



**Bar Council of India**  
**22<sup>nd</sup> Qualifying Examination for Indian**  
**Nationals Holding Foreign Law Degrees**

**Paper-4**

**Civil Procedure Code and Limitation Act**  
**Date: 26.06.2025**



## **Bar Council of India 22<sup>nd</sup> Qualifying Examination for Indian Nationals Holding Foreign Law Degrees**

### **Paper – IV – Civil Procedure Code and Limitation Act**

#### **PART - A**

**Answer any 5 of the following:**

**(5 x 5 = 25)**

1. Define the term 'Mesne Profit'.
2. Write short note on 'Place of suing as to immovable'.
3. Explain the provisions relating to setting aside the ex parte decree.
4. Describe the Real Controversy Test under Order VI Rule 17, C.P.C., 1908.
5. Enumerate the grounds for Rejection of the plaint.
6. Write short notes on Garnishee order.

#### **PART - B**

**Answer any 3 of the following:**

**(3 x 15 = 45)**

7. Arna wrote a letter to Ira stating that she will not pay the money which she borrowed from Ira. She further wrote that Ira may do anything what she wants to do for its recovery. Can their letter be treated as an acknowledgment for the purpose of limitation?
8. Pankaj sues Manash for recovery of monetary compensation on account of defamation. Manash holds promissory note for 10,000rs. from Pankaj and claims a set-off of that against any sum that Pankaj may recover in suit. Will Manash succeed in his claim of set-off against Pankaj? Discuss provisions with reason.
9. 'A' files an election petition against 'B' challenging the election of 'B' before election tribunal. After due service of summons, 'B' files his counter and remains absent. The tribunal conducts the proceeding *ex parte* and adduces the evidence of the petitioner and three of his witnesses. 'B' appears before the tribunal and seeks



permission to participate in the proceedings and to set the clock back. Decide with provisions of statutory law and cases.

10. Santosh, who lives in Mumbai, owes a valuable painting that he lent to his friend, Anmol, who lives in Pune. Anmol accidentally damage the painting while it is in his possession in Pune. Santosh wants to file a suit for compensation for the damage to his painting. Advise Santosh for the place of suing.

### **PART - C**

**Answer any 1 of the following:**

**(1 x 30 = 30)**

11. A provision inserted by an amendment in the Bombay Tenancy and Agricultural Lands Act, 1948, provides that the issue whether a person is an agriculturist or not is to be decided by the competent authority under the Act. However, a civil court decides the above issue on the basis that it has jurisdiction to decide any incidental issue in a suit which it is competent to decide. An appeal is filed in the respective High Court against such exercise of jurisdiction by the civil court. Decide in the light of relevant provisions of CPC and decided case laws.
12. Limitation only bars the remedy, but does not destroy the rights. Explain.