



MAINS TEST
THE CODE OF CIVIL PROCEDURE

MM: 200

TIME: 3 Hrs.

Note: Attempt all questions.

Question Number 1 to 10 carry 3 marks each.

Question Number 11 to 15 carry 4 marks each.

Question Number 16 to 20 carry 6 marks each.

Question Number 21 and 22 carry 10 marks each.

All the best!

1. Who is allowed to receive subsistence allowance?
2. What are the elements of representative suit?
3. Define Pleader. Describe the provisions relating to appointment of pleader.
4. What do you understand the power of courts to transfer the cases. Discuss briefly.
5. Write a short note on "courts in which suit to be instituted".
6. Write short notes on suit by indigent person. When can such suit be rejected by the court?
7. When is a second appeal tenable? Discuss the mandatory essentials.
8. What is the upper limit of granting adjournments? When can adjournment be sought from the court?
9. Who shall pay the costs when an indigent person succeeds in the suit?
10. What do you understand by payment into the court? Enumerate the procedure.
11. What is the difference between non-joinder and mis-joinder of parties?

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12. What do you understand by reference? Discuss in brief.
13. When can a suit against government be brought? Write down relevant provisions.
14. What do you understand by restitution? Who can avail restitution?
15. In a suit between 'X' and 'Y'; X won, does Y will have to pay for copy of judgement and decree.
16. Who is a legal representative? Can he sue on behalf of the decree holder for wrong execution of decree?
17. What is the procedure elucidated for the case when only plaintiff appears and defendant does not appear when the suit is called on for hearing?
18. What is the provision for summoning a witness who is stranger to suit by the court? Can he be ordered to produce any document in this regard?
19. In what cases the suit shall stand abated? What will happen if either of the parties dies between conclusion of hearing and pronouncement of judgement?
20. Who is a 'Next Friend'? Can he compromise the suit without permission of the court?
21. Plaintiff "A" institutes a suit for permanent injunction against defendant. On 20.02.2002. After filling of Written Statement by the defendant, the court framed the issues and fixed the case for plaintiff's evidence on 21.07.2005. On 21.07.2005 the Plaintiff himself appeared for his evidence but the defendant and his counsel did not appear in the court. On this, the court recorded statement of plaintiff and closed the defendant's opportunity of cross examination and also passed the order to proceed ex party against the defendant. The case was fixed for evidence of plaintiff's remaining witnesses for 11.08.2005.
Defendant appeared on 11.08.2005 and filed an application under Order IX Rule 7 CPC with the averments that he could not appear on 21.07.2005 due to marriage in the family and his counsel was busy in other courts, hence, the counsel also could not appear and prayed to allow him to cross examine the plaintiff by setting-aside the ex-party order passed against him.

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Plaintiff, in his reply, rebutted all the facts raised in the application and contended that above application was presented with an intention to delay the case.

Write an order on such application with relevant provisions and brief reasons.

22. What do you understand by Injunction? When can a temporary injunction be granted? With relevant case laws illustrate how can an injunction benefit the party receiving?

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