

(3 Hours)

[Total Marks:100]

N.B: 1. All questions are compulsory

2. Figures to the right indicate full marks

Q.1. ANSWER THE FOLLOWING IN TWO SENTENCES

(20)

- a. What is meant by a Memorandum of Appeal?
- b. Mention two duties of Court Receivers.
- c. What is meant by amendment of judgements, decrees and orders?
- d. What does the Code of Civil Procedure, 1908 ordain in regard to inquiry into the means of an 'Indigent person'?
- e. Explain the term 'Garnishee'
- f. What is Res- Subjudice/ Stay of suits?
- g. What is Counter Claim?
- h. Define Legal representative.
- i. What is the effect of minority on limitation?
- j. Which period cannot be counted while calculating period to file appeal against order?

Q. 2. WRITE SHORT NOTES (Any 4)

(20)

- a. Withdrawal and adjustment of suits
- b. Effect of non- appearance, of parties
- c. Effect of fraud on the period of limitation
- d. Adverse Possession
- e. Caveat
- f. Interpleader suit

Q.3. ANSWER THE FOLLOWING WITH REASONS (Any 2)

(12)

- a. A disputed immovable property is the subject-matter of a suit pending between Ajay, the plaintiff and Ashok, the defendant. Ashok threatens to dispossess Ajay from the disputed property.
 - i. What is the remedy available to Ajay under the Code of Civil Procedure, 1908 to restrain his dispossession?
 - ii. What are the fundamental principles governing the grant of such a remedy and what are the relevant provisions applicable under the Code of Civil Procedure, 1908?
- b. Raghunath, an agricultural tenant has been tilling the agricultural land of Ram Puranik since 1940 and acquired the ownership on tillers day. After the death of Ram Puranik, his son Annirudha Puranik has filed a suit for declaration of title and possession in which he has prayed for issue of commissions.
 - i. Which type of commission can be issued in this case?
 - ii. What is the relevance of commissions?
- c. In an appeal proceeding, the appellant wishes to produce additional documentary evidence in the appellate court.
 - i. Whether any party to an appeal is ordinarily entitled to do so? Cite the relevant legal provision.
 - ii. When may a Court allow such production?

Q.4. ANSWER THE FOLLOWING IN DETAIL (Any 4)

(48)

- a. Explain the conceptual and practical aspects of Revision.
- b. Modes of execution of a decree
- c. Write in detail on 'Appeals from Original Decrees'.
- d. Modes of service of summons
- e. Explore the legal provisions relating to Temporary injunctions.
- f. Give an overview of suits relating to mortgages of immovable property.