West Bengal Judicial Service (Mains) 2022

Civil Procedure Code · compulsory paper

Time: 3 hours · Full marks: 100

Group A: answer all questions

1. (a) The Code of Civil Procedure is an adjective law "to facilitate justice and further its ends". — Elucidate.
(b) Distinguish between Adjective law and Substantive law with examples. (5+5)

2. (a) Define Decree and state its essential elements.
(b) Distinguish between Decree and Order. (5+5)

3. (a) Explain, with reference to section 11 of the Code, the doctrine of res judicata with two illustrations.
(b) Differentiate between res judicata and estoppel. (5+5)

4. Distinguish between: (a) Revision and Appeal; (b) Reference and Review (6+4)

5. Write brief notes on any two of the following: (a) Commissions issued by a civil court; (b) Interpleader suit; (c) Representative suit; (d) Affidavit (5×2=10)

Group B: answer any five questions

6. (a) What do you mean by 'Caveat'? Who may lodge a caveat?
(b) State briefly the rights and duties of the caveator, of the applicant who intends to obtain an interim order and of the court. (5+5)

7. (a) When can an application for temporary injunction be granted?
(b) Explain in brief the guiding principles for granting such order. (5+5)

8. (a) Discuss the nature, object and scope of summary suits.
(b) What is the difference between a Summary suit and an Ordinary suit? (6+4)

9. (a) Define pleading. State the object of pleadings.
(b) Can leave to amend pleadings be allowed after commencement of trial? (5+5)

10. "The executing court cannot go behind the decree." Explain and comment. (10)

11. (a) What is an exparte decree? Is it enforceable like a bi-parte decree?
(b) What are the remedies open to the defendant against the exparte decree? (5+5)