

# Code Of Civil Procedure, 1908

Prelims MCQs,  
Mains & Interview Questions



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# Preface

Hello & नमस्कार,

Since 2011, when I entered in Law field, I have felt that current system of studying law as a Law learner is quite traditional (like 1980's competition times). I strongly believed one thing that if you want to fight in present tough competition war like judiciary exams or any other law exam, you must be equipped with smart techniques to learn with tech support. So, in student life as LL.B. student, I used to start linking with one provision other similar provisions at same time, so that I can recall multiple sections/concepts in one MCQs.

Along with that I do believe in one statement, "वर्तमान को समझने के लिए, अतीत को देखें और फिर भविष्य के बारे में सोचना शुरू करें". This statement is directly linked with every student life. So, I found previous papers helpful to understand previous exam level, source of question asked in those exam etc. But frankly saying, I was not satisfied with traditional way of just solving previous exam papers MCQs, instead I decided that to get better output in preparation, we need to analysis the previous paper subject wise rather year wise.

All these ideas, efforts, and experiences have come together in one powerful initiative—"Paperathon." It's not just a study tool; it's a movement towards smarter, sharper, and Subject wise strategic judiciary preparation. It is featured with the Linking Technique—a modern, game-changing approach that connects concepts, laws, and real-world application like never before.

In **Prelims**, you'll get linked provisions with clear explanations, helping you master the 'why' behind every question. In **Mains**, you'll learn how to write answers that don't just inform but impress—through linking-based structure and analysis. And for the **Interview**, Paperathon brings you exclusive, real-time Questions & Answers straight from those who've cracked it—now proudly serving as Civil Judges across various states.

This is more than preparation—it's transformation. And I truly believe Paperathon will save you time, boost your confidence, and help you walk into every stage of the exam with clarity, strategy, and a winning edge.

"Don't just prepare. Link your preparation with purpose, precision, and power."

With belief in your journey,

- Tansukh Paliwal

Founder of Linking Laws

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Sample Preview



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**CPC PRELIMS PAPERATHON**  
**PRELIMINARY**

**PRELIMINARY**

[UP PSC(J) 2023]

1. **Code of Civil Procedure (Amendment) Act, 1999 (46 of 1999) came into force on:**

- (a) 1 January, 2002 (b) 1 July, 2002  
(c) 1 January, 2003 (d) 1 July, 2003

[UK PSC(J) 2023]

**Ans [b]**

**Explanation:-** Code of Civil Procedure (Amendment) Act, 1999 was came into force on 1 July, 2002.

2. **What is meant by 'mutates mutandis'?**

- (a) Mutual understanding  
(b) As is where is  
(c) Mutually inclusive  
(d) Apply with such changes as may be necessary

[UK PSC(J) 2023]

**Ans [d]**

**Explanation:-** 'Mutatis mutandis' translates to 'all necessary changes having been made' or 'with the necessary changes'. The phrase mutatis mutandis indicates that whilst it may be necessary to make some changes to take account of different situations, the main point remains the same.

3. **Which of the following is not true about a legal representative?**

- (a) A person who in law represents the estate of a deceased person  
(b) Any person who intermeddles with the estate of a deceased.  
(c) The person on whom the estate devolves on the death of the party so suing or sued.  
(d) The term is limited to executors only and not covered the administrators.

[UK PSC(J) 2023]

**Ans [d]**

**Linking Provisions:-**

1. Section 11, Explanation VI – Res-judicata apply on Representative suit.  
2. Section 50 – Legal representative.  
3. Order 1, Rule 8 – Representative suit.

**Explanation:-** Section 2(11) – a legal representative is a person in law who represents the estate of a deceased person. This includes anyone who interferes with the estate of a deceased person, as well as the person to whom the estate devolves upon the death of the party.

