



BRAINWARE UNIVERSITY

Term End Examination 2023

Programme – LL.B.-2019/LL.B.-2020

Course Name – Drafting, Pleading and Conveyancing

Course Code - LLB601

(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) Choose the correct the full form of PIL.
- | | |
|-------------------------------------|----------------------------------|
| a) Professional Interest Litigation | b) Private Interest Litigation |
| c) Public Interest Litigation | d) Political Interest Litigation |
- (ii) Predict: A person be granted bail for a non-bailable offence under _____ of the Cr.P.C.
- | | |
|-----------|--------|
| a) 439 | b) 437 |
| c) 437(a) | d) 436 |
- (iii) Choose: A 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 |
- (iv) Predict: A person accused of an offence and in custody can be released on bail under _____.
- | | |
|---------------------------------------------------------------------|---------------------------------------------------------------------|
| a) sub-section (1) of Section 437 of the Code of Criminal Procedure | b) sub-section (2) of Section 438 of the Code of Criminal Procedure |
| c) Section 376 of the Indian Penal Code | d) Section 503 of the Indian Penal Code |
- (v) Predict the name for the heading of a deed.
- | | |
|--------------------------------------------------------------------|-------------------------------|
| a) Names of the grantor and witness | b) The title of the said deed |
| c) Different paragraphs dealing with particular facts or knowledge | d) Delivery and acceptance |
- (vi) Interpret: As per the Indian Registration Act, the deed come into effect.
- | | |
|------------------------------|---------------------|
| a) On completion of payment | b) On its execution |
| c) On transfer of possession | d) On its drafting |
- (vii) Predict from the following procedure of service of summon Order 5, R 26
- | | |
|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| a) By sending it to the political agent appointed by the Central Government in exercise of its foreign jurisdiction | b) Through a court established or continued with power to serve a summon issued under the code |
|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|

- c) Through a court declared by the notification issued by the Central Government, situated in such foreign territory to be one service by which would be deemed to be valid, where there is no such court
- d) All of these
- (viii) Name the subsequent pleading in a lawsuit.
- a) A written statement or an additional written statement from any of the parties
- b) A judge's ruling in a case
- c) The initial complaint filed by a plaintiff
- d) The final verdict in a case
- (ix) Tell: 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
- (x) State the importance of pleading fact in a claim or defense.
- a) To delay the trial
- b) To confuse the other party
- c) To be able to prove it at the hearing of the suit
- d) To avoid proving it
- (xi) Recall: ___ should be stated in an introductory allegation in a plaint.
- a) Lengthy accusations, non-related issues
- b) Legal precedents, irrelevant details
- c) parties, business they carry on, relationship, surrounding circumstances
- d) Material facts, evidence needed
- (xii) Identify the material facts called that a party relies on.
- a) Facta Prabanda
- b) Facts in Issue
- c) Facts Probandia
- d) Evidence
- (xiii) Identify the person on whom the burden of establishing the ingredients for granting temporary injunction lies.
- a) Judge
- b) Lawyers
- c) Plaintiff
- d) Defendant
- (xiv) Identify the circumstance where the Court will not grant ex parte injunction.
- a) When there is no irreparable or serious mischief that will ensue
- b) When the plaintiff had just discovered the act complained of
- c) When the plaintiff had acquiesced for some time
- d) When the act complained of is of a trivial nature
- (xv) Judge: A person summoned to produce a document:
- a) Does not become a witness in the case unless he is called as a witness
- b) Automatically becomes a witness in the case
- c) Automatically becomes an hostile witness in the case
- d) Can be cross examined without being called as a witness

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Identify the different types of power of attorney (3)
3. Illustrate the concept of Appeal (Civil). (3)
4. Enumerate the concept of Caveat. (3)
5. Differentiate between Relinquishment deed and partnership deed. (3)
6. Explain the concept of Will. (3)

OR

Explain the concept of gift deed. (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Prepare a draft of Affidavit for name change of an applicant (5)
8. Write a draft of perpetual injunction on behalf of plaintiff (5)
9. Prepare a draft of amendment of plaint on behalf of plaintiff (5)
10. Compose a draft on Bail application under section 438 of crpc (5)
11. Compose a draft on revision application in a criminal case (5)
12. Compose a draft on gift deed of a land on behalf of a donee (5)

OR

Compose a draft on sale deed of a movable property on behalf of sailor (5)
