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SCHOOL OF LAW
 Barasat, Kolkata- 700125

BRAINWARE UNIVERSITY

Term End Examination 2025-2026

Programme – BBA LL.B.-2021

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

1. Choose the correct alternative from the following :

(i) Choose the correct full form of PIL.

- a) Professional Interest Litigation.
- c) Public Interest Litigation.

- b) Private Interest Litigation.
- d) Political Interest Litigation.

(ii) Explain the primary purpose of a caveat under the Civil Procedure Code (CPC).

- a) To complicate legal proceedings.
- c) To prevent courts from making decisions in the absence of a party, safeguarding the caveator's interests.

- b) To ensure decisions are made ex parte.
- d) To increase the court's workload.

(iii) Identify the correct statement regarding who can lodge a caveat under CPC.

- a) Only parties directly involved in the lawsuit can lodge a caveat.

- b) Any individual can submit a caveat, regardless of their involvement in the lawsuit.

- c) A caveat can only be filed by someone with a legal right to present themselves before the court concerning the specific lawsuit.

- d) A caveat cannot be lodged by a third party under any circumstances.

(iv) Explain the concept of a 'prima facie case' in the context of granting a temporary injunction.

- a) A case that is proved to the hilt.

- b) A case where the applicant must show the existence of a bonafide dispute, a strong case for trial, and a probability of being entitled to the relief claimed.

- c) A case that does not need investigation.

- d) A case where the applicant must show the existence of a bonafide dispute, a strong case for trial, and a probability of being entitled to the relief claimed.

(v) Extend the understanding of 'irreparable injury' in granting a temporary injunction.

- a) It means the injury must be a material one that cannot be adequately compensated by damages.
- b) It means there should be no possibility of repairing the injury.
- c) It refers to an injury that can be easily compensated by money.
- d) It means the injury is not serious.
- (vi) Summarize the primary purpose of granting interim relief.
- a) To punish the defendant.
- b) To grant the relief of injunction finally.
- c) To enforce an order against a person.
- d) To preserve the property in dispute till legal rights and conflicting claims of the parties before the court are adjudicated.
- (vii) Choose the most appropriate option: If a plaintiff initiates a lawsuit and the defendant responds to the lawsuit with claims of his or her own against the plaintiff it is called _____.
- a) Counterclaim.
- b) Set off.
- c) Revision.
- d) Appeal.
- (viii) Identify the effect on a plaint when it does not disclose cause of action.
- a) It can be amended.
- b) It can be rejected.
- c) It can be returned.
- d) All of the aforementioned.
- (ix) Identify the mortgage where the mortgagor delivers the possession and right to enjoy an income from the property of the mortgage.
- a) Simple mortgage.
- b) Equitable mortgage.
- c) English mortgage.
- d) Usufructuary mortgage.
- (x) Illustrate the persons who can claim maintenance under Section 125 of CrPC.
- a) Any husband who is unable to maintain himself.
- b) Any child who is unable to maintain himself or herself.
- c) Any wife who is unable to maintain herself.
- d) Both (b) and (c).
- (xi) Illustrate the person(s) who is NOT eligible to claim maintenance under Section 125 of CrPC -
- a) A minor legitimate child unable to maintain itself.
- b) A major daughter who is married.
- c) A father unable to maintain himself.
- d) A wife unable to maintain herself.
- (xii) Infer the meaning of 'neglect' in terms of matrimonial duty.
- a) A failure to maintain even when no demand is made against the maintainer.
- b) A lack of financial resources to provide maintenance.
- c) An unwillingness to maintain even when asked by the claimant.
- d) A clear intentioned refusal to perform his duty.
- (xiii) Outline the nature of an injunction.
- a) A criminal charge against an individual.
- b) A legal document to enforce payment of debts.
- c) A contract between two parties to exchange goods or services.
- d) A judicial process to order a party to refrain from doing or to do a particular act or thing.
- (xiv) Identify the person on whom the burden of establishing the ingredients for granting temporary injunction lies.
- a) Judge.
- b) Advocates.
- c) Plaintiff.
- d) Defendant.
- (xv) Outline 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.

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Develop a note on the First information Report registered under section 154 of Cr.P.C. (3)
3. Compare and contrast between inquiry and investigation under the Criminal Procedure Code. (3)
4. Explain the jurisdiction of the Supreme Court under Article 32. (3)
5. Develop a note on "bail is a rule, jail is an exception" in the context of Indian law. (3)
6. In a pleading for defamation, judge what details should be specified? (3)

OR

Justify: Is it sufficient to use legal conclusions like "unlawfully" or "wrongfully" in a pleading without stating the facts? (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Riya files a civil suit against Mohan claiming recovery of ₹5,00,000. In her plaint she writes long narratives stating that Mohan is dishonest, cheated many people in the locality, behaved immorally in business, and is generally untrustworthy. However, she does not clearly state when, how, or under what agreement Mohan borrowed the money. Mohan files an application asking the court to strike out the pleading for violating a basic rule of pleadings. What is the first fundamental rule of pleading and explain why it is important to adhere to this rule. (5)
8. Illustrate with examples what constitutes 'bad pleading' in the context of stating a claim or entitlement. (5)
9. Explain under what circumstances can a court appoint a Commissioner in civil cases. (5)
10. Simplify the concept of "plaint" and "written statement" as defined under the Code of Civil Procedure, 1908. (5)
11. Explain the procedure for filing a Petition under the Motor Vehicle Act. What are the types of claims considered by the court? (5)
12. Decide the importance of filing an Affidavit in support of pleadings. (5)

OR

Explain the role of PIL Petitions in advancing constitutional rights in India. (5)

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