



## Previous Year Paper

### ALL STATE CODE OF CIVIL PROCEDURE MAINS PREVIOUS YEAR QUESTIONS

#### CODE OF CIVIL PROCEDURE

#### Previous Year's Question of Main Examinations

##### DEFINITIONS

- 1. Define –**
  - (A) Legal representative.
  - (B) Mesne profits.
  - (C) Decree.
  - (D) Order[M.P. CJ 2018]
- 2. Write short note on the followings**
  - (a) Mesne profits. [RJS 1971, 1986, 1994, CGCJ 2003, DJS 2005, BJS 1975, 2014, 2006, HJS 2011]
  - (b) Preliminary decree. [BJS 1979, 1980, RJS 1975, 1988]
  - (c) Legal representatives [U.P. CJ 1988, RJS 1975, 1992, BJS 2011, HJS 2011]
  - (d) Decree. [RJS 1976, 1986, M.P. CJ 2004, BJS 2006, 2011]
- 3. Define and distinguish between preliminary decree and final decree.** [U.P. CJ 1992, 1987, BJS 1986]
- 4. Distinguish between decree and order.** [M.P. CJ 2009, U.P. CJ 1991, BJS 1987]
- 5. (a) What is a preliminary decree and in what cases such a decree is passed? Enumerate the types of suits in which the Code of Civil Procedure provides for passing of a preliminary decree?**  
**(b) Can two preliminary decree be passed in a suit? Explain the illustration.**  
**(c) Can two final decrees be passed in one civil suit? Elucidate.** [HJS 2015]
- 6. How has the Code of Civil Procedure, 1908. Defined the judgment and Order.** [HJS 2011]
- 7. Explain the essential elements of a decree and also examine the classes (types) of decree with illustrations.** [BJS 2018]
- 8. Define 'Judgment', 'Decree' and 'Order'?** [PJS 2007]





9. 'A' filed a suit against 'B'. 'B' raised plea of limitation and suit being barred by principle of res judicata, court framed an issue and decided against defendant. Is said decision a decree or order? Discuss. [PJS 2007]
10. With reference to the relevant case law state whether more than one preliminary decree can be passed in a single suit. Also discuss if a preliminary decree can be modified or amended when no appeal has been preferred against such decree. If yes under what circumstances? [PJS 2013]
11. What do you understand by the expression "Mesne Profits"? What are the principles to guide a court in determining the amount of Mesne Profits? Discuss with relevant provisions and judicial decisions. Also explain whether the right of mesne profits can be attached in execution of decree? [PJS 2019]
12. Describe the Mesne Profit. [JJS 2019]

## JURISDICTION OF CIVIL COURTS

1. What is meant by jurisdiction of a civil court? [RJS 1992, 1999]
2. Explain the essential conditions relating to jurisdiction of civil courts. [BJS 2018]
3. Discuss the meaning of the expression 'Suit of Civil Nature' as described in Section 9 of Code of Civil Procedure, 1908. Plaintiff 'P', who is a Christian by religion, challenged her ex-communication, by filing a plaint in the civil court. The plaint is resisted by arguing that 'mere question of religion' is not a 'suit of civil nature'. Decide with the help of judicial precedents. [HPJS 2019]
4. What do you understand by "a suit of Civil Nature"? When may exclusion of civil court's jurisdiction be inferred? Give two examples. [BJS 1978, 1991, 2000, 2011, HJS 1988, U.P. CJ 1986, 1988, RJS 1979, M.P. CJ 2009]
5. How will you decide that a suit is of a civil nature? Are the following suits of civil nature :  
(i) Right to take out religious procession.  
(ii) Right of a Pardanasheen lady to observe Parda.  
(iii) Right to franchise. [U.P. CJ 2003]
6. What do you understand by civil nature of a suit? Explain. Answer the reasons whether the following suits are of civil nature or not:  
(i) Contribution of fund for holding festival.  
(ii) The right of priest to worship in the temple.  
(iii) Right of a Pardanasheen lady to observe Parda.  
(iv) Expulsion of a member from his caste. [U.P. CJ 2006]