4. **Arrange the following in the chronological order on the basis of Sections of Civil Procedure Code, 1908-**

- (I) Institutions of Suits  
(II) Res Judicata  
(III) Legal representative  
(IV) Arrest and detention

**Select the correct answer-**

**Code-**

- (a) I, II, III & IV (b) I, III, II & IV  
(c) II, I, III & IV (d) II, III, I & IV

**Ans [c]**

**Linked Provision- Sec.11, 26, 50, 55 CPC.**

**Explanation- Sec.11** deals with res judicata.

**Sec.26** deals with institution of Suit.

**Sec.50** dals with legal representative.

**Sec.55** deals with arrest and detention.

5. **'Movable Property' under Section 2(13) of the Code of Civil Procedure Code, 1908 includes**

- (a) growing trees  
(b) buildings  
(c) growing crops  
(d) money

[UP PSC(J) 2023]

**Ans [c]**

**Linked Provision- Sec.2(13) L/w sec.19, O.20 R.10, O.21 R.12, 31, 43, 43A, 47, 74-81, O.26 R.10C CPC.**

**Explanation- Sec.2(13)** defines "movable property". It provides that movable property includes growing crops.

6. **Match list-I with list-II and select the answer using the code given below the lists -**

List-I		List - II	
(A)	Execution of Decree	1.	Section 50 CPC
(B)	Letter of request. /	2.	Section 26 CPC
(C)	Legal representative	3.	Section 77 CPC
(D)	Institution of Suit	4.	Section 38 CPC

**Code -**

- (a) A-1, B-2, C-4, D-3.  
(b) A-2, B-4, C-1, D-3  
(c) A-4 B-3 C-1, D-2  
(d) A-3, B-4, C-1, D-2

[UP PSC(J) 2023]

**Ans [c]**

**Linked Provision- Sec.26, 38, 50, 77 CPC.**

**Explanation- Sec.26** deals with institution of Suit.

**Sec.38** deals with execution of Decree.

**Sec.50** dals with legal representative.

**Sec.77** deals with letter of request.

7. **Which one of the following is not correctly matched?**

- (a) Section 2(2) CPC-Decree  
(b) Section 2(9) CPC - Judgement  
(c) Section 2(13) CPC - Order  
(d) Section 2(6) CPC-Foreign Judgment

[UP PSC(J) 2023]

**Ans [c]**

**Linked Provision- Sec.2(13) L/w sec.19, O.20 R.10, O.21 R.12, 31, 43, 43A, 47, 74-81, O.26 R.10C CPC.**

**Explanation- Sec.2(13)** defines "movable property". It provides that movable property includes growing crops.

## CPC PRELIMS PAPERATHON PRELIMINARY

8. Match list-I with list-II and select the correct answer using the code given below-

List-I		List - II	
(A)	Settlement of dispute outside the court	1.	Section 74 CPC
(B)	Suit by or against Government	2.	Section 88 CPC
(C)	Interpleader Suit /	3.	Section 79 CPC
(D)	Resistance to execution /	4.	Section 89 CPC

**Code -**

- (a) (A)-4, (B)-3, (C)-2, (D)-1  
(b) (A)-4, (B)-2, (C)-1, (D)-3  
(c) (A)-3, (B)-4, (C)-2, (D)-1  
(d) (A)-3, (B)-2, (C)-4, (D)-1

[UP PSC(J) 2023]

**Ans [a]**

**Linked Provision- Sec.74, 79, 88, 89 CPC.**

**Explanation- Sec.74** deals with resistance to execution.

**Sec.79** deals with suit by or against Government.

**Sec.88** deals with interpleader Suit.

**Sec.89** deals with settlement of dispute outside the court.

9. In which of the following cases, did the Supreme Court uphold the validity of the code of civil Procedure Amendment Acts of 1999 and 2002:

- (a) Delhi H.C. Bar Association Vs. UOI.  
(b) Allahabad H.C. Bar Association Vs. UOI.  
(c) Salem Advocate Bar Association Vs. UOI.  
(d) P & H H.C. Bar Association Vs. UOI.

[RJS 2015]

**Ans. [c]**

**Explanation:-** The Supreme Court declared the Civil Procedure 1999 and 2002 Amendment Act as constitutional by the decision of Salem Advocate Bar Association Vs Union of India, 2005. This Act was incorporated on the recommendation of the Malimath Committee. Both the Acts were implemented from 01/07/2002.

