



UNIVERSITY OF NORTH BENGAL

LL.B. (3 yr.) 4th Semester Examination, 2021

CODE OF CIVIL PROCEDURE

Time Allotted: 2 Hours

Full Marks: 50

The figures in the margin indicate full marks.

The students should attempt any *two* questions from Group B compulsorily and any *four* from Group A

GROUP-A

Answers Word Limit less than equals to 200

10×4 = 40

1. A files a suit against B claiming that the latter is Rs.20,000 due to him. Now, B also has a claim against A that he is Rs.10,000 in debt to the former, i.e., A is Rs.10,000 in debt of B. Here, both are mutually indebted to each other, and they both have to pay off the debts due to each other. Can a fresh suit be filed by B in this regard against A? The law recognises two types of set-off – Elucidate with relevant case laws. Write a brief note on the concept of counter claim. 10
2. State the circumstances in which second appeal lies. Also discuss various powers of an Appellate Court. When and under what procedure can an appeal be filed by an aggrieved party in the Supreme Court? Discuss with relevant judicial pronouncements. 10
3. Under what conditions, the objection as to the place of suing can be allowed by any appellate or revisional court? What do you understand by non-joinder and mis-joinder of parties and mis-joinder cause of action? 10
4. What are the objects of service of summon? The court issues a summon against A under section 30 of the Civil Procedure Code, 1908 but he does not appear before the court. What steps can be taken by the court to compel its attendance? 10
5. Explain the doctrine of 'Res with relevant judicial pronouncements. Is the doctrine of *Res Judicata* applicable to Public Interest Litigation? Explain with the help of appropriate judicial decisions. 10
6. Explain the relevancy of foreign judgement in Indian Courts. Can we implement the foreign judgement? State the condition in the light of Code of Civil Procedure. 10

GROUP-B

7. Write short notes on any *two* of the following:

5×2 = 10

- (a) Mesne Profits
- (b) Judgement
- (c) Plaint
- (d) Framing of suit.

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