## RES SUBJUDICE & RES JUDICATA

1. Write short note on Res sub judice-Stay of suit. [M.P. CJ 2019]





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2. Explain the meaning of Res sub judice. [BJS 2018]
3. "The Legislature and Judiciary have taken several steps to reduce multiplicity of suits and harassment of defendants again and again, under Civil Procedure Code, 1908".  
Discuss the above statement with reference to sections 10, 11, 12 and Order 2 Rule 2 of the Civil Procedure Code, 1908. [U.P. CJ 2006]
4. What is res judicata? In what circumstances the principle may be applied? [BJS 2018]
5. Explain the rule of res judicata. Differentiate between direct res judicata and constructive res judicata. [HPJS 2016]
6. What principles govern the application of the Rule of Res Judicata? Discuss with reference to case law? [PJS 2003]
7. Does the Code of Civil Procedure make any provision for preventing courts of concurrent jurisdiction from trying at the same time two parallel suits in respect of the same cause of action? If so, what? Discuss. [HJS 1986, 1999]
8. Distinguish between Res judicata and Constructive Res judicata. Also explain the provisions of constructive res judicata Civil Procedure Code, 1908. [JJS 2019]
9. Write note on the following
  - (a) Difference between Res sub-judice and Res-judicata. [BJS 1987, HJS 1986]
  - (b) Stay of suit. [BJS 2011]
10. Explain the principle of 'res judicata'. How does it differ from 'stay of suit'? Also state whether 'res judicata' applies to execution proceedings. [BJS 2014]
11. Explain constructive res judicata. [U.P. CJ 1986, 2012]
12. 'A' files a suit for declaration that he is entitled to certain lands as heir to 'B'. The suit is dismissed. Can he claim in later suit title to the same properties on the basis of adverse possession? [HJS 2000]
13. What is the difference between res sub judice in Section 10 and res judicata in Section 11 of the Code of Civil Procedure, 1908? [HJS 2011]
14. What is the difference between res judicata and estoppels? [RJS 1986]
15. Does the principle of Res-judicata apply between co-defendants? [RJS 1988]
16. Write short notes on the following:
  - (a) Stay of suits under Section 10 CPC.
  - (b) Applicability of Res Judicata to consent decree. [DJS 2006]





17. When trial of a suit is stayed by a court and what is the doctrine of Res Judicata. [U.P. CJ 2003]
18. Distinguish between the following term:  
Res-sub Judice and Constructive Res Judicata. [M.P. CJ 2009]
19. Explain the principle of res judicata between co-defendants. How res judicata differs from res subjudice and estoppel? [U.P. CJ 2003]
20. What is Res Judicata? In what circumstances the principle of Res Judicata may be made applicable? [BJS 2006]
21. What is doctrine of Res Judicata? Under this doctrine when trial of the suit can be stayed by a court? [JJS 2014]
22. Is the doctrine of Res Judicata applicable to a Public Interest Litigation? Explain with the help of appropriate judicial decisions. [PJS 2019]
23. Explain the difference between res judicata and Order II, Rule 2 of the Code of Civil Procedure, 1908.
24. Mr. 'X' and Mr. Y enter into contract. The contract is specifically enforceable under Specific Relief Act, 1963. On breach of contract, Mr. 'A' files suit for specific performance. Whether subsequent suit by Mr. 'A' for damages would be barred by Order II, rule 2? [HPJS 2019]

## FOREIGN JUDGMENT

1. What do you understand by 'foreign judgement'? When it is deemed to be conclusive? Discuss. [U.P.CJ 2018]
2. Explain the relevancy of foreign judgment in Indian courts. Can we implement the foreign judgments? State the condition in the light of Code of Civil Procedure. [BJS 2017]
3. (a) Explain if the rule of conclusiveness of foreign judgement is different in its operation from the rule of res judicata.  
(b) Can a court in India consider whether conclusion reached in a foreign judgement are supported by the evidence or sare otherwise correct?  
(c) When and dhow a decree of any foreign court can be executed in India. [HJS 2006]
4. What do you understand by a 'Foreign Judgment'? In what manner may decree of a Foreign Court be executed in India. [U.P.CJ 1991]
5. The decisions of the foreign courts in the scheme of CPC are treated with respect but not a sacrosanct. Elaborate on hthe statement, supporting it with case law. [HJS 2013]





6. A sure B in a foreign court. The suit is dismissed. Can A file a fresh suit on the same cause of action against B in India? Explain with the help of appropriate illustrations and relevant statutory provisions. [PJS 2019]

