

29 NOV 2025

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination, August- December, 2025

Semester- UG III

Subject: Civil Procedure code and Law of Limitation.

Time- Three hours

Marks: 100

Instructions:

1. Attempt any five questions.
2. All questions carry equal marks.
3. Please substantiate your statements /arguments with relevant case laws, whenever necessary.

Q1. Define and distinguish between preliminary decree and final decree. Can two preliminary decrees be passed in suit? A files a suit against B for breach of contract by B. The suit dismissed on default of appearance? Decide if the decision of the court dismissing the suit qualifies as a Decree? Give analytical reasoning for your answer. Explain with the relevant case laws and provisions. **[Marks 20]**

Q2. H husband filed suit against wife W restraining her from interfering with possession of the house. A plea of ownership to suit the house was substantially involved but it was not raised by H husband. Suit was dismissed in view of settlement which had already been arrived at before Village Panchayat where H had relinquished his right in the suit house in favour of W wife and her children. Finding was not challenged and attained finality. H then sold the house to T who filed suit for declaration of title against W. Is suit by T barred by principle of res judicata? What is Res Judicata? In what circumstances the principle may be applied? Frame an issue and decide the case with relevant case laws? **[Marks 20]**



Q3. Ravi Sharma lent ₹5,00,000 to his friend Suresh Verma on 1st March 2020 through a written agreement, under which Suresh agreed to repay the amount within one year. However, Suresh failed to repay the loan. Ravi decided to file a civil suit for recovery of money on 10th April 2024.

Suresh contended that the suit was barred by limitation under Section 3 of the Limitation Act, 1963, as the prescribed period of three years for filing a suit based on a contract had expired on 1st March 2023. Ravi argued that the last date of limitation fell during the court's closure for Holi holidays, and thus, under Section 4, he was entitled to file the suit on the next working day. He also sought condonation of delay under Section 5, citing health problems and pandemic-related disruptions that prevented timely filing.

- 1. Whether the suit filed by Ravi Sharma is barred by limitation under Section 3 of the Limitation Act, 1963.**
- 2. Whether Ravi can claim protection under Sections 4 and 5 for filing the suit after the expiry of the limitation period. [MARKS 10+10]**

Q4. Explain the concept and legal provisions relating to the Written Statement, Set-off, and Counter-claim under the Code of Civil Procedure, 1908. Discuss the object and purpose of each, and analyze the rights and obligations of the defendant in filing them. Further, distinguish between a Set-off and a Counter-claim with the help of statutory provisions and judicial precedents. [Marks 20]

Q5. What do you understand by "Mode of Execution" under the Code of Civil Procedure, 1908? What are the different modes of execution of a decree as provided under the CPC? Discuss in detail the mode of execution through arrest and detention in civil prison, highlighting the relevant statutory provisions and important judicial pronouncements. [Marks 20]

Q6. Ramesh filed a civil suit for declaration and injunction, which was dismissed by the Trial Court. On First Appeal, the District Judge reversed the judgment without framing the points



required under Order 41 Rule 31 CPC. Ramesh now wants to challenge this reversal before the High Court.

Explain the procedure and grounds for appeal under Section 96 and 100 of CPC. Distinguish between first appeal and Second appeal. Explain with relevant provisions and case laws.

[Marks 20]