

27 Jan 2007

Test

The Indian Stamp Act, 1899

Qus:-1 What is meant by the term 'impressed stamp'? Examine the validity of documents not duly stamped as required under the Indian stamp Act, 1899. (6)

Qus:-2 'De-noting' duty is a concept primarily to help the Government in the collection of stamp duty. State briefly whether it is true. ? (5)

Qus:-3. What are the consequences of instruments not duly stamped. ? (5)

Qus:-4 You are the company Secretary of ABC Ltd. You are about to execute an agreement with a third party on behalf of the Company. However you are not sure as to the correct stamp duty payable. State how will you go about to determine as to the correct stamp duty with which the agreement is chargeable. (6)

Qus:-5 Raghar executed a document in favour of his friend Semash on a stamp paper of Rs. 100 conveying to him certain immovable property absolutely for a consideration of Rs. 10,000. On the same deed of Sale, the nephew of the executant, belonging to the undivided family, endorse his consent to the sale. No separate stamp was affixed to such a consent. Is this valid. (6)

19 January 2007

Test

Indian Trust Act

Qus:-1 Distinguish between Public and Private trust. (4)

Qus:-2 How is a trust of movable and immovable property created. (4)

Qus:-3 For what purpose trust cannot be created? (3)

Qus:-4 When and what kind of trust can be revoked. (4)

Qus:-5 A transfer a sum of rupees one Lac to B with the request that the money should be used for the benefit of poor students according to a scheme to be communicated later. A dies without framing the scheme. Is any valid trust created in this case. (5)

Qus:-6 'U' was appointed by his father as his successor and was put in possession of his entire estate. In consideration thereof 'U' agreed with his father to pay a certain sum of money and to give a house to 'J' an illegitimate son of his father, on his attaining majority.

Is 'J' entitled to claim the money and the house. (5)

Qus:-7 A, a trustee of a plot of land worth Rs. 10,00,000 though not authorised by the instrument of trust to sale the trust property, sale it for Rs. 15,00,000 with a view to investing the sale proceed to get larger income than derived from the property itself. Examine the validity of 'A's' action. (5)

16 Dec 06

Test

Society Registration Act, 1860

* Attempt any 1 Qus. from Qus. No 2 or 3

Qus:-1 Discuss the status of Society registered under Society registration Act, 1860 (5)

Qus:-2 How does the property of the society vest, under the Society Registration Act, 1860. (5)

Qus:-3 Discuss the provisions ^{or} relating to enforcement of judgement against society Registered under Act 1860. (5)

Qus:-4 P becomes a member of society and has regularly paid subscription money upto March 2005. Thereafter he fails to pay any subscription. In the meeting of the society convened on December 30, 2005, P is not permitted to participate in the meeting and to cast his vote. Is this action justified. (5)

Qus:-5 State Govt. is a member of Society registered under the society registration act 1860. The 3/5 of the other members of the society passed a resolution to dissolve the society forthwith. Can the Govt. challenge this resolution. (5)

Qus:-6 State the procedure for alteration of the memorandum of association of Society under this act. (5)

11 Jan. 2007

Test

37 Marks.

Civil Procedure Code

Ques:-1 A partnership firm filed a suit to recover the price of goods. The suit was dismissed in view of Sec-69(2) of Partnership act-1932 on the ground that firm was not registered. Thereafter the firm was registered and a fresh suit was filed on the same cause of action. Is the subsequent suit barred by the doctrine of res-judicata. (5)

Ques:-2 A files a suit against B for enhancement of rent. The court dismisses the suit holding that the rent is already too high. B now filed a suit against A for reduction of rent and pleads that the previous decision that the rent is excessive will operate as res judicata. Is the plea valid.? (6-)

