



Bar Council of India 20th Qualifying Examination for Indian Nationals Holding Foreign Law Degrees

Paper – IV – Civil Procedure Code and Limitation Act

(Date: 06.06.2024)

PART - A

Answer any 5 of the following:

(5 x 5 = 25)

1. Explain the provisions of the Civil Procedure Code dealing with appearance and non-appearance of the parties in a suit.
2. Explain the principle of '*Constructive Res Judicata*' under the provisions of the Civil Procedure Code.
3. Explain the provisions of Civil Procedure Code relating to the discovery, inspection and production of document.
4. What are the guiding principles for condonation of delay under provisions of the Limitation Act? Is the position of government and private individuals same under provisions of the Limitation Act, 1963?
5. Explain 'arrest and detention of the Judgement debtor' as a mode of execution of a decree under provisions of the Civil Procedure Code.
6. What is Legal disability? Explain the combined effect of Section 6 and Section 7 of the Limitation Act, 1963 with the help of suitable illustrations and decided cases.

PART - B

Answer any 3 of the following:

(3 x 15 = 45)

7. A suit was decreed in favour of 'X' and against 'Y' on 20.03.2023. On the request of 'X' the court staff prepared the decree on 15.05.2023. 'Y' knew that no decree was prepared upto 15.05.2023. 'Y' applied for the certified copy of the judgement and decree on 7.7.2023 which were ready on 10.09.2023 and were received by 'Y' on 11.09.2023. 'Y' filed appeal in the High Court on 15.09.2023. 'X' contends on the ground that the appeal is time barred. Decide with the help of relevant provisions of law and the case law.

8. 'A' files an election petition against 'B' challenging the election of 'B' before Election Tribunal. After due service of summons, 'B' files his counter and remains absent. The Tribunal conducts the proceedings ex parte and adduces the evidence of the petitioner and three of his witnesses. 'B' appears before the Tribunal and seeks permission to participate in the proceedings and to set the clock back. Decide with provisions of statutory law and case law.
9. Examine the procedure for appointment of Commissioner and discuss the powers and duties of the Commissioner in the light of relevant provisions of the Civil Procedure Code.
10. 'X' is a permanent resident of Delhi and 'Y' is a permanent resident of Patna. 'X' has taken a loan from 'Y' at Delhi. He has not repaid the loan till today. 'Y' has instituted a suit for the recovery of the said loan, against 'X' at Patna. 'X' has raised objection as to the jurisdiction. Decide with the help of relevant provisions of law and the case law.

PART - C

Answer any 1 of the following:

(1 x 30 = 30)

11. 'A civil court has jurisdiction to try all suits of a civil nature unless their cognizance is either expressly or impliedly barred'. Discuss this statement in the light of pecuniary and territorial jurisdiction of the civil courts.
12. Discuss the provisions relating to Second Appeal. Enumerate the powers of the Appellate Court with regard to it. How is it different from the First Appeal? Explain.