



BRAINWARE UNIVERSITY

Term End Examination 2023-2024

Programme – LL.B.-2021

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) Identify the meaning of pleadings in a court case.

- | | |
|--|---|
| a) Statement of facts drawn up and filed by each party stating their contention and necessary details for preparation of opponent's case | b) An unscheduled meeting between the parties in question |
| c) A summary judgement of the case without a trial | d) A request by the court for more evidence |

(ii) Select the purpose of 'locus standi'.

- | | |
|---|---|
| a) The right of a person to file a suit or conduct a litigation in a court of law | b) The protection of legal rights for all |
| c) The legal injury caused to a person | d) The judicial objection to a specific class of people |

(iii) Identify the person on whom the burden of establishing the ingredients for granting temporary injunction lies.

- | | |
|--------------|--------------|
| a) Judge | b) Lawyers |
| c) Plaintiff | d) Defendant |

(iv) Select the meaning of execution

- | | |
|---|---|
| a) The process of issuing legal documents | b) The enforcement of court orders or judgments |
| c) The settlement of a case through arbitration | d) The initiation of a lawsuit |

(v) State the importance of pleading fact in a claim or defense.

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|--|-------------------------------|
| 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 |

(vi) Identify the main purpose of the writ of Certiorari.

- a) Enforcement of fundamental rights
c) Ordering an election
- b) Punishing criminals
d) Making laws
- (vii) Identify the conditions for a valid claim of set-off.
- a) Amount should be high, legally recoverable, and recoverable only by one defendant
c) Amount should be high, legally unenforceable, and recoverable by the plaintiff
- b) Amount should be uncertain, legally recoverable, and recoverable only by one defendant
d) Amount should be ascertained, legally recoverable, and recoverable by the defendants or all the defendants if more than one
- (viii) Select the purpose of Public Interest Litigation.
- a) Lawful jurisdiction
c) Administrative jurisdiction
- b) Epistolary jurisdiction
d) Social jurisdiction
- (ix) Illustrate the objective of bail.
- a) Preventing the accused from getting a trial
c) Punishing the accused immediately
- b) Assuring reappearance of the accused & preventing unnecessary imprisonment of un-convicted individuals
d) Encouraging imprisonment without trial
- (x) Select the importance of writing the execution date and place in a deed.
- a) To make the deed more visually appealing
c) To ensure the validity of the statute, maturity period, registration, and transfer of title
- b) To add additional information to the deed
d) To ensure the legality of the deed witnesses
- (xi) Select: A kind of warning or intimation given to the court to not pass any order without hearing the applicant is known as:
- a) Caveat
c) Notice
- b) Pre-emption
d) Injunction
- (xii) Interpret the meaning of voluntary transfer of certain existing movable and immovable property without consideration.
- a) Sale
c) Lease
- b) Mortgage
d) Gift
- (xiii) Illustrate: Pleadings include:
- a) Only plaint
c) Only memorandum of appeal
- b) Only written statement
d) Both plaint and written statement
- (xiv) Choose: A right to sue on 'quantum meruit' arises:
- a) when a party has fully performed the contract
c) when a contract is discharged by impossibility of performance
- b) when a party has partly performed the contract and is discharged by the other party
d) when a contract becomes illegal
- (xv) Identify the proceedings where granting of injunctions is prohibited.
- a) Statutes related to election proceedings
c) Criminal Procedure rules
- b) Insolvency court orders
d) Supreme Court orders

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Explain the jurisdiction of the High Court under Article 226 of the Constitution of India. (3)
3. Who can file an anticipatory bail application under the Code of Criminal Procedure, 1973? (3)
4. Identify the provisions of CPC which deals with setting aside of ex-parte decree. (3)
5. What are the procedure and contents of the petition filed for eviction under Rent Control Act? (3)

6. Explain the concept of deed of declaration. (3)

OR

Explain the concept of gift deed. (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Explain the meaning of written statement and prepare a draft of Written Statement on behalf of defendant (5)

8. Explain the meaning of writ petition and different types of writ petition (5)

9. Examine the different parts of a deed (5)

10. What is the capacity of a female Hindu to take in adoption? (5)

11. Explain the meaning of decree and the differences between decree and order. (5)

12. Discuss the rights and liabilities of buyer and seller under the Transfer of Property Act, 1882. (5)

OR

Discuss different kinds of mortgage. (5)
