West Bengal Judicial Service (Mains) 2018

Civil Procedure Code · compulsory paper

Time: 3 hours · Full marks: 100

Group A: answer all questions

1. "The law of civil procedure is an adjective law to facilitate justice and further its ends." In the light of the statement, discuss the distinction between substantive law and adjective law. (5+5)

2. Discuss the changes which have been made to the Code of Civil Procedure by the C.P.C. Amendment Acts of 1999 and 2002. (10)

3. (a) Discuss the concept of jurisdiction under Section 9 of the Code of Civil Procedure. (b) State the distinction between absence of jurisdiction and erroneous exercise of jurisdiction. (5+5)

4. Explain the doctrine of res sub judice (stay of suit) under Section 10 of the Code of Civil Procedure. (10)

5. Write short notes on the following: (a) Decree and order; (b) Rejection of plaint; (c) Foreign judgment; (d) Mesne profits. (2½ × 4)

Group B: answer any five questions

6. (a) Discuss the rights and duties of a caveator. (b) Discuss the procedure applicable for a caveat petition. (5+5)

7. (a) The purpose of inherent powers of the court is to achieve the end of justice and to eliminate the abuse of process of court. Discuss. (b) Discuss the scope and ambit of the correctional power of the court under the Code of Civil Procedure. (5+5)

8. (a) Discuss the law relating to courts which may execute decrees. (b) What are the questions that can be determined by the executing court? (5+5)

9. Discuss the relevant provisions of the Code of Civil Procedure in connection with appeals to the Supreme Court of India. (10)

10. (a) Discuss the legal effect of the death of a party in a civil suit. (b) Discuss the law relating to withdrawal and adjustment of a civil suit. (5+5)

11. Write a note on the law relating to suits by or against the government or a public officer under the Code of Civil Procedure. (10)