10. Under the Code of Civil Procedure, 1908, which of the following statement is not correct?

- (a) Decree includes the rejection of plaint.  
(b) Decree includes the determination of any question under section 144.  
(c) Decree does not include any order of dismissal for default.  
(d) Decree includes any adjudication from which an appeal lies as an appeal from an order.

[RJS 2021]

**Ans. [d]**

**Explanation: Decree - is the formal expression of adjudication.**

There is a conclusive determination of the rights of the parties by the court.

**Two types-**

- i) preliminary decree                      ii) Final decree

**The decree includes -**

- i) Section 144 order                      ii) Rejection of plaint

**Not included in the decree -**

- i) Dismissal of the suit  
ii) An adjudication the appeal of which is like an appeal from an order.  
According to Article 136, the execution of the decree can be done in 12 years.

11. Under the Code of Civil Procedure, 1908, in which of the following case 'Signed' does not include 'Stamped'?

- (a) Summon                                      (b) Bailable Warrant  
(c) Attachment Warrant                      (d) Judgement

[RJS 2021]

**Ans. (4)**

**Explanation:-**Section 2(20) Except judgment and decree, the stamp of the court is also included in the signature.

12. Under Civil Procedure Code, 1908 "Foreign Court" means:

- (a) A court situated outside India  
(b) A court situated outside India and not established under the authority of Government of India  
(c) A court situated in India, applying foreign law  
(d) All of the above

[UK PCS(J) 2014]

**Ans. [B]**

**Linked provision :-**

- Section 2(6)** - Foreign award.
- Section 10 Explanation** - Not applicable to suit pending in foreign court.
- Section 13** - Foreign award when not conclusive.
- Section 14** - Presumption as to foreign judgments.
- Section 29** - Service of foreign summons.
- Section 45** - Execution of decree outside India.

**Explanation -** Section 2(5) - Foreign Court - Court situated outside India and not established by the authority of the Central Government.

13. Who of the following is not a legal representative according to Civil Procedure Code, 1908?

- (a) Executor and administrator  
(b) Creditors  
(c) Coparceners  
(d) None of the above

[UK PCS(J) 2016]

**Ans. [b]**

**Linked Provision- Sec.2(11) L/w sec.11 expl. VI, 50, 52, 146, O.1 R.8, O.7 R.4, O.23 R.3B CPC.**

**Explanation-** As per sec.2(11), "legal representative" means a person who interferes with the estate of a deceased person, as well as the person to whom the estate devolves upon the death of the party. In other words, it refers to all individuals and heirs who hold assets but do not own them, such as an executor or administrator of an estate or a court-appointed guardian of a minor or incompetent person.



# CPC PRELIMS PAPERATHON

## PART - I : SUITS IN GENERAL

1. An adjudication;
2. Adjudication must have been given in a suit;
3. It must have determined the rights of the parties with regard to all or any of the matter in controversy in the suit;
4. Such determination must be of a conclusive nature;
5. There must be a formal expression of adjudication.

**Types of decree-** CPC recognizes the following three types of decrees-

1. **Preliminary Decree-** It is a prior stage. A decree is stated as a preliminary decree when it does not dispose of the suit completely.
2. **Final decree-** The final decree is a decree which disposes of a suit completely and settles all the matter in dispute between the parties.
3. **A partly preliminary and partly final decree-** A decree passed under the CPC may be partly preliminary and partly final.

65. Which of the following deals with the application of the Code of Revenue Courts with the Code of Civil Procedure ?

- (A) Section 5
- (B) Section 2
- (C) Section 3
- (D) Section 4

[HPJS 2018]

**Ans [A]**

**Linked Provisions-** Sec.5 L/w Sec.4(1), 43, 44 CPC.

**Explanation-** Sec.5 deals with application of the CPC to Revenue Courts. As per this sec., "revenue court" means a Court having jurisdiction under any local law to entertain suits or other proceedings relating to the rent, revenue or profits of land used for agricultural purposes, but does not include a Civil Court having original jurisdiction in CPC to try such suits or proceedings as being suits or proceedings of a civil nature.

