

Roll No.
SAP ID



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
Supplementary Examination- Odd/Even Semester, July 2020
Open Book – Through Blackboard Learning Management System

Course: Civil Procedure Code & Law of Limitation (LLBL131)
Semester: VIII
Programme: B.Tech Computer Science + LLB Cyber Law
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	<p>A provision inserted by an amendment in the Bombay Tenancy Agricultural Lands Act 1948, provides that the issue whether a person is an agriculturist or not is to be decided by the competent authority created under the Act. However, a Civil court decides the above issue on the basis that it has jurisdiction to decide any incidental or residuary issue in a suit which it is competent to decide. An appeal is filed in the respective High Court against the said exercise of jurisdiction by the Civil Court .</p> <p>Discuss the given problem with reference to section 9 Civil Procedure Code with help of relevant case laws.</p>	20	CO1 CO3
Ans.			
2	<p>“One cardinal principle to be observed in trial by a court obviously is that a party has a right to appear and plead his cause on all occasions when that cause comes on for hearing and that it follows that a party should not be deprived of that right, unless the Code of Civil Procedure deprives him of it.”</p> <p>Explain the above statement in reference to Sangram Singh v. Election Tribunal (1995) 2 SCR 1.</p>	20	CO4
Ans.			

3	<p>Two brothers, A, major, and B, minor, were members of a Joint Hindu Family of which A was the Karta and the manager. After A's death and on attaining majority, B sues to recover a debt advanced due of the joint family funds, which had become due in the life-time of A, claiming extension of the time on the ground of his minority.</p> <p>In light of these facts</p> <ol style="list-style-type: none"> Establish whether the suit is barred by time? When did the period of limitation begin? Being the Karta of the family, did A represent B also so as to bring the suit to recover the loan? 	20	CO2 CO3
Ans.			
4	<p>The appellant filed an election petition under section 100 of the Representation of the People -Act. He appeared on the first and subsequent hearing at Kotah. The proceedings were then adjourned for certain hearings at Udaipur. The appellant did not appear on the first three hearings at that place so the tribunal proceeded ex parte. His counsel appeared on the fourth hearing but was not allowed to take any further part in the proceedings because no good cause was shown for the earlier non-appearance and so the tribunal refused to set aside its "ex parte order".</p> <p>In such a scenario can a party seek setting aside of the ex-parte order? If so on what grounds</p>	20	CO3 CO4
Ans.			
5	<p>A filed a suit for partition of property situated in Ahmedabad and Dehradun against C & D in a Civil Court of Ahmedabad on 1st August 2019, which is pending for adjudication before the concerned Court. Meanwhile on 25th October 2019, C & D also filed suit for partition of same properties in Civil Court of Dehradun. Can A raise an objection with respect to subsequent suit filed in Dehradun. Decide</p>	20	CO3
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.