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BRAINWARE UNIVERSITY

Term End Examination 2024-2025
Programme – LL.B.-2021/LL.B.-2022
Course Name – Drafting, Pleading & Conveyancing
Course Code - LLB604
(Semester VI)

Full Marks : 60

Time : 2:30 Hours

[The figure in the margin indicates full marks. Candidates are required to give their answers in their own words as far as practicable.]

Group-A

(Multiple Choice Type Question)

1 x 15=15

1. Choose the correct alternative from the following :

(i) Infer the two initial pleadings in a civil lawsuit:
   a) Evidence and Verdict
   b) Interrogatories and Depositions
   c) Plaint and Written Statement
   d) Summons and Judgment

(ii) Infer the object of pleading:
   a) Assist the court and parties to the dispute in its adjudication.
   b) Give a fair notice to each party of what the opponent's case is
   c) Both
   d) None of these

(iii) Identify the Articles of the Indian Constitution which give the Supreme Court and High Court power to issue a writ of command:
   a) Article 14 and Article 21
   b) Article 356 and Article 357
   c) Article 32 and Article 226
   d) Article 41 and Article 48

(iv) Identify the person who may file a written statement in a court case:
   a) The judge handling the case
   b) The defendant or his duly authorized agent
   c) A witness in the case
   d) The plaintiff or his duly authorized agent

(v) Identify what is the name of the person who mortgages the property:
   a) co owner
   b) executor
   c) mortgagor
   d) mortgagee

(vi) Identify the true statement for written statement:
   a) May contain new facts in favour of defendant
   b) May contain legal objections to the claim of the plaintiff
   c) Must be confined to the reply of the plaint
   d) Both a and b

(vii) A is being illegally detained by the police authorities. Which of the following writs can A's wife seek from the court to secure his release?
   a) Habeas corpus
   b) Mandamus
   c) Prohibition
   d) Certiorari

(viii) When one debt may be settled or adjusted against another, it is known as:

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a) Counter claim   b) Set off

c) Loan   d) Mortgage

(ix) Select the correct staement for examination in chief of a witness.

a) The leading questions can be used   b) It must only relate to relevant facts

c) It must only relate to the fact in question   d) All of the mentioned

(x) Infer what is the meaning of judgement debtor:

a) Any order has been passed or an order capable of execution has been made   b) Any person against whom a decree has been passed or an order capable of execution has been made

c) Any person in whose favor a revision has been passed   d) Any person in whose favor a review has been passed

(xi) What is the primary purpose of a written statement in response to a plaint:

a) To admit or deny the allegations made in the plaint   b) To request a change of venue

c) To appeal the court's decision   d) none of these

(xii) Identify common method of execution of a court judgment or decree:

a) Filing an appeal   b) Mediation between parties

c) Issuing a stay order   d) Attachment and sale of property

(xiii) Infer where a person challenges a Decree, he shall challenges the same by filing:

a) Appeal   b) Application

c) Notice of Motion   d) Chamber Summons

(xiv) Infer a pleading, according to the first fundamental rule of filing a pleading should be confined to:

a) Conclusions of law only   b) Provisions of law only

c) Both facts and provisions of law   d) Facts only

(xv) Identify the material facts called that a party relies on.

a) Facta Prabanda   b) Facts in Issue

c) Facts Probantia   d) Evidence

Group-B

(Short Answer Type Questions)   3 x 5=15

2. Illustrate that what types of cases can be filed under Article 32 and Article 226.   (3)
3. Illustrate bail application.   (3)
4. Explain the provisions of CPC which deals with the filing of written statement.   (3)
5. Explain the Concept of execution petition.   (3)
6. Examine the concept of Agreement to sale.   (3)

OR

Examine sale deed.   (3)

Group-C

(Long Answer Type Questions)   5 x 6=30

7. Explain the meaning of court commission petition.   (5)
8. Explain the rules for amendment of Pleading.   (5)
9. Explain the Powers of Appellate Court under CPC.   (5)
10. Deduct a draft of Divorce petition on behalf of wife.   (5)
11. Build a draft on PIL petition before Supreme court.   (5)
12. Explain in what situations an affidavit might be required or requested.   (5)

OR

Explain the meaning of Res Judicata and Res Sub Judice.   (5)