## PART I SUITS IN GENERAL

66. Which of the following Section of Civil Procedure Code deals with the concept of Res Judicata?

- (A) Section
- (B) Section
- (C) Section
- (D) Section

[AIBE XVII -2023]

**Ans. [B]**

**Linked Provision-** Sec.11 L/w Sec.9, 10, 12 CPC, 115 IEA, 300 CrPC, Art.20(2) COI.

**Explanation-** Sec.11 deals with Res judicata. Res-judicata means a matter already adjudged or adjudicated or decided. It is based on the need of giving finality to judicial decisions. The doctrine of res judicata is based on 3 maxims-

1. **nemodebetbisvexari pro una et eademcausa-** no man should be vexed twice for the same cause.
2. **interestreipublicaeut sit finis litium-** it is in the interest of the State that there should be an end to a litigation.
3. **res judicata pro veritateoccuritur-** a judicial decision must be accepted as correct.

67. Which one of the following is correctly matched? **Subject Matter Sections of the Civil Procedure Code**
- (a) Stay of Suit
  - (b) Res Judicata
  - (c) Institution of Suit
  - (d) Bar to further Suit

[UK PSC(J) 2023]

**Ans [b]**

**Explanation:-** Following are the correct match of sections-

1. Stay of suits – section 10.
2. Institution of suit – section 26.
3. Bar to further suit – section 12.

68. A Latin maxim "Ut pendent Nihil Innovatur" finds its place in the Civil Procedure Code, 1908

- (a) Res Judicata
- (b) Ejusden Generis
- (c) Lis pendens
- (d) Res Ipsa Loquitur

[UK PSC(J) 2023]

**Ans [c]**

**Linking Provisions:-** Section 52 – Lis pendens.

**Explanation:-** The doctrine has been derived from a latin maxim "Ut pendent nihil innovetur" which means that during litigation nothing should be changed.

69. Principle of Res judicata applies to:

- (a) Suits only
- (b) Arbitration proceedings only
- (c) Execution proceedings only/
- (d) Suits as well as execution proceeding

[UK PSC(J) 2023]

**Ans [d]**

**Linking Provisions:-**

1. **Section 47** – Bar on subsequent suit.

2. **Section 12** – Bar to further suit.

**Explanation:-** Section 11, explanation VII – The provisions of Res-judicata apply to a proceeding for the execution of a decree. Res-judicata relates to a matter already adjudicated or matter in which decision is already there. Res-judicata, bars to file a suit.

70. Which of the following is correct meaning of Latin term 'Res'?

- (a) Matter or thing
- (b) Issues
- (c) Claim
- (d) Remedy

[UK PSC(J) 2023]

## CPC PRELIMS PAPERATHON

### ORDER - X : Examination of Parties by the Court

- (c) I and III are correct, II is incorrect  
(d) All are correct

[OJS 2023]

Ans [a]

**Linked Provisions-** O.9 R.2-4 L/w O.9 R.6-9, 13 CPC.

**Explanation-** O.9 deals with appearance of parties and consequence of non-appearance.

- R.2-** It provides that if summons has not been served upon the defendant in consequence of the failure of the plaintiff to pay the court-fee or postal charges, the Court may make an order to dismiss the suit.
- R.3-** It provides that when neither party appears on the date of hearing, the court may make an order to dismiss the suit.
- R.4-** It provides that in dismissal of suit under R.2 or 3, the plaintiff may bring a fresh suit or he may apply for an order to set the dismissal aside.

### ORDER X

#### Examination of Parties by the Court

**330. The object of oral examination under Order X Rule 2 of CPC is :-**

- (A) to elucidate the matters in controversy in the suit  
(b) to record evidence  
(c) to secure admissions  
(d) None of these

[MPCJ 2019- I]

Ans. [a]

**Linked Provision :-**

- 1. Order 18** – Examination.  
**2. Section 137/138** – Examination-in-chief, cross-examination, re-examination (Evidence Act, 1872).

**Explanation** – Order 10 Rule 2 – Oral examination – The court shall examine the parties present on the first hearing and may examine the persons present with the parties.