## PLACE OF SUING

1. State provisions which govern the determination of place of suing? [PJS 2007]
2. Explain the basic rules governing jurisdiction of civil courts. [BJS 2000]
3. Enumerate the provisions by which place of suing is determined. [U.P. CJ 2012]
4. Discuss the territorial jurisdiction of the courts for the suits in respect of immovable and movable property. [HPJS 2016]
5. State the provisions which govern the determination of the place of suing in relation to the suits for compensation for wrong to person.
6. A, B and C jointly take a loan from D at Prayagraj on a promissory note payable on demand. D resides in Varanasi, A, B and C reside in Bareilly, Ghaziabad and Noida respectively. A, B and C fail to repay the loan on demand. [U.P. CJ 2018]
7. State the provisions which govern the determination of the place of suing. [HJS 2000]
8. What are the rules regarding the institution of suits in Civil Courts? How the territorial jurisdiction is defined? [RJS 1994]
9. A resides at Simla, B at Calcutta and C at Delhi. A, B and C being together at Benaras, B and C make a joint promissory note payable on demand, and delivered it to A. Advise A, for the place to institute the suit. [HJS 1984]
10. State the provisions which govern the determination of the place of suing. [U.P. CJ 1987]
11. 'A' is a tradesman in Calcutta. 'B' carries on business in Delhi. 'B', buys goods of 'A' through his agent in Calcutta and requests 'A' to deliver them to the Indian Railways. 'A' deliver the goods accordingly in Calcutta. Where can 'A' sue 'B' for the price of the goods delivered by him to 'B'? [RJS 1986, U.P. CJ 1997, HJS 2011]
12. 'A' files a suit against 'B', at Meerut. 'B' moves an application before Supreme Court directly and requests for the transfer of the suit to any other court outside Meerut. 'A' challenges 'B's right of filing such application directly to the Supreme Court. Decide. [U.P. CJ 2013]
13. Discuss those provisions of Civil Procedure Code which are applied in determination of forum for filling a suit relating to immovable property. [U.P. CJ 1999]





14. The term "carries on business" for the purpose of section 20, CPC means that the person must be physically conducting business at a certain place. Comment on the above statement in the light of judicial policy adopted in this respect. [PJS 2013]
15. Explain the provisions relating to raising of objection to the jurisdiction of the court under the Code of Civil Procedure. [BJS 2014]
16. Under what conditions, the objection as to the place of suing can be allowed by any appellate or revisional Court? [RJS2016]

## TRANSFER OF SUITS

1. Under which section of CRPC can a suit be transfer from one court in a district to another court in some other district and which is the competent court to order such transfer? [JJS 2001]
2. Describe the general powers of a Court to transfer suits or appeals. Can a party apply for such transfer? If so, describe the procedure to be adopted in the matter. [RJS 1999]

## PARTIES TO SUIT

1. Explain the illustrate the rules relating to joinder of plaintiffs and defendants in a civil suit. [U.P. CJ 1983,2000]
2. Explain and illustrate the rules relating to joinder of plaintiffs and defendants in civil suit. [U.P. CJ 2012]
3. What do you understand by the misjoinder and non-joinder of the parties?  
A enters into a contract with B to supply 100 equintals of sugar on 15.10.2018. The same day he agrees to supply to C and D separately the same quantity of sugar. A fails to supply sugar to all the three. Can all the three, i.e. B, C and D join together in one suit as plaintiffs against A? [U.P. CJ 2018]
5. Write short note on misjoinder of parties. [BJS 1975, RJS 1988]
6. Write note on Necessary and Proper Parties. [BJS 1984]
7. While narrating the suitable provisions of the law, discuss the effect of the following. Where a necessary person is not made a party to the suit? [JJS 2014]
8. What do you understand by 'necessary party' and 'proper party'? Whether a suit shall be defeated by the reason of mis-joinder or non-joinder of parties? [M.P. CJ 2011]
9. Write short note on Proper Party & Necessary Party. [M.P. CJ 2015]
10. What is a representative suit? By whom and under what circumstances can such a suit be filed? [HJS 2000]





11. What are the elements of a "representative suit" under the Code of Civil Procedure, 1908? [RJS 2014]
12. What is representative suit? By whom and under what circumstances can such a suit be filed? [U.P.CJ 1985]

## FRAME OF SUIT

1. Write notes on Frame of suit. [BJS 2018]
2. What causes of action can be joined without the leave of the court, to a suit for recovery of immovable property? [HJS 2011]
3. Discuss the provisions relating to joinder of cause of action under Order II of the Code of Civil Procedure, 1908.  
What are the types of 'cause of action' which can be joined without the leave of the court, in a suit for recovery of immovable property? [HPJS 2019]
4. While narrating the suitable provisions of the law, discuss the effect of the following. Where all the reliefs have not been claimed in one suit? [JJS 2014]
5. A plaintiff who is entitled to sue for possession and damages files a suit for possession only. The suit is decreed. Can he file a suit for recovery of damages? Give reasons for your answer. [HJS 1998]

