

# School of Law

Bachelor of Law  
CAT1 - Mar 2023

Time : 90 Minutes

Marks : 30

## Sem VI - BALB3023 - Civil Procedure Code and Limitation Act

*Your answer should be specific to the question asked*

*Draw neat labeled diagrams wherever necessary*

1. Examine the essential ingredients of Plaint with the help of leading cases? K2 CO1 (4)
2. Discuss the conclusive of Foreign Judgments in India. K3 CO2 (5)
- 3) Define the term 'pleadings' as defined in the Civil Procedure Code, 1908. What are the general rules of pleadings enshrined in the provisions of the Civil Procedure Code, 1908? K3 CO2 (7)

### OR

Explain the various types of Res Judicata and also examine difference between Res Subjudice and Res Judicata. K3 CO2 (7)

4. A Landlord 'L' resident of Allahabad has a house at Varanasi. He has let out his house to a tenant 'T'. 'T' is a government servant at Lucknow and living with his family at Varanasi. 'L' wants to file a suit against tenant 'T' for the recovery of rent of six months which has been due. K2 CO1 (7)
- 5) In a case, the provisions of Section 13, Clause (b), (d) and (e), Civil Procedure Code, 1908 were at issue. The wife had, in this case, sued for maintenance against the husband (residing in the United States). The husband, it seems had obtained a decree of divorce in a Mexican Court. The objection of the wife was that the husband was not a bona fide resident of Mexico and had obtained the judgment by misleading the Mexican Court and therefore, the decree of divorce was taken by fraud. Further, the decree was passed without recording any evidence and was not given on merits, and the wife was not heard personally by the Mexican Court. The Wife did not appear or submit to the jurisdiction of the Mexican court and the divorce decree was therefore, invalid for breach of natural justice. Upholding these objections, the High court declared the marriage to be subsisting and held that the wife was entitled to maintenance. Discuss the validity of the decision of court in the light of relevant statutory provisions of Civil Procedure Code, 1908, and case laws, if any. K4 CO3 (7)

### OR

Define the concept of Plaint. Also explain the difference between Return and rejection of Plaint. K4 CO3 (7)