


Name:			
Enrolment No:			
UNIVERSITY OF PETROLEUM AND ENERGY STUDIES End Semester Examination, December 2022			
Course: CIVIL PROCEDURE CODE I Program: BTech LLB Course Code: CLCC 3004		Semester: VII Time: 03 hrs. Max. Marks: 100	
Instructions: All questions are compulsory. Read instructions carefully before attempting.			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1	What do you mean by indigent persons?	2	CO1
Q 2	Differentiate between final and preliminary decree.	2	CO1
Q 3	Limitation bars the _____ but not the Right.	2	CO1
Q 4	What are the valid grounds for rejection of plaint?	2	CO1
Q 5	List out modes of ADR given in Section 89 of CPC.	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6	State the essential particulars which a plaint must contain.	5	CO2
Q 7	Discuss the concept of Condonation of Delay under the Limitation Act, of 1963.	5	CO2
Q 8	What is an inter-pleader suit? When and by whom can it be instituted?	5	CO2
Q 9	Under what circumstances representative suit is filed and what procedure is adopted for such suits?	5	CO2
SECTION-C (2Qx10M= 20 Marks)			
Q 10	Explain the concept of foreign judgment under Code of Civil Procedure 1908, also explain whether Res-Judicata applies on foreign judgment or not.	10	CO3
Q 11	Section 114 of Civil Procedure Code defines the provision of review. In case of review, the party who is not happy or aggrieved with the order of	10	CO3

	<p>the court can file an application for review in the same court which has passed the decree.</p> <p>The object behind empowering the High Court with revisional jurisdiction is to prevent arbitrary illegal or irregular exercise of jurisdiction by the subordinate court.</p> <p>In the light of the following statement, distinguish between Review and Revision by citing relevant provisions of Code of Civil Procedure, 1908.</p>		
<p>SECTION- D (2Qx25M= 50 Marks)</p>			
Q 12	<p>Ankit filed a suit against Vishal for the specific performance of the contract in 2015. The suit was decreed by the trial court in favour of Ankit. Vishal, who felt aggrieved by the decree of the trial court, filed a delayed appeal in the district court along with an application for condonation of delay. Vishal, the appellant asserted that while he was coming to the court to file an appeal, on the last day when the limitation period was to expire, he met with an accident and therefore he could not file the appeal within the prescribed period of limitation. He prayed for the condonation of delay in filing the appeal. Ankit, the respondent, did not dispute the fact of the appellant meeting with an accident on the last day but contended that the appellant was non-diligent for the whole of the earlier period of limitation prescribed and could have filed the appeal earlier.</p> <p>Determine whether in the given circumstances the delay can be condoned by the Court or not? Would your answer be different if instead of an accident, appellant had failed to file an appeal due to the reason of some important business meeting? Give Reason in support of your answer.</p>	10+15=25	CO4
Q 13	<p>Siddharth/ Landlord, filed a suit for eviction against Aarya/Tenant on the ground of default in payment of rent for the months of January 2021 to December 2021. The suit ended in dismissal and was decreed against Siddharth.</p> <p>Siddharth filed another suit against Aarya for eviction on the ground of default in payment of rent money for the period of April 2022 to September 2022. Decide upon the maintainability of the subsequent suit. Give reasons in support of your answer citing the relevant statutory provision.</p>	12.5+12.5=25	CO4