

NLUJAA
NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM
B.A.,LL.B.(Hons.): III-Year, VI-Semester (Academic Year: 2016-17)
Semester End Repeat and Re-Registered Examination (August, 2017)
Subject Code: 6.4 Civil Procedure Code and Limitation

Time: **2:30 Hrs.**

Total Marks: **70**

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. No clarification shall be sought on the question paper.
 3. Do not write anything on the question paper. It will be treated as malpractice.
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Answer any five questions from the following. All questions carry equal marks.

1.
 - (a) Explain Order 1 Rule 9 of *The Code of Civil Procedure*, 1908.
 - (b) What are the circumstances under which two or more persons may be joined as Defendants?
 - (c) Who are "Necessary Parties" and "Proper Parties"? What is the remedy available to a party if an objection on the ground of Non-joinder is taken and the Court finds it to be well founded? **(4+4+6=14)**

2. Mr. Goswami filed a money suit against Mr. Somnath in the Court of Munsif at Guwahati. The summons were duly served on Mr. Somnath and the next date fixed before the Court was 18/07/17. What are the consequences of the suit in the following circumstances when the case is called out in the Court on 18/07/17? Give reasons and support your answer with appropriate provisions of law.
 - (a) If the Defendant appears, but the Plaintiff does not appear when the suit is called out.
 - (b) If both Mr. Goswami and Mr. Somnath do not appear when the suit is called out.
 - (c) If Mr. Goswami appears, but Mr. Somnath does not appear when the suit is called out.
 - (d) Discuss Order IX Rule 13 of *The Code of Civil Procedure*, 1908. **(2+2+2+8=14)**

3. Mr. Asif files a suit against Mr. Chatterjee in the Court of Munsif at Jorhat. The plaint does not disclose any cause of action.
 - (i) What is the Order that should be passed by the Magistrate? State and explain with relevant provisions of law any three circumstances under which a plaint can be rejected.
 - (ii) What are pleadings? State and explain any four rules of pleadings. **(6+8=14)**

- 4.
- (i) Explain in detail the circumstances under which a Court may strike out or amend any matter in the pleading.
 - (ii) State with relevant provisions of law the different kinds of amendment that can be made in a pleading.

(6+8=14)

- 5.
- (i) What is an 'Injunction'? Explain the different kinds of Injunction that may be granted by a Civil Court.
 - (ii) State the three principles laid down, regarding the use of discretion by the Courts while granting injunctions.
 - (iii) What are the consequences for disobeying an Injunction Order passed by a Court?

(3+8+3=14)

6. Write short notes on:

- (a) Counter claim and Set-off.
- (b) Discovery and Inspection

(7+7=14)