**The purpose of the examination** – to elucidate matters in controversy in the suit.

**331. Direction of the Court to opt for any one mode of alternative dispute resolution, is provided in:-**

- (A) Order 10 rule 1-A C.P.C.  
(B) Order 10 rule 1-B C.P.C.  
(C) Order 10 rule 1-C C.P.C.  
(D) Order 10 rule 1-D C.P.C.

[UP PCS(J) 2016]

Ans. [A]

**Linked Provision:** O.10 R.1A L/w sec.89, O.10 R.1B-1 C, O.23 R.3-3B, O.27 R.5B CPC.

**Explanation-** Sec.89 and O.10 R.1A-1C were inserted in 1999 w.e.f. 1-7-2002. The key reason behind the amendment was to provide an amicable, congenial, peaceful, and mutual settlement between the disputing parties without the intervention of the court.

### SECTION 30 /ORDER XI

#### "Discovery and Inspection"

**332. Objection to interrogatories may be taken only when they are**

- (b) Scandalous  
(c) Not bonafide  
(d) Any one of the above

[Raj. JLO 2013-14]

Ans [d]

**Linked Provisions-** O.11 R.6 - Objections to interrogatories by answer.

**Explanation-** O.11 R.6 provides that any objection to answering any interrogatory may be taken in the affidavit in answer on the following grounds-

- i) it is scandalous; or  
ii) it is irrelevant; or  
iii) it is not exhibited bona fide for the purpose of the suit; or  
iv) the matters inquired into are not sufficiently material at that stage; or  
v) the matters inquired into are on the ground of privilege; or  
vi) any other ground.

**333. Which one of the following penalty cannot be imposed by the court to compel the attendance of any person to whom a summons has been issued under Section 30 of the Code of Civil Procedure, 1908?**

- (a) Issue a warrant for his arrest  
(b) Attach and sell his property  
(c) Impose a fine upon him exceeding five thousand rupees  
(d) Order him to furnish security for his appearance

[Raj. JLO 2019]

Ans [c]

**Linked Provisions:-**

1. Section 30 – Power to order discovery and the like.  
2. Section 25(4) – Compensation for false or vexatious application.

**Explanation:-** Under section 32 of CPC, the Court may compel the attendance of any person to whom a summons has been issued under section 30 and for that purpose may-

- (a) issue a warrant for his arrest;  
(b) attach and sell his property;  
(c) impose a fine upon him not exceeding five thousand rupees;  
(d) order him to furnish security for his appearance and in default commit him to the civil prison.

### "ORDER XII - Admissions"

**334. For the purpose of Order 12 Rule 6 of C.P.C. admission of facts**

- (a) Must be in pleading  
(b) Must be otherwise  
(c) May be either in pleading or otherwise



Code Of Civil Procedure, 1908

## **Mains Questions – Solved**

Sample Preview

**MAINS PAPERATHON**  
**Code of Civil Procedure, 1908**  
**Code of Civil Procedure, 1908**

**DEFINITIONS**

**1. Define**

**(A) Legal representative**

[UP PCS(J) 1988, RJS 1975, 1992, BJS 2011, HJS 2011, M.P. CJ 2018]

**Ans.** Legal representative is defined under S.2(11) of the CPC, 1908. It is a person who in law represents the estate of a deceased person and includes any person who intermeddles with the estate of the deceased and where a party sues or is sued in a representative character the person on whom the estate devolves on the death of the party so suing or sued.

The following are held to be legal representatives- executors, administrators, reversioners, hindu coparceners, residuary legatees, etc. Trespasser, official assignee or receiver is not a legal representative.

**(B) Mesne profits.**

[RJS 1971, 1986, 1994, CGCJ 2003, DJS 2005, BJS 1975, 2014, 2006, HJS 2011, M.P. CJ 2018]

**Ans.** S. 2(12) of the CPC defines mesne profits as those profits which the person in wrongful possession of such property actually received or might with ordinary diligence have received, together with interest on such profits. It shall not include profits due to improvements made by the person in wrongful possession. Mesne profits can be claimed with regard to immovable property only.

**(C) Decree.**

[RJS 1976, 1986, M.P. CJ 2004, BJS 2006, 2011, M.P. CJ 2018]

Or

**What is meant by "Decree"?**

[RJS 2021]

**Ans.** S.2(2) of the CPC defines decree as the formal expression of an adjudication which conclusively determines the rights of the parties with regard to all or any matter in controversy in the suit. It may be preliminary or final or partly-preliminary or partly-final.