## SUMMONS

1. Define Summons? What are the objects or service of Summons? What are modes of affection service of summons on defendant? Discuss fully. [U.P. CJ 1982]
2. Explain the essential ingredients of Summons. What are the different modes of service of summons to the defendant? [U.P. CJ 2015]
3. The court issues a summons against A under Section 30 of the Code of Civil Procedure, 1908 but he does not appear before the court. What steps can be taken by the court to compel his attendance? [U.P. CJ 1997]
4. Explain the different modes of service of summons under the Code of Civil Procedure, 1908. [HPJS 2019]
5. Write short note on Substituted Service. [BJS 1984]
6. In what circumstances and in what manners "substituted services" are made? [RJS 1988]
7. What do you understand by substituted service of defendant? How the summons on defendant who is in jail or who resides out of India and has no agreement in India will be served? [M.P.CJ 2001]





8. **Protray comprehensively the provisions of Order V of the Civil Procedure Code dealing with the "Issue and service of summons".** [HPJS 2018]

## GENERAL PRINCIPLES OF PLEADINGS

1. **What do you understand by pleadings? What are its rules? When can pleadings be amended? What will be the consequences if the party obtaining have to amend, does not amend his pleadings?** [RJS 2011]
2. **What are the fundamental rules of Pleadings? What are the circumstances in which court can order amendment of pleadings?** [U.P. CJ 2003, 2016]
3. **"Pleading to state material facts and not evidence". Explain.** [U.P. CJ 2012]
4. **Write notes on plaint and written statement.** [BJS 2018]
5. **Discuss the circumstances under which the amendment of the pleading is allowed by Court.** [BJS 1975]
6. (a) **What is the basic principle in deciding amendment application filed by plaintiff? At which stage such an application can be allowed by the court?**
- (b) **Does the court has power to strike out the pleadings of the parties to a suit. If yes, then what are the grounds on which such power can be exercised by the court?**
- (c) **What is meant by alternate and in consisted pleadings? Can the parties to a suit incorporate both of these pleadings at the same time?** [HJS 2015]
7. **What are 'inconsistent' and 'alternative' pleadings?.** [RJS 1988]

## PLAINT

1. **State the essentials of a plaint and under what circumstances the plaint can be rejected by the court?** [M.P. CJ 2017]
2. **Write short note on return of plaint and rejection of plaint.** [M.P. CJ 2013]
3. **Explain in brief:**
- Rejection of Plaint. [M.P. CJ 2003]
4. **Write short note on Rejection of Plaint.** [RJS 1974, 1986, M.P. CJ 2010]
5. **State the circumstances when a plaint can be rejected?.** [HJS 2009]
6. **While narrating the suitable provisions of the law, discuss the effect where plaint is not presented in a proper court?** [JJS 2014]







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7. Write short note on return of plaint. [GJS 2017]
8. Discuss in detail law on Rejection of Pleaint. [GJS 2017]
9. Explain the difference between implications of rejection of plaint and return of plaint. [RJS 2015, HJS 2019]

## WRITTEN STATEMENT

1. What do you understand by "Set-off"? What are the essentials of "Set-off"? [M.P.CJ2016]
  2. What is set off? Distinguish between set off and counter claim? [PJS 2007]
  3. 'A' sues 'B' on a bill of exchange. 'B' alleges that 'A' has wrongfully neglected to insure 'B's goods and is liable to compensate him, which he claims to set-off. Answer with reasons. [PJS 2012]
  4. Discuss provisions relating to set-off under the Code of Civil Procedure, 1908? Distinguish between legal set-off and equitable set-off. [HPJS 2019]
  5. Explain the meaning, nature, scope and modes of setting up counter claim. Who may file counter claim and upto which stage a counter claim may be set up? Discuss the effect of counter claim. [M.P. CJ 2019]
  6. Whether party can be permitted to file documents which were not filed along with written statement? Explain by citing relevant legal provisions and judicial decisions. [HJS 2019]
  7. Discuss the rule relating to additional written statement under the Code of Civil Procedure, 1908. In a civil suit, the respondent files his written statement on February 10, 2018. However, very soon he realises that some very important facts are missing in his written statement, and hence he moves an application for submitting 'additional written statement'. The Court, while permitting his application asked him to submit additional written statement on or before March 15, 2018 Plaintiff questions the legality of additional written statement. Examine the legality. [HPJS 2019]
  8. Write short note on Set off. [RJS 1975, BJS 1978, U.P. CJ 1987]
  9. Define Counter Claim. Distinguish between counter claim and set-off. [HJS 2001]
  10. Explain in brief: [www.linkinglaws.com](http://www.linkinglaws.com)
- Set-off and counter-claim. [M.P. CJ 1998]
11. What are the conditions necessary for granting a claim of set-off? [HJS 2013]
  12. Write short note on equitable set-off. [BJS 1975, 1977]





