

Mid Semester Test: August-2017

Law of Civil Procedure

**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**

Course: Law of Civil Procedure  
Semester-III (Batch: 2016-21)

Mid Semester Test: August-2017

Date: 23<sup>rd</sup> August, 2017

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 anything 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.
- Use relevant provisions and case laws, wherever applicable.

- |   | <b>Marks</b> |
|---|--------------|
| Q.1 Answer <b>any two</b> of the following:   | (2x6= 12)    |
| (a) What is the distinction between absence of jurisdiction and erroneous or irregular exercise of jurisdiction?  |              |
| (b) What do you mean by pecuniary jurisdiction? Explain the basis of determining pecuniary jurisdiction by the court.   |              |
| (c) Explain the principles of determining exclusion of jurisdiction of civil courts.  |              |
| Q.2 Answer <b>any two</b> of the following:   | (2x6= 12)    |
| (a) Explain the doctrine of res judicata and decide, how far a decision on a question of law would operate as res judicata.   |              |
| (b) Explain the concept of courts of limited jurisdiction and decide, whether a decision on an issue of law heard and decided by such courts will operate as a res judicata or not. |              |
| (c) What do you mean by constructive res judicata and how is it different from Order 2 Rule 2?  |              |
| Q.3 Write short notes on <b>any three</b> of the following:   | (3x2= 06)    |
| (a) Preliminary decree  |              |
| (b) Deemed decree   |              |
| (c) Mesne profits   |              |
| (d) Judgment  |              |

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