



Bar Council of India 21st 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. Write a note on 'Foreign Judgment and Foreign Court'.
2. Differentiate between 'Set-off' and 'Counter-claim'.
3. Explain the provisions relating to 'Place of suing as to immovable property'.
4. Explain the provisions relating to 'Amendments of Pleading'.
5. Explain the provisions relating to 'Rejection of plaint'.
6. Define Decree and state its kinds.

PART - B

Answer any 3 of the following:

(3 x 15 = 45)

7. Dr. Sharma writes a letter to Mr. Gokulesh regretting the delay in payment of dues to him and arranges the same as soon as possible. Can this letter be treated as an acknowledgment for the purpose of limitation? Examine.
8. Alok sue Akash for compensation on account of trespass. Akash holds promissory note for Rs. 10,000 from Alok and claims a set-off of that against any sum that Alok may recover in suit. Will Akash succeed in his claim of set-off against Alok? Discuss relevant provisions with reason.
9. A resides at Simla, B at Kolkata and C at Delhi. A, B and C together at Banaras, B and C make a joint promissory note payable on demand and deliver it to A. A wants to sue B and C. Advise him the correct place of suing.
10. Mr. Abhinav obtained a money decree for ₹ 50,000 against Pramod. Even after passing of decree, the defendant Pramod (judgment debtor) did not pay the

decretal amount. Then, Pramod filed an execution petition for arrest of the judgement debtor in execution of the decree. Can the court issue an arrest warrant against Pramod, the judgement debtor? Decide with the help of relevant provisions and case law.

PART - C

Answer any 1 of the following:

(1 x 30 = 30)

11. What are the powers of executing court under C.P.C. Enumerate the list of property which are not liable to be attached in execution of decree? Can judgement debtor's debtor be liable under execution proceeding under CPC? Explain with the help of decided case laws.
12. A is tenant to B and owes rent for 3 years 2021, 2022 and 2023. B filed a case for recovery of rent for the year 2021 and 2022 and succeeds in getting the rent. Later on, he filed another suit for recovery of rent for the year 2023. Will he succeed in the suit? Discuss.