

Sem. V

May 2019

Time: 3 Hours

Marks: 100

Q.1 Answer in one or two sentences.

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- a) What are Pleadings?
- b) What is Jurisdiction?
- c) What is pre-requisite for filing suit against the Government?
- d) Who is a Next Friend of minor?
- e) What is Judgment?
- f) What happens when the Plaintiff is absent on the date his suit is placed for hearing?
- g) Who is a decree-holder?
- h) What is the effect of acknowledgement in writing on limitation?
- i) What is issue of Commission?
- j) What is a Foreign judgement?

Q.2. Write Short Notes on Any Four

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- a] Provisions of Appeal to Supreme Court as per CPC.
- b] Modes of Execution of Decrees and Orders.
- c] Suits by and against Corporations and Firms.
- d] Plaint and Written Statement.
- e] Extension of limitation.
- f]. Interpleader suit

Q.3 Solve any two with reasons

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- a) A and B, enter into a contract for sale of goods by A to B. The contract is made in Mumbai, the goods are delivered in Chennai, payment of price is to be made from Delhi. B fails to pay the price despite delivery of goods. A wants to file suit to recover the price from B.
  - i) In which city can he file the suit?
  - ii) Why?
- b) C has taken loan of Rs.1,50,000/- from D against a Promissory Note. After the limitation period is over, C gives to D a written letter signed by him and acknowledges the same loan.
  - i) What will be the effect of this letter on limitation?
  - ii) Would it make difference if the said letter was given, before the expiry of limitation?
- c).Mr. AB has filed a suit against Mr.CD in Mumbai on 18<sup>th</sup> October 2018. After that date on 18<sup>th</sup> December 2018 Mr. CD files a suit against Mr. AB in Bangalore based on same facts and cause of action.
  - i) What is Mr. AB's remedy?
  - ii) What order will the Court pass against Mr. CD.?

**Q.4 Write Essay Type Answers on Any Four**

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- a) Issue of Commission.
- b) Creation of ownership by adverse possession under Limitation Act.
- c) Reference, Review and Revision.
- d) Interpleader Suits and their Procedure.
- e) Writ of Summons and modes of its service.
- f) Arrest and Attachment before Judgment.

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