

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination, Aug-Dec 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. Anita filed a civil suit against Bharat in the District Court claiming ownership of a piece of ancestral property. In her **plaint**, she alleged that Bharat had fraudulently transferred the land without her consent. Bharat, in his **written statement**, denied the allegations but included several **scandalous and irrelevant statements** about Anita's personal life that had no connection with the property dispute.

Anita filed an application before the court seeking to **strike out those portions** of Bharat's written statement under **Order VI Rule 16 of the Code of Civil Procedure, 1908**, contending that such averments were unnecessary, vexatious, and intended to prejudice the court.

Meanwhile, Bharat realized that he had mistakenly mentioned the wrong survey number of the property in his written statement. He filed an application under **Order VI Rule 17 CPC** seeking **amendment of his pleading** to correct the error. Anita opposed the amendment, arguing that it was sought at a late stage and would change the nature of the defense.

1. **Whether the court can strike out the scandalous or irrelevant portions of the written statement under Order VI Rule 16 CPC.**
2. **Whether the defendant can be allowed to amend his written statement under Order VI Rule 17 CPC after filing, and what conditions govern such amendment.**

[Marks10+10]

Q2. Rahul Mehta, a supplier, filed a civil suit against Vikram Singh, a retailer, for the recovery of ₹5,00,000 towards goods supplied on credit. The summons was duly served, and Vikram appeared before the court within the prescribed time and filed his written statement under Order VIII Rule 1 CPC, denying liability.

In his written statement, Vikram claimed that Rahul had failed to deliver goods worth ₹1,00,000, which were paid for in advance. He therefore sought to set off this amount against the plaintiff's claim under Order VIII Rule 6 CPC. Additionally, Vikram alleged that Rahul had supplied defective goods, causing him a loss of ₹2,00,000, and he filed a counter-claim under Order VIII Rule 6A CPC seeking damages.

Rahul objected, contending that the set-off and counter-claim were not maintainable as they arose out of different transactions and were filed after the written statement deadline.

- 1. Whether the defendant's plea of set-off is maintainable under Order VIII Rule 6 CPC in the given facts.**
- 2. Whether the counter-claim filed by the defendant after submitting the written statement is permissible under Order VIII Rule 6A CPC. [Marks 10+10]**

Q3. Arjun and Riya married in India in accordance with Hindu Marriage Act, 1955. After two years, Arjun moved to Canada for employment. Due to matrimonial disputes, Arjun filed a petition for divorce before a Canadian Superior Court on the ground of "irretrievable breakdown of marriage." Riya received notice but did not appear, stating that the Canadian court had no jurisdiction over a marriage solemnized in India and that the ground of divorce was not recognized under Indian law. The Canadian court passed an ex-parte divorce decree in favour of Arjun.

Arjun returned to India and claimed that the decree is valid and binding under Sections 13 and 14 CPC, and that it can be executed in India because Canada is a reciprocating territory under Section 44A CPC. Riya filed a suit in the Family Court seeking a declaration that the decree is not conclusive, arguing that it was passed without proper jurisdiction, without hearing her, and on a ground not available under Indian matrimonial law.

Is the Canadian divorce decree conclusive under Section 13 CPC? What do you understand by 'foreign judgment' ? When it is deemed to be conclusive ? What is presumption as to foreign judgments? When and how a decree of any foreign court can be executed in India. Discuss with reference to case laws and provisions of the code? [Marks 20]

Q4. Explain the concept, scope, and distinction between Review, Revision, and Appeal under the Code of Civil Procedure, 1908. Discuss the object and purpose of each remedy, the grounds on which they can be invoked, and the powers of the court while exercising these jurisdictions. Support your answer with relevant statutory provisions and judicial decisions.

[Marks 20]

Q5. Explain the concept of jurisdiction under CPC. Discuss the various kinds of jurisdiction and the effect of a decree passed by a court without jurisdiction.

[Marks 20]

Q6. What do you understand by "Stay of Execution of a Decree" under the Code of Civil Procedure, 1908? Explain the statutory provisions, grounds, and procedure for granting a stay of execution along with relevant case laws.

[Marks 20]