



## **BRAINWARE UNIVERSITY**

## Term End Examination 2023-2024 Programme – BBA LL.B.-2021 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

## Group-A

words as far as practicable.]

(Multiple Choice Type Question) 1 x 15=15

- $1. \quad \textit{Choose the correct alternative from the following:} \\$
- (i) Choose the Order of Code of Civil Procedure, 1908 dealing with "receiver" a) Order 39 b) Order 40

a) Order 39 b) Order 40 c) Order 41 d) Order 42

- (ii) Choose the exemption of personal appearance under section 133 of Code of Civil Procedure,1908
  - a) President of India b) Vice-President of India
  - c) Speaker of the House of the People d) All of these
- (iii) Identify the meaning of the decree-holder
  - a) In whose favour decree has been passed b) In whose favour decree has not been passed
  - c) Against a party in the suit d) None of these
- (iv) Choose the provision for the appearance of parties

a) Order 9 b) Order 10

c) Order 11 d) Order 12

(v) Identify the objective of the Code of Civil Procedure, 1908

a) 1907 b) 1908

c) 1909 d) 1907

(vi) Choose the Order of Code of Civil Procedure, 1908 dealing with "Arrest before judgment"

a) Order 23 b) Order 55 c) Order 25 d) Order 38

(vii) Identify the status of private alienation of property after attachment under section 64(1).

a) Valid b) Void

c) Voidable d) Irregular

(viii) Choose the Order of Code of Civil Procedure, 1908 dealing with "Payment into Court"

a) Order 24	b) Order 25	
c) Order 26 d) Order 27 (ix) Identify the no of sections in the ode of Civil Procedure,1908		
a) 155	b) 156	
c) 157	d) 158	
(x) Identify the no of Orders in the ode of Civil Procedure,1908		
a) 49	b) 50	
c) 51 (xi) Predict counter claim	d) 52	
a) Set off claim	b) money claim	
c) money and right claim	d) right claim	
(xii) Predict provision for plaint	-	
a) Order VII	b) Order VIII	
c) Order IX  (viii) Product the section of Code of Civil Procedure 1	d) None of these	
(xiii) Predict the section of Code of Civil Procedure, 1908 where it has been provided that Res Judicata is applicable in execution proceedings		
a) Section 11,Explanation V	b) Section 11,Explanation VI	
c) Section 11,Explanation VII d) Section 11,Explanation VIII (xiv) Predict the Court where every suit shall be instituted		
a) in the Court of the highest grade competent	b) in the Tribunal of the lowest grade	
to try it.	competent to try it.	
c) in the Court of the lowest grade competent	d) in the Labour Court of the lowest grad	le
to try it.( (xv) Predict the section of Code of Civil Procedure, 1	competent to try i 908 dealing with Territorial jurisdiction	
a) Section 1-8	b) Section 16-20	
c) Section 9-35B	d) Section 15-21A	
Group-B		
(Short Answer Type Questions) 3 x		3 x 5=15
<ul><li>2. Discuss the essential requirements for filing an Interpleader Suit.</li><li>3. State the Object of the Limitation Act, 1963</li></ul>		(3)
4. Illustrate the key differences between a decree and an order.		(3) (3)
5. Define inherent powers of the court.		(3)
6. Compare an Interpleader Suit with a regular civil lawsuit. (3)  OR		(3)
Explain the purpose behind the appointment of a receiver in a civil lawsuit and how it serves to (3) protect the parties involved.		
Group-C		
•		5 x 6=30
7. Define a foreign judgment.		(5)
<ul><li>8. Identify the key differences between a decree and a judgment.</li><li>9. Explain the essential elements of a plaint.</li></ul>		(5) (5)
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per the Code of Civil Procedure.		
		(5) (5)
12. Differentiate appeal and second appeal. (5)		

(5)

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