

Roll No.

SAP ID



SET B

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, July 2020
Open Book – Through Blackboard Learning Management System

Course: Civil Procedure Code and Law of Limitation (LLBL-131)

Semester: VIII

Programme: B.TECH. (ET), LL.B. (Hons.) IPR 2016

Time: 03 hrs.

Max. Marks: 100

Instructions:

As this examination is in open-book format, the students are expected to demonstrate a very high degree of Academic Integrity and not copy contents from resources referred. Instructors would look for understanding of the concept by the students and any similarity found from resources online/ offline shall be penalized in terms of deduction of marks and even cancellation of paper in requisite cases. The online examination committee of the School would also look for similarity of two answer scripts and if answer scripts of two or more students are found similar, both the answer scripts shall be treated as copied and lead to cancellation of the paper. In view of the aforesaid points, the students are warned that they should desist from using any unfair means.

All Questions are Compulsory
Answer each question in not more than 500 words

S. No.		Marks	CO
1	Shri Mohan Lal is the karta of a joint family and is carrying on its business under the name, "Ram Lal Manohar Lal". He sues a company in the business name. The defendant company raises the objection that since the firm is an unregistered one, it is incompetent to sue. Thereupon the plaintiff seeks to amend the plaint to the effect that he was suing in the name of the family as the Karta or Manger. Should court permit the amendment? Decide by clearly pointing out the law relating to Amendment of pleadings with the help of relevant statutory provisions and the case laws.	20	CO1,3
Ans.			
2	a) A files a suit against B for Rs. 10, 000 in the court. The court passes a decree for Rs. 1, 000 "as prayed". b) A files a suit against B for Rs. 10, 000 and interest, the court passes a decree for Rs. 500 only. A applies to amend the decree by adding a prayer for payment of interest.	20	CO3,4

	<p>On the basis of stated facts, answer the following questions-</p> <ol style="list-style-type: none"> 1) Determine whether by exercising inherent powers, a civil court can amend both the decrees stated above? Give reasons in support of your answer. 2) In case the answer is “No”, whether A can file an appeal or an application for review or not? Give reasons. 		
Ans.			
3	<p>a) "A" dies leaving behind one crore rupees cash in bank account. He had two wives and their children. Both claim to recover the said amount. Based on stated facts, explain in brief the remedy available to bank in this situation to settle this claim. (10 Marks)</p> <p>b) Determine by applying section 5 of Limitation Act, 1963, whether the below stated reasons be treated as valid for condoning a delay or not? In addition, briefly state the law relating to condonation of delay-</p> <ol style="list-style-type: none"> i) Illness of the party. ii) Marriage ceremony of brother iii) Party is government servant iv) Imprisonment of party. (10 Marks) 	20	CO3,4
Ans.			
4	<p>A, a partner of an unregistered firm filed a suit against B to recover Rs. 50, 000. The suit had dismissed on the ground that it was not maintainable since the partnership firm was unregistered. Thereafter the firm was registered and the subsequent suit was filed on the same cause of action. Is the suit barred by res judicata? Decide by clearly pointing out the law relating to Res-judicata.</p>	20	CO2,3
Ans.			
5	<p>X, a lady had taken a loan of rupees 4, 50, 000 from A. She did not pay the amount within the agreed period. A filed a suit for recovery of rupees 4, 50, 000 against X. The suit was decreed in his favour. A filed an execution petition but in the execution the decree was not satisfied. A filed an application under section 55 of the CPC, 1908 for the arrest and detention of X.</p> <p>On the basis of stated facts, answer the following-</p> <ol style="list-style-type: none"> a) What are the other modes of execution of a decree? (10 Marks) b) X objected this application on the ground of its maintainability to her. Are the objections justified in the circumstances of the above case? (10 Marks) 	20	CO2, CO3, CO4
Ans.			

I,, understand that submitting work that isn't my own may result in failure in this paper and I may also be subject to Disciplinary Proceedings as per the Academic Integrity policy of the University.