

5<sup>th</sup> Year BAUB/TYLB

IX / V

75:25

4/12/2025

Total Marks: 75

Duration: 2:30Hrs

- Note: (1) All questions are compulsory  
(2) Figures on the right indicate marks  
(3) Give reasons and cite case laws wherever necessary

**Q.1 ANSWER THE FOLLOWING IN ONE/TWO SENTENCES (Any 6) (12 marks)**

1. Who is a "Next Friend"?
2. What is "Letter of Request" and when is it issued by the court?
3. What is meant by "Substituted Service of Summons" under the Civil Procedure Code?
4. Define the term "Promissory Note" as provided in the Limitation Act.
5. What do you mean by "Evasive Denial"?
6. What is meant by a "Pauper Suit"?
7. When can court appoint a "Receiver" of property?
8. Explain the term "Mesne Profits"?

**Q.2. WRITE SHORT NOTES (Any 2) (12 marks)**

1. Interest, Cost and Compensatory Cost
2. Amendment of Pleadings
3. Effect of acknowledgement in writing on the period of limitation
4. Res-Subjudice

**Q.3. ANSWER THE FOLLOWING WITH REASONS (Any 2) (12 marks)**

1. Aakash, who instituted a civil suit as a sole plaintiff through his next friend while he was a minor, attains majority during the pendency of the suit.
  - a. What are the legal remedies available to Aakash upon attaining majority in relation to the pending suit?
  - b. What legal remedy does he have if he believes that the suit was filed improperly or against his interest? Cite relevant provisions of law.
2. Mr. Varun files a suit against Mr. Omkar for recovery of ₹25,00,000/- for goods sold and delivered to him by Mr. Varun in January 2025. Mr. Omkar is served with a writ of summons to file a written statement. In his defense, Mr. Omkar contends that he had suffered a loss of ₹5,00,000/- due to the poor quality of some other goods which were supplied by Mr. Varun in December 2024 and wishes to recover this amount.
  - a. What legal remedy is available to Mr. Omkar to claim his loss from Mr. Varun?
  - b. Can Mr. Varun defend such claim of Mr. Omkar and under which provisions?
3. Amit entered into contract with Public Works Department of the State Government for the supply of construction materials. Amit alleges that the department has failed to make payment for the goods supplied. Amit decides to file a suit against the State Government, however he failed to serve any notice to the government before filing the Suit.
  - a. Is it mandatory to serve notice before filing a Suit against the Government? Cite relevant provision
  - b. What would be the effect if the notice is not served before instituting the suit?