

Con. 9358-12.

(3 Hours)

NM-7851

[Total Marks : 100

1. Answer in one or two sentences :— 20
- Limitation Act applies to which proceedings.
  - What are evasive denials ?
  - When is ex-parte decree passed by Court ?
  - What are the pre-requisites for filing a suit against Government ?
  - What are pleadings ?
  - What is the definition of an order ?
  - What is the effect of part-payment on limitation ?
  - What is a Foreign Judgement ?
  - Which orders are appealable ?
  - Which is a receiver appointed by court ?
2. Write short explanatory notes on any four :— 20
- Provisions of Recognised Agents and Pleadings.
  - Plaint and Written Statement.
  - Attachment Before Judgement.
  - Appeal to Supreme Court.
  - Stay of suit and Res-judicata.
3. Answer any two with reasons :— 12
- M is minor when his uncle takes illegal possession of his property. M's mother wants to file suit on behalf of minor.
    - Can she do it ? How ?
    - What is the effect of limitation on such suit.
  - A files a suit against B and serves him the writ of summons, which fixes the date 19th October 2012. B remains absent on that date as he is hospitalized and could not inform his Advocate. Court passes an ex-parte decree.
    - As B's Advocate what remedy will you advise.
    - In which court can an application be made ?
  - D obtains decree against E from Mumbai Court. But E does not have any property in Mumbai, although he has property in Pune.
    - What is the remedy of D to execute the decree in such case.
    - If E also has property in Nashik, will it make difference?
4. Write essay type detail answers of any four :— 48
- Suit by or against minors and persons of unsound mind.
  - Execution of decree.
  - Acquisition of rights by prescription under Limitation Act.
  - Injunction and interlocutory orders.
  - Reference, Review and Revision.
  - Issue and service of Writ of Summons.

[TURN OVER