West Bengal Judicial Service (Mains) 2018

Law of Limitation and Law of Prescription · optional paper

Time: 3 hours · Full marks: 100

Group A: answer Question No. 1 and any two from the rest

1. "The law of limitation bars the remedy but does not destroy the right." Comment. (20)

2. What remedy does the Limitation Act, 1963 provide when the period of limitation prescribed for a suit expires on a day when the Court is closed? (20)

3. What is the law of limitation regarding suits against an express trustee and his legal representatives? (20)

4. (a) What is the effect of acknowledgement of liability on the period of limitation?
(b) X sold and delivered goods to Y on 1st January, 2015. He files a suit for the recovery of price on 10th January, 2018 and prays for condonation of delay in filing the suit beyond the period of limitation. Can the Court condone the delay? (15+5)

Group B: answer any two questions

5. (a) Define easement.
(b) Discuss how easements are acquired by prescription. (5+15)

6. (a) What are the functions of the law of prescription? What are the types of prescription?
(b) What are the essentials of adverse possession? (12+8)

7. Distinguish between:
(a) Limitation and prescription;
(b) Limitation and laches. (10+10)