



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]





LINKING LAWS

"Link The Life With Law"

RJS | DJS | MPCJ | CGCJ | UPPCSJ | BJS |
HJS | PJS | GJS | OJS | JJS | WBJS | HPJS

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]



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