

Name:	 UPES <small>UNIVERSITY WITH A PURPOSE</small>
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
Online End Semester Examination, December 2020

Course: Code of Civil Procedure-I

Semester: VII

Program: B.tech LL.B(CSE)

Course Code: CLCC3004

Time: 03 hrs.

Max. Marks: 100

Section-A

Instructions-

1. Attempt all questions

2. Each Question will carry 5 Marks

S. No.	Answer the following in True or False	Marks	CO
Q1	The Code of Civil Procedure is a procedural law.	5	CO1
Q2	Judgement" means the statement given by the Judge of the grounds of a decree or order	5	CO2
Q3	Res Judicata is defined under Section 10 of the CPC	5	CO2
Q4	Territorial jurisdiction refers to the geographical extent to which the authority of the Civil Courts extends.	5	CO1
Q5	The period of limitation within which defendant shall submit his written statement in ordinarily within 30 days from service of summons or 90 days if allowed by the Court	5	CO2
Q6	If the plaintiff doesn't appear in the court, it results in dismissal of the plaint.	5	CO1

SECTION B

Instruction-

1. Each question will carry 10 marks

2. Write short / brief notes

3. Attempt all questions

Q7	Explain the essentials of Res Judicata along with the relevant provisions and case laws.	10	CO2
Q8	With the help of relevant case laws and provision of CPC, highlight whether the parties are at the liberty to choose jurisdiction or the court or take away jurisdiction from a court.	10	CO3
Q9	Discuss the nature and scope of suits of civil nature as per Section 9 of CPC.	10	CO4
Q10	Distinguish between Set off and counter claim	10	CO2

Q11	As per Section 21 of CPC, under what conditions can an objection to Jurisdiction of the Court be taken. Answer with the help of relevant case laws.	10	CO4
SECTION-C Instructions- 1. The Question carries 20 Marks. 2. Attempt all parts of the question.			
Q12	<p><i>“The object of pleading is to bring parties to an issue and the meaning of rules was to prevent issue being enlarged which would prevent either party from knowing material facts and issues related to the case”</i></p> <p>In light of the above judgement pronounced in the case of <i>Throp v. Holdsworth</i> (1876) 3 ChD 637 answer the following questions-</p> <p><i>Q1. What are pleading and what is its objective?</i></p> <p><i>Q2. What does a pleading consist of?</i></p> <p><i>Q3. Can an amendment to a pleading be refused to be? On what grounds?</i></p> <p><i>Q4. Discuss the <i>Steward v. North Metropolitan Tramways Co.</i> decision with respect to refusal of amendment in pleadings.</i></p>	<p style="text-align: center;">2</p> <p style="text-align: center;">3</p> <p style="text-align: center;">5</p> <p style="text-align: center;">10</p>	CO4