

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Law of Civil Procedure
Semester-III (Batch: 2014-19)

Mid Semester Test: August-2015

Date: 24th August, 2015

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.

Part-A

Marks

Answer **any three** questions

- Q.1 A filed a suit against B for declaration that the religious rites performed by B during the Seva Puja of the deity were not proper. B contends that he has been performing the Seva Puja as per the Hindu religious rites. (08)
Explain the concept of jurisdiction of civil court and decide the maintainability of the above mentioned suit in civil court on the basis of relevant provisions and case laws.
- Q.2 A' files a suit against 'B' for recovery of possession of a house situated at Ahmedabad on the basis of a sale deed executed by 'B'. The suit is heard and dismissed by a court of competent jurisdiction. 'A' after two years again files a suit against 'B' for the same house, on the ground raised earlier in the previous suit along with some additional grounds in the same court. With the help of relevant provisions and decided case laws, decide whether court shall try the second suit or not. (08)
- Q.3 What do you mean by the term decree? How it is different from order. Explain the term preliminary decree and final decree with the help of suitable examples and decided cases. (08)
- Q.4 A is a tradesman at Gandhinagar. B carries on business in Mumbai. B by his agent at Gandhinagar buys goods of A and requests A to deliver them to Gypsy Transport Company at Ahmedabad. A delivers the goods accordingly at Ahmedabad. B has not paid the amount for the goods yet. Decide the appropriate place of suing on the basis of law provided under Civil Procedure Code. (08)

Part-B

- Q.5 Write short notes on **any two** of the following: (2x3=06)
- (a) Set-off and Counterclaim
 - (b) Amendments of pleadings
 - (c) Mense profit
 - (d) Suit
