

2022
(February)
LLB (Pass Course)
Civil Procedure Code
(Fifth Semester)

Full Marks : 80
Time : 3 hours
The question are of equal value

Answer **four** questions, taking **one** from each Unit

Unit - I

1. Write short notes on the following: 4x5=20
- a) Suit of Civil Nature
 - b) Legal Representative
 - c) Mesne Profit
 - d) Judgment
2. What do you understand by the term 'Decree'? How Decree is different from Judgment and Order? What are the types of Decree? 20

Unit – II

3. *“The Principle of Res Judicata is conceived in the larger public interest which requires that all litigation must, sooner than later, come to an end”*. In the light of the above statement explain the res judicata. How res judicata is different from re subjudice? 20
4. Explain in brief the place of suing explained in the Civil Procedure Code, 1908. Support your answer with the help of case laws on the point. 20

Unit – III

5. Discuss in brief the 'set-off' and 'counter claim'. How legal set-off is different from equitable set-off? 20
6. a) Explain in brief the essential particulars to be contained in every plaint filed before the Civil Court. What are the grounds of reject of plaint prescribed in Civil Procedure Code, 1908? Support your answer with the help of decided cases. 15
- b) Discuss the meaning of necessary and proper parties as per Civil Procedure Code, 1908. 5

Unit - IV

7. Discuss the powers of the Court to grant temporary injunction during the pendency of the suit. Can a Court grant *exparte* injunction? Support your answer with the help of legal provisions and decided cases on the subject. 10
8. Write short notes on the following: 20
- a) Powers and duties of receiver
 - b) Attachment before judgment
 - c) Suit by indigent person
 - d) Notice under Section 80 of the Civil Procedure Code, 1908
