

Roll No.

SAP ID



SET A

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)
Programme: B.TECH. (CSE), LL.B. (Hons.) Cyber Laws 2016

Semester: VIII

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” the tenant files a suit for permanent injunction against “B” the landlord praying that he should not be dispossessed except by the due process of law pleading that “B” is planning to forcibly dispossess him. During the pending suit, “B” makes an attempt to forcibly dispossess “A”. “A” files another suit for injunction.</p> <p>On the basis of stated facts-</p> <p>a) State whether second suit on the same/similar cause of action is maintainable? In addition, briefly point out the law relating to res-judicata. (15 Marks)</p> <p>b) Determine whether the second suit is hit by section 10 of CPC, 1908. (5 Marks)</p>	20	CO2,3
Ans.			
2	<p>Where are the following suits to be filed and also briefly explain the law relating to place of suing as enunciated under Civil Procedure Code, 1908 -</p> <p>a) X is living in Pune and Y, his brother in Bombay. X wants to file a suit for partition of their joint property situated in Delhi and Bangaluru.</p>	20	CO3

	<p>b) A enters into a contract for purchase of certain goods with B; the contract is entered in Delhi. The goods were to be delivered to A by B at Bombay. Price of goods was to be paid at Calcutta where B lives and carries on his business. (10+5+5= 20 Marks)</p>		
Ans.			
3	<p>A, B and C formed a partnership on 7th March 2018. The firm had established in Allahabad, which deals in the sale of electronic items. Due to dispute between the partners, they have decided to dissolve the firm in the year 2020 and certain electronic items worth Rs. 1, 00000 remained unsold. Various claims and counter claims were made regarding them. Some items worth Rs. 5, 00000 remained in the custody of Mr. C.</p> <p>a) A and B filed a suit for injunction restraining C from selling the goods which were in his custody. Will they succeed? Support your answer with the help of statutory provisions and case laws. (12 Marks)</p> <p>b) Explain in brief the concept of Ex-parte injunction as provided under Order XXXIX Rule, 3. (8 Marks)</p>	20	CO 2,3
Ans.			
4	<p>On one unfortunate day, “Ram” and his wife met with an accident where “Ram” dies, and his wife dies after giving birth to Shyam. The house was illegally taken over by Ram’s brother (Narayan). Shyam after attaining the age of 18, files a suit against Narayan for recovery of the house as rightful owner. “Narayan” argues that the limitation period for such a suits are 12 years and since 18 years have passed, the suit is time barred.</p> <p>On the basis of stated facts-</p> <p>a) Determine whether suit filed by Shyam is maintainable or not? (12 Marks)</p> <p>b) Whether Shyam can seek remedy under section 5 of Limitation Act, 1963? Give reasons in support of your answer. (8 Marks)</p>	20	CO4
Ans.			
5	<p>Determine whether following questions be treated as substantial question of law or not? Give reasons in support of your answer by clearly pointing out the law relating to Second appeal as prescribed under section 100 of Civil Procedure Code, 1908. Support your answer with leading/ relevant case laws. (10+10= 20 Marks)</p> <p>a) A question of admissibility of evidence.</p> <p>b) Interpretation or construction of material document.</p> <p>c) Where two views are possible.</p> <p>d) Where the question raised is too general</p> <p>e) Recording of a finding without any evidence on record.</p>	20	CO3,4
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.