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13. Discuss the legality of the following factual situations stating correct reasons for the same.
14. Plea relating to jurisdictional fraud in registration of sale deed not raised in the written statement. [HJS 2019]

## APPEARANCE AND NON-APPEARANCE OF PARTIES

1. What are the consequences of plaintiff's failure to appear when the defendant is present? What remedy is available to plaintiff? [HJS 2003]
2. What should a court do when plaintiff is present and the defendant is absent? What remedies are available to defendant in such case? When can an ex-parte decree be passed and when it be set-aside? [HJS 2003]
3. Where an application under Order 9, Rule 7 C.P.C. is dismissed and ex parte decision follows, what remedies are open to the defendant? [RJS 1986]
4. A files a suit against B. On the date of hearing, A remains absent and the suit is dismissed for default. Advise A. [HJS 1984]
5. While narrating the suitable provisions of the law, discuss the effect of the following: Where on the date of hearing, the defendant only appears before the court? [JJS 2014]
6. Elaborate the provisions under the Civil Procedure Code, 1908, regarding non-appearance of the parties and consequences of non-appearance. [RJS 2015]
7. Plaintiff could not reach the court on the date fixed, so his suit was dismissed for default. Advise the plaintiff as to the steps he should take. [U.P. CJ 1991]
8. What is meant by ex-parte decree? Examine the circumstances where an ex-parte decree may be set aside. [U.P. CJ 2015]
9. Write short note on Ex parte decree. [GJS 2017]
10. Write note on Ex-parte proceeding. [BJS 1987, 2006]

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## DISCOVERY AND INSPECTION

1. What are the modes prescribed under the Code of Civil Procedure, 1908 to execute a decree? Discuss. [HPJS 2019]
2. Give rational account of the provisions of Civil Procedure Code related to discovery and inspection of documents. [HPJS 2018]

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3. Write note on Discover and inspection (related to documents). [BJS 2017]

## FAMING OF ISSUES & DISPOSAL OF SUIT AT THE FIRST HEARING

1. What is an 'issue'? [RJS 1988]
2. What are the kinds of issues? [RJS 2011]
3. What is a preliminary issue? [RJS 1986]
4. What material is required to be considered by the Court while framing issues? [PJS 2003]
5. Whether it is mandatory for court to frame issue regarding maintainability of suit? Explain by citing relevant legal provisions and judicial decisions. [HJS 2019]
6. Write short note on Settlement of Issues. [GJS 2017]

## WITHDRAWAL AND COMPROMISE OF SUITS

1. Explain the compromise of suit. What conditions must be satisfied before a consent decree is passed? [HPJS 2016]

## SPECIAL SUITS

1. Discuss provisions relating to suit by or against Government and requirement of issuance of notice under section 80, CPC. What are consequences of non-issuance of notice? [PJS 2007]
2. Explain the rule of 'notice' prescribe in Section 80 of the Civil Procedure Code, 1908. Whether a right to notice could be waived? [U.P. CJ 1997, 2018]
3. Explain the necessity of legal notice under Section 80 of the Civil Procedure Code, 1908 in the following:  
(i) Civil suits.  
(ii) Writ jurisdiction, if any. [BJS 2017]
4. A is a government servant who resides in X city but is employed at Y town. A files a suit against government for arrears of salary in the Court at X after giving due notice to the respective authorities under section 80, CPC. Decide if such a suit can be filled at X city? [PJS 2013]
5. Is there any exception to the general rule of serving the mandatory and statutory notice under Section 80 CPC? Write a brief note. [JJS 2001]
6. What is the procedure to be adopted in case of execution of decree against the Government or a public officer? [HJS 2010]
7. Write short note on Suit against Government. [M.P.CJ 2012]





