

Roll No.

This question paper contains 4 printed pages]

0(KCS-J)9

Paper : V

Compulsory Paper

Time Allowed : 3 hours] [Maximum Marks : 100

Note : (i) Attempt *five* questions in all. Question No. 1 is *compulsory* and at least *two* questions from Part – I and *one* each from Part – II & Part – III have to be attempted. Each Answer is required to be supported with relevant Case-Law.

(ii) Use of Bare Acts is not allowed.

(iii) The answer to each question or part thereof should begin on a fresh page.

1. Attempt any *four* of the following : $5 \times 4 = 20$

(a) Significance of period of limitation.

(b) Write a short note on "mesne profit".

(c) Distinguish between decree & order.

(d) Write a short note on Inherent Powers of the Court.

P. T. O.

- (e) Duties of Registrar when document is presented for Registration.
- (f) Differentiate between Res judicata & Estoppel.

PART - I

2. (a) Distinguish between appeal & second Appeal. Is there any provision relating to production of additional document at Appellate stage ?
(b) What is the distinction between Reference, Review & Revision. What is the similarity between section. 152 & Review under civil procedure code ? What is the option available to the party who has no ground for appeal (Regular), Review, Revision & Reference ?
 $8 + 12 = 20$
3. (a) What do you understand by misjoinder & Non-joinder of the parties ? Also discuss the provision relating to impleadment, deletion & substitution of the parties.
(b) In which cases summary suit can be instituted ? Discuss the procedure adopted in summary procedure u/ord. XXXVII of C.P.C. What is the parameter for granting leave to defend u/ord. 37 of C.P.C ?
 $8 + 12 = 20$
4. (a) Write a short note on the provision of Execution u/ord XXI of C.P.C. What is the provision for attachment of salary under execution, whether a sole dwelling unit can be attached under execution ?

- (b) Discuss the applicability of Res judicata and Res sub judice between the co-defendants & Co-plaintiffs with the help of leading cases.

10 + 10 = 20

PART - II

5. (a) What is the effect of Non-Registration of the documents required to be registered ? What is the penalty for incorrectly endorsing or registering document with intend to injure ?

- (b) Discuss the provisions relating to Admission & denial of execution of document for Registration before the Registrar.

- (c) What are the essential descriptions required to be annexed with the document for Registration ?

- (d) What is the liability of Registrar if he refuses registration in his official capacity and also discuss what are the grounds for refusal of Registration.

4 × 5 = 20

6. (a) Are the documents compulsorily Registrable ?

- (i) A Partnership deed
(ii) An Adoption deed
(iii) A lease deed of Eleven months
(iv) An instrument relating to share in joint stock company.
(v) A payment slip acknowledging consideration amount of Rs. 50.

- (b) "Registration of a document increases the evidentiary value of the document but it doesn't have an adjudicatory effect or doesn't decide a conclusive right." Critically examine this statement with the help of leading cases.

10 + 10 = 20

PART - III

7. (a) What is the effect of legal disability on the law of limitation ? Illustrate with the help of specific examples.
- (b) What is the effect of death, fraud & mistake acknowledgement in writing and substitution or addition of new plaintiff or defendant in enumerating the period of limitation. 10 + 10 = 20
8. (a) The interpretation of the phrase, 'Sufficient cause for condoning the delay in filing the Appeal has a different gesture when this condonation is sought on behalf of a State, a govt. organisation as compared to an individual appellant. Discuss with case law.
- (b) What is the scope of Applicability of law of limitation on writs filed u/Art. 32 & 226 of constitution of India.
- (c) Explain the meaning of the phrase "Time requisite" for obtaining the certified copy under the law of limitation. 10 + 5 + 5 = 20