

Mid Semester Test: August-2016

Law of Civil Procedure

**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**

**Course: Law of Civil Procedure  
Semester-III (Batch: 2015-20)**

**Mid Semester Test: August-2016**

**Date: 11<sup>th</sup> August, 2016**

**Duration: 2 hours**

**Max. Marks: 30**

**Instructions:**

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write any thing on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.

- |  | <b>Marks</b> |
|--|--------------|
| Q.1 Define the term decree. Why does court pass preliminary decree, what is the necessity of passing such decree? Can preliminary decree be executed?  | (08)         |
| Q.2 Define jurisdiction of civil court. Differentiate between irregular exercise of jurisdiction and lack of jurisdiction.   | (08)         |
| Q.3 Differentiate between <i>res sub judice</i> and <i>res judicata</i> . Explain the concept of constructive res judicata with the help of suitable examples and case laws. Can constructive res judicata be applied to writ petition, substantiate your answer with the help of relevant provisions and decided case laws. | (08)         |
| Q.4 Write short notes on the followings<br>(a) Mesne Profit<br>(b) Judgment<br>(c) Deemed Decree   | (3x2=<br>06) |

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