

Roll No.....

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 8

Total number of printed pages : 4

NOTE : Answer SIX questions including Question No.1 which is compulsory.

1. Comment on *any five* of the following :

- (i) The preamble to the Constitution of India sets out the aims and aspirations of the people of India.
- (ii) A person cannot approbate and reprobate.
- (iii) Registration of documents relates back to the date of their execution.
- (iv) Courts are concerned with legal relevancy and not logical relevancy of the facts.
- (v) A person suing for rescission cannot in the alternative sue for specific performance, but a person suing for specific performance can sue of rescission.
- (vi) No one shall be vexed twice for the same cause of action.

(4 marks each)

2. (a) "Article 21 of the Constitution of India confers on every person the fundamental right to life and personal liberty." Explain it with the help of decided cases.

(10 marks)

(b) Discuss the writ of *habeas corpus*.

(6 marks)

3. Distinguish between *any four* of the following :

- (i) 'Sub-mortgage' and 'puisne mortgage'.
- (ii) 'Admission' and 'confession'.
- (iii) 'Hacking' and 'passing off'.
- (iv) 'Computer network' and 'computer system'.
- (v) 'Inquiry' and 'investigation'.

(4 marks each)

4. (a) Briefly discuss the powers of the court to grant temporary injunction.

(4 marks)

(b) Explain the doctrine of part-performance under the Transfer of Property Act, 1882.

(4 marks)

- (c) Re-write the following sentences after filling-up the blank space with appropriate word(s)/figure(s) so as to convey the correct meaning :
- (i) Under the Article 123 of the Constitution of India, the most important legislative power conferred on the President of India is to _____.
 - (ii) A writ by the court to some person or body to compel it to perform some public duty is called _____.
 - (iii) As per section 54 of the Transfer of Property Act, 1882, a tangible immovable property of the value of Rs. _____ or more can be transferred only by a registered instrument.
 - (iv) Instrument executed outside India may be stamped within _____ after it has been first received in India.
- (1 mark each)*
- (d) Choose the most appropriate answer from the given options in respect of the following :
- (i) A society registered under the Societies Registration Act, 1860 is a —
 - (a) Body corporate
 - (b) Co-operative society
 - (c) Joint stock company
 - (d) Legal entity apart from its members.
 - (ii) The right of review has been conferred by the Code of Civil Procedure, 1908. It provides that any person considering himself aggrieved by a decree or order may apply for a review of judgement to the —
 - (a) Appellate Court
 - (b) High Court
 - (c) District Court concerned
 - (d) Court which passed the decree or order.
 - (iii) The term 'cognizance' means —
 - (a) A crime
 - (b) Custody without warrant
 - (c) Arousing judicial notice
 - (d) Custody with warrant.
 - (iv) Extension of time limit under the Limitation Act, 1963 on showing sufficient cause may be granted for —
 - (a) Filing a suit
 - (b) Filing an application for execution of a decree
 - (c) An appeal in a labour court
 - (d) None of the above.

(1 mark each)

5. Write short notes on *any four* of the following :

- (i) *Noscitur a sociis*
- (ii) Finality of arbitral award
- (iii) Principles on which court may grant specific performance
- (iv) Transfer for benefit of unborn person
- (v) Domain name.

(4 marks each)

6. (a) "Where once time has begun to run, no subsequent disability or inability to institute a suit or make an application can stop it." Comment.

(6 marks)

(b) Explain the methods of stamping under the Indian Stamp Act, 1899.

(5 marks)

(c) Outline the objectives of the Arbitration and Conciliation Act, 1996.

(5 marks)

7. (a) Abhilasha, a renowned lady singer, agreed to sing in Bhuvnesh's theatre for a certain period and not to sing anywhere else during that period. Afterwards, Abhilasha entered into an agreement to sing at another theatre during that period and refused to sing in the theatre of Bhuvnesh during the agreed period. In a suit filed by Bhuvnesh, the court refused to intervene in the matter of agreement for compelling Abhilasha to sing in Bhuvnesh's theatre, but granted an injunction restraining Abhilasha from singing in any other theatre during that period for which she had already agreed. How far is the court justified in this regard ?

(6 marks)

(b) Anupam, a member of a society, has been expelled from the membership of the society for not attending the general body meeting of the society convened by its President. The meeting was convened for the amendment of the constitution of the society. After expulsion, Anupam has been treated as stranger by the society as per rules of the society. Anupam has sued the society for treating him as stranger. Can the court treat him stranger under the Societies Registration Act, 1860 ? Give reasons.

(5 marks)

(c) Ajeet, a trustee, is holding a leased property on behalf of the beneficiary. On the expiry of the lease, the lessor refused to renew the lease. Ajeet, the trustee, offers to take lease in his own individual capacity. Accordingly, the lease deed is executed in favour of Ajeet. The leasehold interest ensures to the benefit of the beneficiary. Decide giving reasons whether the trust still subsists.

(5 marks)

8. (a) Ashwani has taken Rs.5,000 as a loan from Bhushan and has promised to return the loan amount within one year. Ashwani failed to return the loan amount within the stipulated period, but he has written a letter to Bhushan that he would pay the amount within a month. Whether the period of limitation will start after expiry of one year or from the date when Bhushan received the letter ? Give reasons.

(6 marks)

- (b) The Sub Divisional Magistrate at the instance of officer in-charge of police station passed an order under section 144 of the Code of Criminal Procedure, 1973 by which petitioner's Puja Committee and others were prohibited from taking out immersion procession of statue of Goddess Durga and passing in front of two mosques in the village concerned playing music on Vijayadashmi day. Members of Hindu community agitate the order as such order amounts to interference in their legal exercise of customary and religious right. Whether the order passed by the Sub Divisional Magistrate is valid ? Give reasons in support of your answer.

(5 marks)

- (c) Ankur has made a gift of a house to Bhaskar. Ankur has signed on the gift deed and handed over the possession of the house to Bhaskar. Ankur did not want gift deed to be registered. After sometime, Ankur dies. There was a long delay in the registration of the gift deed. Whether the period of delay may be condoned by the Registrar for the registration of gift deed even after the death of the donor under the Registration Act, 1908.

(5 marks)

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