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8. State the procedure to be followed in a suit by or against the Government, or any public officer in their official capacity [M.P. CJ 1998]
9. Discuss the provisions of the Civil Procedure Code with regard to suits against the Government and its officials. [U.P. CJ 1987]
10. Examine the procedure for bringing suit by or against the government. [U.P. CJ 2012]
11. What is meant by 'guardian ad litem' and which Order of Civil Procedure Code deals with it? [RJS 2016]
12. Describe the rights and options available, under the Code of Civil Procedure, to minor plaintiff on his attaining majority and the procedure there of. [U.P. CJ 2013]
13. Write short note on Forma Pauperis. [BJS 1979]
14. Who is an indigent person? What is the mode of instituting suits by such person? [HJS 1999]
15. What do you understand by "indigent person"? [HJS 2009]
16. State the procedure to be followed in a forma pauperis suit? [M.P. CJ 1996]
17. Who is an indigent person? What is the mode of instituting suit by such persons? [U.P. CJ 1986, 1988]
18. Give brief description of rules contained in Order 33 of the Code of Civil Procedure, 1908. [U.P. CJ 1997]
19. What procedure need to be adopted to institute a pauper suit in court of law? Who can institute such suit? Discuss the procedure in detail in pauper suit. [U.P. CJ 2016]
20. What is an 'inter-pleader suit? When and by whom can it be instituted? [HJS 2000, U.P. CJ 2003, 2016]
21. Write short note on Interpleader suit. [BJS 2006, RJS 1992, DJS 2006, M.P. CJ 2017]
22. Discuss the rules relating to filing of 'Interpleader suit' under the Code of Civil Procedure, 1908. [HPJS 2019]
23. 'A' deposits a box of jewels with 'B' as his agent. 'C' alleges that jewels were wrongly obtained from him by 'A' and claims them from 'B'. Can 'B' institute an inter-pleader suit against 'A' and 'C'?
24. In another situation, 'A' deposits a box of jewels with 'B' as his agent. He writes to 'C' for the purpose of making the jewels a security for a debt due from himself to 'C'. 'A' afterwards alleges that 'C's' debt is satisfied, 'C' alleges the contrary. Both claim jewels from 'B'. Can 'B' institute an inter-pleader suit against 'A' and 'C'? [HPJS 2018]





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25. What are the features of an "interpleader suit"? Write a plaint for interpleader suit on imaginary facts. [RJS 2014]
26. Explain with illustration, the basic characteristics of an "interpleader suit". [U.P. CJ 1997]
27. Explain the summary suits. What is the test to allow these suits? [HPJS 2016]
28. Write short note on leave of defend in summary suit. [DJS 2014]
29. How has the Code of Civil Procedure 1908 defined the summary procedure. [HJS 2011]
30. What is the procedure prescribed for the institution and disposal of Summary Suits? [RJS 1994]
31. What are the principles governing grant of leave to defend, in a suit filed under Order XXXVII of Code of Civil Procedure? [DJS 2005]
32. Summary suit under Order 37 CPC. [DJS 2006]
33. What is the meaning of family and what special procedures have been prescribed relating to suits in Civil Procedure Code? [M.P.CJ 2003]
34. Write in brief on: "Grant of leave to defend under Order XXXVII of the CPC". [DJS 2019]

## INTERIM ORDERS

1. Under what circumstances can a defendant be arrested before judgment and when can such order be given?  
Explain also the procedure for such arrest. [U.P. CJ 1992]
2. Write note on attachment before judgment. [BJS 1977, 1984, RJS 1974, 1980, 1981, 1992]
3. Write note on attachment. [BJS 1987]
4. When an order for injunction may be discharged, varied or set aside? What are the consequences of disobedience or breach of injunction? [M.P. CJ 2019]
5. Illustrate the expression 'balance of convenience' for the purpose of grant of temporary injunctions with reference to case law. [HPJS 2018]
6. Explain the rules governing the grant of temporary injunction. [BJS 2000]
7. When a temporary injunction can be issued? [BJS 2006]
8. When can temporary injunction be granted by a Civil Court? [U.P.CJ 1984, HJS 2000, U.P. CJ 2003]





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9. Discuss the principles and the restrictions regarding the grant of temporary injunction. [HJS 2006]
10. Identify the tests to be applied for granting temporary injunction to preserve status quo under the relevant provisions of CPC. [HJS 2007]
11. Discuss the circumstances and grounds on which a temporary injunctions can be granted? What are the consequences if such injunction is not complied with? [RJS 1976]
12. What are the essential ingredients for granting a temporary injunction? [RJS 2011]
13. Discuss relevant principles that govern grant of temporary injunction. Whether a temporary injunction can be in granted the form of mandatory injunction? [DJS 2000]
14. What is temporary Injunction? When should a temporary Injunction be issued? Discuss. [U.P. CJ 2003]
15. What are the main principles which guide the Court, while dealing with an application for temporary injunction? [U.P. CJ 2015]
16. When can a temporary injunction be granted by a civil court? Give details of kinds of injunctions. [U.P. CJ 2016]
17. What do you understand by an 'interlocutory order'? [RJS 1999, 2011]
18. Explain the following in brief:  
(i) "Meaning of Cause of Action".  
(ii) "Meaning of Suits of Civil Nature". [DJS 2019]
19. "What should be the usual contents of a judgment in a civil suit"? [DJS 2019]
20. Enumerate the essential principles for grant of Temporary Injunctions and quote relevant provision of law in this regard. [DJS 2019]
21. When is a Court entitled to appoint a Receiver?. [BJS 1975]
22. Discuss the principles governing the appointment of Receivers. What are their powers and duties? Can a Collector be appointed as a Receiver? [U.P. CJ 1984]