There are two deemed decrees under this section- rejection of plaint under O.7, R.11 and determination of any question under S.144. However, decree shall not include any adjudication from which an appeal lies as an appeal from an order as well as any order of dismissal for default.

**(D) Order**

[M.P. CJ 2018]

**Ans.** Order has been defined under S. 2(14) of the Code as the formal expression of any decision of a civil court which is not a decree. An order may originate from a suit or appeal, application or petition. There cannot be a preliminary order. Every order is not appealable and only those mentioned under S.104 r/w O.43 are appealable. An order does not necessarily conclusively determine the substantive rights of the parties. It deals with incidental or procedural matters.

**3. Define and distinguish between preliminary decree and final decree.**

[UP PCS(J) 1992, 1987, BJS 1986]

**Ans.**

Preliminary decree	Final decree
Does not conclusively decide all matters in a suit but only settles some of the matters. It is a first stage decree, which requires further proceedings to fully resolve the suit.	A <b>final decree</b> is one that fully and finally disposes of the suit by determining all issues and granting the final relief to the parties.
<b>Examples:</b> Decrees in partition suits, dissolution of partnerships, or administration of estates.	Example, Execution or enforcement of rights post-settlement.
Cannot be executed unless followed by a final decree.	Can be executed and enforced by the court.

**MAINS PAPERATHON**  
**Code of Civil Procedure, 1908**

3. Interest can be granted on mesne profits. Courts usually determine an appropriate rate of interest from the date of wrongful possession until the time of restoration of possession to the rightful owner.
4. The court will consider the exact period during which the rightful owner was deprived of possession.
5. The wrongful possessor's claim of good faith or any improvements made to the property does not entitle them to retain the profits earned, but profits due to such improvements are excluded.
6. If the property was capable of earning income or being used profitably, that potential income must be included in the calculation.

In *Sarup Singh Gupta v. S. Jagdish Singh & Others* (2006) the SC stated that mesne profits are the profits or benefits that a person has enjoyed during wrongful possession, and it must be based on market rental value.

**(ii) Indigent person**

**Ans.-** Order XXXIII of CPC specifically deals with suits by indigent persons and outlines the procedure for instituting suits without paying court fees. Under Explanation I to Rule 1 of Order XXXIII, an indigent person is defined as someone who:

- Is not possessed of sufficient means to pay the court fees prescribed by law for the suit they intend to institute.
- If the person is not able to pay the fee due to poverty, then they can be classified as indigent.
- A person will also be considered indigent if they are declared insolvent or have no property in their name.

In determining whether a person qualifies as indigent, the court will exclude certain assets from consideration, such as:

- Necessary wearing apparel.
- Tools of artisans.
- Books of scholars.
- Household effects required for daily living.

**Part I - JURISDICTION OF CIVIL COURTS**

**1. What is meant by jurisdiction of a civil court?**

[RJS 1992, 1999]

**Ans.-** The jurisdiction of a civil court refers to the authority or power granted to a court to hear and adjudicate civil disputes and pass judgments. Jurisdiction determines the competence of a particular court to try a case based on factors such as the subject matter of the dispute, territorial limits, and the pecuniary value involved.

Section 9 of the CPC establishes the general principle that civil courts have jurisdiction to try all suits of a civil nature, except those that are expressly or impliedly barred by law.

**Types of Jurisdiction Under CPC:**

1. **Subject Matter Jurisdiction (S.9):** It refers to the court's authority to hear cases related to a specific type of subject matter. For example, civil courts handle civil disputes, while specific tribunals like consumer courts handle consumer disputes.
2. **Territorial Jurisdiction (S.16-20):** This refers to the geographical area within which a court has authority to hear cases. Example, a dispute over property located in Mumbai would be heard in the courts in Mumbai.
3. **Pecuniary Jurisdiction (S.15):** Pecuniary jurisdiction is based on the monetary value of the subject matter of the dispute. For example, a Civil Judge (Junior Division) may have jurisdiction over disputes where the value is up to ₹1 lakh, while a Civil Judge (Senior Division) or District Court handles cases involving higher amounts.