Ques:-3 A filed a suit for partition of some property against C and D in a civil court at Delhi on 01.01.2007. C and D also filed a suit against A for partition of the same property on 01.04.2007 in the District Court at Bombay. C and D then made a prayer before the civil court at Delhi that proceedings in that court can be stayed because it is the court of lower jurisdiction than the district court at Bombay. Will the court accept this prayer.? (5)

Ques:-4 Hari enters into an agreement with Mohan to sell his house situated at Bombay. Both the parties reside at Delhi and agreement is entered at Delhi. Mohan sues Hari for specific performance at Delhi. Hari claims that Delhi court has no jurisdiction to entertain such suit because property is situated at Bombay. Will he succeed? (6)

Qus:-5 ABC Limited files a suit under order xxxvii of the C.P.C., 1908 for recovery of Rs. 50000 which were given by it as a loan to its employee B against promissory note executed by B, in the court of District judge. B received the summons for judgement in the suit under order xxxvii of C.P.C., 1908. B files written statement only after 20 days of the receipt summons in the said suit. The court of District judge ignores the written statement of B and outright passes judgement and decree for recovery of Rs. 50000 with costs against B.
How would you support the judgement of District court, decreeing the suit of Rs. 50000 with cost against B.

(5.)

Qus:-6 (a) A judgement debtor dies before judgement and the properties taken by a stranger. Can the decree be enforced against him.

OR

(b) Explain briefly the meaning of Review and Revision and also mention any 1 point of difference between Review and appeal.

(4.)

Qus:-7 What are the consequence of non-appearance of parties on the date of hearing.

(6.)

11 Oct 06

Test

Registration Act, 1908

42 Marks

Qus:1 What is the consequence in case a document for registration is presented by a person other than the party entitled to present it. (5)

Qus:2 State whether the registration of a gift against donor's wishes during his life time or after his death effective. (5)

Qus:3. Short Notes (Attempt any 3)

- 1) Re-registration of document
- 2) Effect of Non Registration
- 3) Provisions of Presentation of document.
- 4) Document requiring optional Regn. (9)

Qus:4 Mr. Rajan had executed a sale document outside India on 2nd January 2006. He came to India on 6th June 2006 and presented the document for registration. Would the registrar accept the document? Would the document be valid if not registered in India. (5)

Qus:5 Gopal has filed a document regarding purchase of a piece of land for registration in his name. The sub-registrar has refused to register the document without stating any reason for such refusal. Explain the powers of the registrar to refuse registration and steps that Gopal has to take in this case. (6)

Ques:-6 State whether the following are compulsorily registerable or not under the registration Act 1908 :-

- (i) Lease agreement for tenancy of a residential flat for one year only.
- (ii) Lease agreement for 1 year containing an option to the tenant to renew it for a further period of 1 year or any other term.
- (iii) Lease agreement exceeding one year.
- (iv) Lease agreement from year to year.
- (v) Lease agreement for one year with an annual reserved rent.
- (vi) Will.

(6)

Ques:-7 Alok has donated a piece of immovable property to his major son sumit. Before the registration could be effected, Alok died. By virtue of the will in favour of Mrs. Alok, she desires to revoke the gift to Sumit, as the instrument ~~of gift~~ is still not registered under the registration Act 1908? Will Sumit succeed in retaining the gift received from Alok.

(6)

17 Feb '06.

Test Specific Relief Act, 1963.

38 Marks.

Qus:-1 When may the court order specific performance of the contract and when it must refuse to do so ?
(4-4 Points) (6.)

Qus:-2 Rohit agrees with Mohit to start a courier business in partnership. Later on Rohit decides to be a partner of Shobhit. What should Mohit do with reference to Specific Relief Act, 1963.
(5.)

Qus:-3 A files a suit against B for specific performance of contract for sale of house X. B takes the defence that this house was given to him by his father under a will with a condition that if B will sell this house within a period of 12 Years, C will become entitled to get $\frac{3}{4}$ of the price of the house. Hence, a decree for specific performance should not be passed against him. Will he succeed?
(6.)

