West Bengal Judicial Service (Mains) 2020

Civil Procedure Code · compulsory paper

Time: 3 hours · Full marks: 100

Group A

1. (a) What is a 'suit of civil nature', as mentioned under section 9 of Civil Procedure Code?
(b) Are the following suits 'suits of civil nature'? Discuss (any two of the following) with reasons, if any: (i) suits relating to taking out of religious procession; (ii) suits against expulsion from caste; (iii) suits for restitution of conjugal rights; (iv) suits involving purely religious rights or ceremonies. (5+5=10)

2. Discuss the provision mentioned in order 9 of Civil Procedure Code relating to appearance and non-appearance of parties (a) where neither party appears; (b) where only plaintiff appears; (c) where only defendant appears. (10)

3. (a) Discuss the law relating to place of suing in respect of immovable property.
(b) Define decree and state its essentials. (5+5=10)

4. (a) What is the object of issuing Summons?
(b) Discuss the law relating to service of Summons upon the defendant when he refuses to accept it. (5+5=10)

5. Write short notes on the following: (a) Suit by indigent person or pauper suit; (b) Commission; (c) Interlocutory order; (d) Receiver (2½×4=10)

Group B: answer any five questions

6. What do you understand by Pecuniary Jurisdiction of a court? Will a court be competent to try a suit exceeding its pecuniary limits if the parties to suit have given their consent? (5+5=10)

7. What is temporary injunction and distinguish it from mandatory injunction? Discuss the law relating to grant of injunction. (5+5=10)

8. What is meant by a review? Who can apply for review and on what grounds? (5+5=10)

9. How a suit can be instigated by or against a minor? Explain with suitable illustration. (10)

10. Discuss the nature, scope and object of summary suits. (10)

11. Discuss briefly the law and procedure for filling a suit in respect of public nuisance and applications of resjudicata in public interest litigation. (5+5=10)