## EXECUTION

1. Give a concise, lucid and axiomatic version of the process of execution of decrees under the Code of Civil Procedure, 1908. [HPJS 2018]
2. Only mention the different modes for execution of decree, prescribed under the Code of Civil Procedure, 1908? [PJS 1995 (II)]

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3. Discuss the statement that an executing court cannot go behind the decree. What are the questions that may be determined by the court executing the decree? [U.P. CJ 1986, HJS 1999]
4. What do you mean by an executing court? [RJS 1994]
5. How a decree for injunction can be executed? [RJS 1991]
6. How can a decree be enforced in the following?  
(1) A decree for specific performance of contract.  
(2) A decree for restitution of conjugal rights. [RJS 1976]
7. When can a judgment debtor be sent to civil prison for not paying the decretal amount? [RJS 2011]
8. State the properties which may be attached and cannot be attached. [RJS 1999]
9. What is provision relating to settlement of dispute in connection with execution, satisfaction and discharge of a decree before Executing Court? Is separate suit for settlement of such dispute maintainable? [PJS 2007]
10. What question may be determined by the Court executing Decree. [BJS 1984]
11. On what ground can the sale of immovable property in execution of a decree be set aside? At whose instance such sale can be set aside. [HJS 2010]
12. Discuss the provisions in respect of attachment of property in execution of decree. [U.P. CJ 2015]
13. When can an auction sale of immovable property in execution of a decree be set aside? Who can get it set aside? [U.P. CJ 1985, HJS 2000]
14. Which property is liable or not liable to attachment and sale in execution of a decree? [M.P. CJ 2007]
15. What properties are liable to attachment and sale in execution of a decree? Which of the properties are not liable to attachment in execution of a decree according to the provisions of CPC? [M.P. CJ 2003, 2015]
16. Write note on Attachment. [BJS 1980, 2006]
17. How and to what extent a decree can be executed against legal representative of a deceased judgement-debtor? [U.P. CJ 1999]
18. What properties are not liable to attachment and sale in the execution of decree? [U.P. CJ 1997]





19. Explain the concept of Precept under the Code of Civil Procedure and also the circumstances under which an order for attachment before judgment, is passed by a civil court. [HJS 2019]
20. What is the procedure followed for attachment of movable property under the execution proceeding? [HPJS 2019]
21. Explain the garnishee order. What is its object? What conditions are necessary before passing of garnishee order? [HPJS 2016]
22. "How a money decree can be executed"? [DJS 2019]
23. "Can an Executing Court go behind the decree"? Give reasons. [DJS 2019]

### INHERENT POWERS OF THE COURT

1. Explain the provisions of the Code of Civil Procedure which deal with inherent powers of the courts. What are the limitations on these powers? [HPJS 2016]
2. Write short note on inherent powers of the Court. [BJS 1978, RJS 1971, 1979, 1988, M.P. CJ 2011, 2015]
3. Discuss fully the inherent powers of the Court under Civil Procedure Code. [HJS 1984]
4. Write a short explanatory notes on inherent jurisdiction of the civil court. [RJS 1970]
5. What are the inherent powers of a court? Illustrate. [U.P. CJ 1986]
6. Write a short note on inherent power of civil courts. [U.P. CJ 1999]
7. What do you understand by the inherent powers of the civil court? [U.P. CJ 2003]

### ALTERNATIVE DISPUTE RESOLUTION

1. Discuss the scope of Section 83, of the Code of Civil Procedure, 1908 dealing with Alternative Dispute Resolutions. [HPJS 2019]
2. What are the alternative methods of dispute resolution in the Civil Procedure Code 1908? [HJS 2011]
3. Explain of brief:  
Settlement of Disputes outside the court. [M.P.CJ 2003]
4. State briefly the procedure to be followed by a court for alternate resolution of disputes. [M.P.CJ 2003]
5. What do you understand by settlement of disputes outside the Court? Explain those provisions of settlement of disputes outside the Court which are not part of Section 89 of the Code of Civil Procedure, 1908? [M.P.CJ 2010, 2013]