Qus:-4 Ram contracts to sell and Hari contracts to buy 10 Chests (Boxes) of indigo (नील) at Rs. 4,000 per chest. If Hari refuses to buy the indigo, can Ram get the contract specifically enforced through the court.
(4.)

Qus:-5 A gave power of attorney to B to sell half of his land comprising of 30 bighas. B executed an agreement to sell in favour of C agreeing to sell entire 30 bighas of land and received Rs 1,00,000 as earnest money (जमानत) and put C in possession of Property. On dispute by A, C files a suit for specific Performance. Will he succeed.
(6.)

Qus: 6 In the course of A's employment, as an advocate, certain papers belonging to his client 'B' come into his possession. 'A' threatens to make these papers public or to communicate their contents to a stranger. Can the court grant perpetual injunction to restrain A from so doing? (6)

Qus: 7 A files a suit against B for declaration that house 'X' belongs to him. He also prays for delivery of possession of the house to him. The court passes a declaratory decree in favour of A and order that possession of the house be delivered to A. Now, C files a suit against A for delivery of house 'X' to him on the ground that the house belongs to him. 'A' defence that the court has already made a declaration that house X belongs to him. Will the court accept the defence? (5)

26 Feb. '07

Test

Transfer of Property Act, 1882

38 Marks

Qus:-1 Describe Properties which can not be transferred. (5)

Qus:-2 Lokesh sells a property to Rajesh for Rs. 25,000. In fact the property belonged to his father but he is named as the sole beneficiary in his father's will. What is the legal effect? (5)

Qus:-3. A transfers to B for valuable consideration his reversionary interest in a house. When A succeeds to the house, B sues him for possession of the same. Advise B. (5)

Qus:-4 A sells three fields, X, Y and Z to B. A represents to B that three fields belong to him. In fact, field Y and Z belongs to A's father and he expects to get them after his death. While this transaction is in force A's father dies and A gets fields Y and Z in inheritance. Can B now compel A to transfer to him field Y and Z. (6)

Qus:-5 A and B secretly agreed :-

- (i) that B would file a suit against A in respect of a house in A's possession.
- (ii) that A would not seriously contest the suit.
- (iii) that during the pendency of the suit B would sell the house to one D and the money received from D would be divided between them.

B files the suit as agreed and during the pendency of the suit sells the house to D in the belief that the sale deed to D would set aside having been executed during pendency.

Qus:-6 An agent deposited title deeds of the immovable property of his principal and secured a debt. There was no registration of the mortgage. Does it give rise to a valid mortgage? (5)

Qus:-7 A files a suit against B and C to obtain possession of house X. During the pendency of suit D transfers house X to E. Ultimately, the court passes a decree in favour of A and against B and C. Is this decree binding against E as well. (5)

25 Apr. 06.

Test

25 Marks

Interpretation of Statutes

Qus:1. Mention all the internal + external aids in interpretation of statutes. Define any 4 internal + external aids in brief.

[6]

Qus:2. Explain the "expressio unius est exclusio alterius rule" of interpretation. with atleast one example.

[5]

Qus:3. Mention any 6 presumptions in interpretation of statutes.

[6]

Qus:4 Define Classic rule of interpretation in detail.

OR

Define the rule of "EJUSDEM GENERIS" with atleast one example.

[8]

16-4-06

Test

37 Marks

Criminal Procedure Code 1973

Qus: 1 Explain any 5 categories of cases in which a police officer may arrest a person without an order from a magistrate and without a warrant.

[5]

Qus: 2 What is anticipatory bail? which court can grant anticipatory bail?

[5]

Qus: 3 A is awarded punishment of rigorous (कठोर) imprisonment for 2 years by judicial Magistrate. A is also asked to execute security bond for keeping peace for 2 years. After undergoing this sentence, A file an application with a prayer for his release ^{in respect of bond} on the ground that he has already suffered imprisonment for two years. Will he succeed?

