to the plaintiff's claims in a lawsuit.
 - b) A legal document filed by the plaintiff stating the cause of action and relief claimed.
 - c) A written statement of facts that is sworn under oath or affirmation before an authorized officer or magistrate.
 - d) None of these
- (vi) Identify the key difference between res subjudice and res judicata.
 - a) Res subjudice is a procedural doctrine, while res judicata is a substantive doctrine.
 - b) Res subjudice applies to pending cases, while res judicata applies to decided cases.

- c) Res subjudice prevents the trial of a case, while res judicata prevents the relitigation of a matter. d) All of these
- (vii) Choose the correct option and complete the sentence. The doctrine of res judicata is based on the idea that a case decided ____ cannot be reopened.
- a) once b) twice
c) thrice d) All of these
- (viii) 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
- (ix) Choose the correct option among the followings: The doctrine of restitution is based on the principle that no one should be allowed to ____ from an erroneous decree or order.
- a) profit b) benefit
c) gain d) All of these
- (x) Which of the following is not a purpose of filing a caveat.
- a) To ensure that the court does not pass ex parte orders. b) To protect the interests of the caveator.
c) To reduce the burden of the court. d) To bring an end to the litigation.
- (xi) Identify the correct difference between a caveat and a stay.
- a) A caveat prevents the court from acting without informing the caveator, while a stay prevents the court from acting at all. b) A caveat is filed before a case is commenced, while a stay is filed after a case has commenced.
c) A caveat can be filed by anyone, while a stay can only be filed by a party to the case. d) All of these
- (xii) Select the best definition of inherent powers of courts.
- a) The powers that a court possesses but are not explicitly mentioned in the Code of Civil Procedure. b) The powers that a court possesses to enforce its own judgments and decrees.
c) The powers that a court possesses to punish contempt of court. d) All of these
- (xiii) Select the purpose of appointing a court commissioner.
- a) To act on behalf of the court and do everything necessary for justice. b) To provide legal advice to the court.
c) To represent the parties in a case. d) To investigate the facts of a case.
- (xiv) 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.
- (xv) Choose the period of limitation hot setting aside a sale on execution of a decree
- 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

(Short Answer Type Questions)

3 x 5=15

2. Explain Expiry Period of Limitation When Court is Closed (3)
3. Define a decree in the context of civil court proceedings. (3)
4. Compare and distinguish between a decree and a judgment. (3)
5. Define mesne profits. (3)
6. Explain the basic principles and requirements for granting a temporary injunction, as established by legal precedents. (3)

OR

Explain interlocutory order with appropriate statutory provision in CPC. (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Define Summary Suit under Order XXXVII of CPC and explain its objective as outlined in the Civil Procedure Code. (5)
8. Define an indigent person as per Order XXXIII, Rule 1 of the Civil Procedure Code (CPC), 1908. (5)
9. Define an Interpleader Suit and elaborate on its purpose and scope as per Order 35, s. 88 of the CPC 1908. (5)
10. Examine the provisions for re sub judice. (5)
11. Explain the provisions for presumption as to place of suing. (5)
12. Compare the requirements for filing an Interpleader Suit in the Bombay High Court and the Calcutta High Court. (5)

OR

Analyse an example scenario that qualifies for an Interpleader Suit and describe the necessary actions for filing such a suit. (5)

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