

International Islamic University Chittagong
Department of Law
Final Assessment (Online), Autumn, 2020
Semester: 7th

Course Code: Law-4102

Course Title: Law of Civil Procedure

Total Marks: 30

Time: 5 Hours maximum

MUST MENTION YOUR MATRIC NO IN EACH PAGE.

Write assignment on the following topics:

Solve the following problems:

- 1
 - a. Mr. 'X' filed a suit against Mr. 'Y'. Later on the plaintiff (Mr. 'X') has withdrawn the suit without permission of the court when it was at hearing stage. Now Mr. 'X' wants to file a fresh suit in respect of the same subject-matter. 10
 - b. A suit is pending between Mr. Karim and Mr. Rahim. On the day fixed for hearing of the suit, neither party appears.
 - c. A suit is pending between Mr. 'X' and Mr. 'Y'. On the day fixed for hearing of the suit, the defendant appears and the plaintiff does not appear.
 - d. Mr. 'X' filed a suit against Mr. 'Y'. On the day fixed in the summons for the defendant to appear and answer, it is founded by the court that the summons has not been served upon the defendant in consequence of the failure of the plaintiff to pay the postal charges.
- 2
 - a. Mr. 'X' has only 1 acre of land other than his necessary wearing apparel. Mr. 'Y' wrongfully possessed the property. Whether Mr. 'X' can file a suit against Mr. 'Y' as a pauper? If so, what should contain in the plaint? 10
 - b. Mr. 'X' and Mr. 'Y' claim adversely to one another a certain sum of money from Mr. 'Z', who claims no interest therein and who is ready to pay it to the rightful claimant. Explain the procedure how Mr. 'Z' can obtain a decision as to the person to whom the payment shall be made and can obtain indemnity himself.
- 3
 - a. Mr. 'X' is a witness in a suit and his examination is essential for the determination of the real question in controversy in the suit. He (Mr. 'X') lives within the local limits of the jurisdiction of the court but about to leave such limits before the date on which he is required to be examined in court. 10
 - b. In a suit the court is satisfied, either by affidavit or otherwise, that the defendant with intent to delay the plaintiff or to avoid any process of the court or to obstruct or delay the execution of any decree that may be passed against him, is about to abscond or leave the local limits of the jurisdiction of the court.

Answer must be sent to Google Classroom