[6]

Qus: 4 A judicial magistrate of the first class convicts an accused of the offence of theft. This offence is punishable with imprisonment which may extend to 3 years. ~~and to pay a fine of Rs 1000~~ The magistrate sentence the accused to imprisonment for 2 years + 1000 fine. In default of payment of fine the accused is ordered to undergo further imprisonment for 1 year. The accused wants to challenge the validity of sentence. Advise him.

[6]

Ques: 5 A commits the offence of theft by stealing property of 'B' worth Rs. 300. and 180. Can this offence be tried summarily by the chief judicial magistrate. [3]

Ques: 6 X commits an offence by causing injury to 'Y' Punishable under section 323 of the I.P.C., which is punishable for a term of one year or with a fine of Rs. 1,000. Y makes a complaint to the court of metropolitan magistrate against X after 10 months of the commission of the offence. Can the said court take cognizance of that offence. [6]

Ques: 7 Y moves an application for anticipatory bail before a metropolitan magistrate of the area for a bailable offence under the provision of Sec 438 of Cr.P.C. 1973. Can Y get anticipatory bail. ? [6]

04-11-06

Test

36 Marks

Information Technology Act, 2000

Qus:-1 Explain the main objectives of the IT Act, 2000 and also mention its role in IT field.

(6)

Qus:-2 Describe about the various actions which warrants penalty under Sec-43 of IT Act, 2000.

(6)

Qus:-3 Describe briefly the following terms with reference to the IT Act, 2000:-

- (i) Addressee
- (ii) Computer Network
- (iii) Electronic form
- (iv) Key Pair.

(8)

Qus:- Short Note [On any 4]

- (i) Secure Electronic record
- (ii) Digital Signature
- (iii) Cyber Regulations appellate Tribunal
- (iv) Passing off.
- (v) Hacking

(16)

4-May-06

Test

40 Marks

Limitation Act 1963

Ques: 1 The law of limitation bars the remedy but, does not extinguish the right." Discuss.

OR

Once the Period of Limitation starts, it cannot be stopped. Comment.

[5]

Ques: 2 An appeal has to be filed in the high court within the period of limitation which is 90 days from the date of decree. The decree was passed on 6-1-1990. Application of certified copies of judgement and decree was made on 28-1-1990, but the delivery thereof was taken on 26-2-1990. What is the last date of limitation for filing the appeal.

[6]

Ques: 3 A failed to file a suit within the period of limitation against B for recovery of loan of Rs. 1,0000 advanced by A to B. Being ignorant (अज्ञान) of the fact that the suit has gone time-barred, B makes payment of the loan amount to A. When B came to know this fact, he started proceeding for the recovery of this money from A on the ground that payment was made by mistake. Will he succeed.

[6]

Qus:-4. A borrows Rs. 500 from ^B payable on demand. B dies a month after this leaving of a minor son, as his heir and legal representative. C sues A for this money within a year of his attaining majority, but more than 5 years after the date of the loan. The period of limitation is 3 years from the date of the loan. Will he succeed.

[5]

Qus:-5. A custom officer wishes to appeal in a supreme court against the judgement of High court. He could obtain the certified copy of the judgement of the high court after a period of 8 months whereas time limitation to file such appeal is 90 days. Is the appeal barred by limitation? Give reasons. with relevant Section.

[5]

Qus:-6. A advanced a loan of Rs. 10,000 to B. Before the expiry of period of limitation for filing a suit for recovery of this loan B gave letter duly signed by him to A in which B stated that he was indebted to A for Rs. 10,000, but that he will not repay this debt. Can this letter be treated as acknowledgement.

[7]

Qus:-7 Mohan pays a part of the invoice No. BID-109782 dated 26-7-1987 for Rs. 26,987 on 16 september, 1988. The amount paid is just Rs. 500. The creditor files a suit in may, 1991 for recovery of the balance. Decide the maintainability of the suit under the Limitation act, 1963.

[6]