**2. Explain the essential conditions relating to jurisdiction of civil courts.**

# **CODE OF CIVIL PROCEDURE, 1908**

## **Interview Questions – Solved**

Sample Preview



## CPC INTERVIEW QUESTIONS

### CODE OF CIVIL PROCEDURE, 1908

**1. For which courts are the provisions related to procedure described in civil procedure code?**

**Ans.** The provisions of this Code have been made and implemented for the procedure adopted by the Courts of Civil Jurisdiction.

**2. Which Code was in force before this code?**

**Ans.** Before this Code, the Civil Code 1859 was in force, which was amended in 1877 and 1882.

**3. When the C.P.C. was enforced?**

**Ans.** This Code is in force in India from January 1, 1909.

**4. Two amendments were made to the C.P.C. Name the amendment Act?**

**Ans.** (1) The Code of Civil Procedure (Amendment) Act, 1999.  
(2) The Code of Civil Procedure (Amendment) Act, 2002.

**5. What is called the substantial law?**

**Ans.** The basic law is that which creates rights and obligations and defines human behaviour and their relations.

**6. What is a procedural law?**

**Ans.** Procedural law is the law which decides the procedure for the use of the court for settlement of disputes arising out of certain rights and obligations by substantive law.

**7. Who is a pleader?**

**Ans.** The person authorized to appear and plead for any other person (in civil cases) is called Pleader.

**8. What is difference between lawyer and advocate?**

**Ans.** A person who has LL.B. degree, him call a lawyer where as lawyer has passe Bar Council of India examination then enrolled in State Bar Council, he is to call an advocate (Adhivakta). He represents his client.

**9. Is the Revenue Court defined elsewhere in the CPC?**

**Ans.** Yes Sir, according to Section 5 (2), a court which has the or benefits of land used for agricultural purposes.

**10. Will the provisions of CPC be applicable to the Revenue Courts?**

**Ans.** Yes Sir, when the revenue law is silent on that subject.

**11. What is jurisdiction?**

**Ans.** It is the right by which the court is empowered to accept any suit, appeal or application and give a decision after hearing.

**12. What is the original/primary jurisdiction?**

**Ans.** Primary jurisdiction gives the power to first admit and decide any suit, application or other legal proceedings.

**13. What is the appellate jurisdiction?**

**Ans.** The power to admit and decide an appeal or objection made against the decision of the subordinate court is called appellate jurisdiction.

**14. Will the principle of res judicata apply to the Habeas Corpus petition**

**Ans.** No sir.

**15. Will res judicata apply to co-plaintiff and co-defendants?**

**Ans.** Sir, it will be applicable when the interests are conflicting and it is necessary to give a decision on such interest.

**16. Which is the Formal Defendant?**

**Ans.** A formal defendant is one, which the court compiles in the suit so that a question can be disposed of effectively.

**17. Can intermediate orders be revised?**

**Ans.** No Sir

**18. What is supplementary proceedings? .**

**Ans.** The action that should be taken for justice after the suit is instituted.

**19. Give some examples of supplementary proceeding?**

**Ans.** (i) Arrest and attachment before judgment (O.38).  
(ii) Temporary injunction (O. 39)  
(iii) Appointment of Receiver (O. 40)  
(iv) Interlocutory Order (O.r 39)

**20. Why inherent power is given to the court?**

**Ans.** To resolve such problems and difficulties arising during civil litigation or if any party misuses the procedure and there is no clear provision for that in the Code.

**21. What is the purpose of Section 148 (A) (Caveat)?**

**Ans.** Prohibition from passing ex-parte orders.

**22. What is a commission?**

**Ans.** A person authorized by the court who is appointed by the parties at any later time for conducting the examination or for any local inspection etc.

**23. Who is called a proper party?**

**Ans.** A proper party is that whose presence in the case is regarded by the court as necessary to enable the court effectually and completely to adjudicate upon and settle all the questions involved in the suit.

## CPC INTERVIEW QUESTIONS

Code of Civil Procedure, 1908

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