## COMMISSIONS

1. Describe the principle features of-  
Commissions to examine witnesses. [RJS 1980-81]
2. Write short note on Powers of Court to issue commission. [M.P.CJ 20010]
3. Discuss the provisions of the Civil Procedure Code regarding the issue of Commission. Illustrate your answer. [U.P.CJ 1985, 2018]

## APPEAL, REFERENCE, REVIEW AND REVISION

1. Discuss the provisions of the Civil Procedure Code relating to First Appeal and Second Appeal. Whether a new plea can be raised in an Appeal? [BJS 1987]
2. What are the powers of Appellate Court? [RJS 1986]
3. Under which sections of CPC are civil first appeals civil second appeals & miscellaneous appeals filed? [JJS 2001]
4. Whether any change in the interpretation of relevant provision of law permits the parties to re-agitate matters which have been finally decided by a court of competent jurisdiction? [M.P. CJ 2018]
5. "Whereas an appeal is a matter of right, revision is available only under certain circumstances and limitations." Discuss with special reference to the jurisdiction of the High Court in second appeal and revision. [PJS 1995 (II)]
6. What is the bar created by section 100-A CPC? [JJS 2001]
7. State the duties and powers of first appellate Court with reference to:  
(i) Remand.  
(ii) Framing of additional issues  
(iii) Additional evidence  
(iv) Modification of decree. [U.P. CJ 2015]
8. What is the difference between preliminary and final decree? [GJS 2020]
9. Write note on Second appeal. [BJS 2006, 2011]
10. Discuss the concept of "Substantial Question of Law" on which the second appeal is filed before the High Court under Section 100 of Civil Procedure Code. Whether the second appeal can lie in the following cases? Give exact answer with reasons:  
(a) Ex parte decree.  
(b) Decision being contrary to law.





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(c) Legal inferences drawn from finding of fact.

(d) Usages having force of law.

[U.P. CJ 2000]

11. When and under what circumstances additional evidence can be received in appeal? [PJS 1995 (II)]
12. What are the orders from which an appeal lies? Whether an appeal lies from an order passed by a court in the exercise of its appellate jurisdiction? [BJS 2014]
13. Explain the power and scope of 'review' jurisdiction under the Code of Civil Procedure, 1908. [HPJS 2019]
14. Write note on Review. [BJS 1977]
15. Explain Reference. [BJS 1978]
16. Write note on difference between revision and appeal. [BJS 1984]
17. Distinguish between Appeal, Revision, Review and Reference. Can there be a second Review or a second Revision? [HJS 1996]
18. Write short note on Review of Judgment. [RJS 1974, 1975]
19. Which court has jurisdiction to hear revision of civil cases? [RJS 1991]
20. Define 'revision'. [RJS 1999]
21. Explain the distinction between Review and Revision. Second Appeal and Revision. [U.P. CJ 1988]

## MISCELLANCOUS

1. Write short note on Compensatory Costs. [BJS 1984]
2. When can a civil court impose costs by way of compensation and costs for causing delay? [HJS 2011]
3. The Code of Civil Procedure is a handmaid of justice. Discuss and illustrate with specific reference to provisions relating to Civil Suit against Public Nuisance, Class Action or instituted in Representative Capacity. [PJS 2012]
4. The Constitutional spirit of Public Interest Litigation is also present in the scheme of CPC, though in a restricted sense. Respond to the statement by referring to the relevant provisions and case law. [HJS 2013]
5. In what cases an Advocate General of a State can bring a suit and what relief or reliefs can be claimed in such a suit? Can any other person bring a suit to obtain those reliefs and in what manner? Describe in short the procedure for obtaining the discovery and inspection of documents. [U.P. CJ 1987]

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6. Discuss the provisions of the Civil Procedure Code with regard to suits relating to public nuisance. [U.P. CJ 1987]
7. Enumerate the steps which a Civil Court may take by way of supplemental proceedings, in order to prevent the ends of Justice from being defeated. [M.P. CJ 2012]
8. Short notes on Restitution Application. [HJS 2019]
9. Discuss the doctrine of restitution. [U.P. CJ 1999]
10. There was suit between 'A' and 'B' regarding a house. 'A' won the suit and also obtained the possession of the house. 'B' filed an appeal and he won in appeal. 'A' however did not return the possession of the house to 'B'. Explain the legal procedure to obtain the possession of the house by 'B'. [U.P. CJ 1991, 2012]
11. Short notes on Caveat. [M.P. CJ 1998, HJS 2019]
12. When can a person lodge a caveat in the court? What is the purpose of lodging a caveat? [RJS 1988]

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