



BRAINWARE UNIVERSITY

Term End Examination 2023-2024 Programme – BBA LL.B.-2019 Course Name – Drafting, Pleading & Conveyancing Course Code - BBALLB1003 (Semester X)

Time: 2:30 Hours Full Marks: 60

[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

- Choose the correct alternative from the following:
- (i) Select 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) Select: A party can incorporate additional pleadings by way of an amendment under:
 - a) Order VII, rule 16 of the Civil Procedure Code, 1908

b) Order VI, rule 17 of the Civil Procedure Code, 1908

c) Order V, rule 10 of the Civil Procedure Code, 1908

- d) Order IV, rule 7 of the Civil Procedure Code, 1908
- (iii) Illustrate 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 (iv) A party has failed to file his written statement within the prescribed 90 days. Infer

whether this time limit for filing a written statement can be extended or not. a) It cannot be extended under any

b) It may be extended by way of exception by

circumstances

- the court
- c) It may be extended onli in commercial suits d) It may be extended in the plaintiff agrees
- (v) Outline the situation described in Order VIII Rule 5 where the law presumes an admission has been made.

a) Fact denied by necessary implication

- b) Fact admitted in the written statement
- c) Fact admitted by the plaintiff only
- d) Fact not denied specifically or by necessary implication
- (vi) Identify the remedy available under Hindu Marriage Act, 1955 to a husband whose wife has left his company without a reasonable cause.

a) Divorce

b) Judicial separation

c) Restitution od conjugal rights

- d) Maintenance under Section 125 of Cr.P.C.
- (vii) Choose the nature of facts or evidence by which the materials facts are to be proved.

	a) Fundamental factsc) Facts probanda	b) Relevant factsd) Facts probentia	
(viii)	Choose: A person can apply for anticipatory bail	:	
	a) when a person has been arrested	b) when a person has reasonable apprehension of arrest	
(ix)	c) when a person has apprehension of arrest d) when regular bail is refused) Choose: When one debt may be settled or adjusted against another, it is known as		
	a) Counter claim c) Loan	b) Set off d) Mortgage	
(x)) Identify the mortgage where the mortgagor delivers the possession and right to enjoy an income from the property of the mortgage.		
(xi)	a) Simple mortgagec) usufructuary morgtgageOutline the circumstance where the Court will n	b) English mortgage d) Equitable mortgage not grant ex parte injunction.	
	a) When there is no irreparable or serious mischief that will ensuec) When the plaintiff had acquiesced for some time	b) When the plaintiff had just discover act complained ofd) When the act complained of is of a nature	
(xii)	Outline the laws where adoption is recognised. a) Hindu Law	b) Muslim Law	
(xiii)	c) Both a and b Illustrate: The examination of a witness by the _	d) Neither a nor bis called cross examination.	
(xiv)	 a) party who calls him b) adverse party c) any party d) the judge (xiv) A' is being illegally detained by the police authorities. Identify which of the following writ can A's wife seek from the court to secure his release. 		
(xv)	a) habeas corpusc) prohibitionChoose the correct meaning of non-bailable offer	b) mandamus d) certiorari	
	a) It means any other offence other than b) In non-bailable offence the baballable right		ot a
	c) The bail is the discretion of the Court	d) All of the mentioned	
Group-B			
(Short Answer Type Questions)			3 x 5=15
 List the fundamental rules of Pleadings. Illustrate the grounds of rejection of a plaint. Identify the difference between inquiry and investigation under the Criminal Procedure Code. 			(3) (3) (3)
5. Identify the requirements of a valid adoption as stated under the Hindu Adoptions & Maintenance Act, 1956.			(3)
6. Explain the concept of gift deed.			(3)
Ex	OF xplain the concept of leave and licence deed.		(3)
	Grou	n-C	
	(Long Answer Ty	-	5 x 6=30
	Explain the meaning of written statement and prepare a draft of Written Statement on behalf of defendant		(5)
			(5)

9. Analyse the role of Public Interest Litigation towards the achievement of 'clean environment as a fundamental right'.
10. Explain the difference between the 'writ of prohibition' and 'writ of certiorari.' (5)
11. Evaluate the points to be considered in drafting of a mortgage deed. (5)
12. Analyse the effect of non-joinder of necessary party or proper party. (5)
OR
Explain representative suit. (5)