

Roll No.....

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 8

Total number of printed pages : 6

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

1. (a) "Article 14 of the Constitution of India forbids class legislation, but does not forbid classification." Explain the rules with respect to permissible classification as evolved by the Supreme Court of India.

(8 marks)

- (b) What is writ of *habeas corpus* ? When can it be issued ?

(4 marks)

- (c) Re-write the following sentences after filling-up the blank spaces with appropriate word(s)/figure(s) :

- (i) An instrument chargeable with duty executed out of India may be stamped within _____ month(s) after it has been first received in India.
- (ii) Alam owes Balu Rs.1,000. Alam sells a property to Balu, the consideration being Rs.500 and the release of the previous debt of Rs.1,000. Stamp duty would be payable on Rs. _____ .
- (iii) Attestation is valid and complete when _____ witnesses sign the instrument.
- (iv) No sentence of imprisonment for a term exceeding _____ shall be passed in any case or instance in a summary trial.
- (v) Interpretation of a statute should not be given a meaning which would make other provisions _____.
- (vi) A person who refuses to receive a registered letter is deemed to have _____ notice of its contents.
- (vii) Doctrine which underlines the general principle that no one shall be vexed twice for the same cause in civil cases is called _____ .
- (viii) High Court issued an order to the holder of office to show to the court under what authority he holds the office. This writ is called _____.

(1 mark each)

2. Attempt **any four** of the following :

- (i) State the conditions to recover the possession of dispossessed immovable property based merely on possession.
- (ii) Mention persons against whom specific performance cannot be enforced.
- (iii) What are the essentials of an arbitral award ?
- (iv) What is the principle of estoppel under the Indian Evidence Act, 1872 ?
- (v) Describe the offence of 'hacking' with computer system as provided under the Information Technology Act, 2000.

(4 marks each)

3. Explain **any four** of the following :

- (i) Mischief rule.
- (ii) Doctrine of part-performance.
- (iii) Doctrine of election.
- (iv) Domain name and passing-off.
- (v) Digital signature.

(4 marks each)

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

- (i) 'Judgment', 'decree' and 'order'.
- (ii) 'Set-off', 'counter-claim' and 'equitable set-off'.
- (iii) 'Appeal', 'revision' and 'review'.
- (iv) 'Cognizable offence' and 'non-cognizable offence'.
- (v) 'Inquiry', 'investigation' and 'trial'.
- (vi) 'Mortgage' and 'charge' .

(4 marks each)

5. (a) Attempt **any three** of the following :

- (i) When do the statements made under special circumstances become relevant ?

- (ii) Specify the manner in which requests may be made by a citizen to the authority for obtaining information under the Right to Information Act, 2005.
- (iii) What is a valid acknowledgement under the Limitation Act, 1963 ?
- (iv) Explain the maxim *injuria sine damnum*.

(4 marks each)

- (b) Fill in the blank spaces with the appropriate nomenclature or terminology in the following :

- (i) A writ issued by the court to some person or body to compel it to perform a public duty is called _____ .
- (ii) Where in an enactment, there are two provisions which cannot be reconciled with each other, they should be so interpreted that, if possible, effect may be given to both. This rule of interpretation is called _____.
- (iii) Attack on the reputation of a person is called _____.
- (iv) Normally the tort-feasor is liable for his tort, but in some cases a person may be held liable for the tort committed by another. This is known as _____.

(1 mark each)

6. (a) Choose the most appropriate answer from the given options in respect of the following :

- (i) Secularism means that the State should —
 - (a) Have its own religion
 - (b) Ignore all religions
 - (c) Have all religions of its own
 - (d) Have no religion of its own.
- (ii) The nature of remedy under the law of torts is —
 - (a) Criminal
 - (b) Civil
 - (c) Quasi-criminal
 - (d) Quasi-civil.

- (iii) When there are two types of evidence, one oral and another documentary, which type of evidence shall prevail —
- (a) Documentary
 - (b) Oral
 - (c) None
 - (d) Both (a) and (b).
- (iv) The Transfer of Property Act, 1882 applies to —
- (a) Movable property
 - (b) Immovable property
 - (c) Both (a) and (b)
 - (d) Only to testamentary dealings.
- (v) “I do acknowledge myself to be indebted to Bhupesh in Rs.1,000 to be paid on demand for value received”, is a —
- (a) Bond
 - (b) Security
 - (c) Promissory note
 - (d) Agreement.
- (vi) Every breach of contract gives rise to a cause of action and a suit may be instituted to secure proper relief at the place —
- (a) Where the contract was made
 - (b) Where the breach has occurred
 - (c) Where money is payable
 - (d) Any one of the above.
- (vii) The defendant is entitled to ‘leave to defend’ in a summary suit if he enters an appearance after service of summons within —
- (a) 30 days
 - (b) 10 days
 - (c) 60 days
 - (d) 15 days.

(viii) A magistrate of the first class may pass a sentence of —

- (a) imprisonment for a term not exceeding 10 years or of fine upto Rs.10,000 or of both
- (b) imprisonment for a term not exceeding 5 years or of fine upto Rs.20,000 or of both
- (c) imprisonment for a term not exceeding 7 years or of fine upto Rs.15,000 or of both
- (d) imprisonment for a term not exceeding 3 years or of fine upto Rs.5,000 or of both.

(1 mark each)

(b) State, with reasons in brief, whether the following statements are correct or incorrect :

- (i) The time limit for making an application for setting aside an arbitral award is 2 months from the date of receipt of award.
- (ii) Confession made before the magistrate by a co-accused against another co-accused, who is not jointly tried with him for an offence, is admissible as evidence.
- (iii) The right to collect rents of immovable property has been recognised as immovable property.
- (iv) A declaratory decree is a decree passed to prevent the violation of a negative act.

(2 marks each)

7. (a) A mill owner employed an independent contractor to construct a reservoir on his land to provide water for his mill. There were old disused mining shafts under the site of the reservoir, which the contractor failed to observe because they were filled with soil. Therefore, the contractor did not block them. When water was filled in the reservoir, it burst through the shaft and flooded the plaintiff's coal mines on the adjoining land. Is the mill owner liable to compensate for loss or damage caused to the plaintiff ? Give reasons.

(6 marks)

- (b) There was a partition between a Hindu father and his five sons. The deed provided that if any one of the sons wanted to sell his share, he shall sell it to one of his brothers only and not to any stranger. The consideration for that share shall be Rs.1,000 only. Are these conditions valid ? Give reasons.

(5 marks)

- (c) Ajit transfers to Baljit for valuable consideration his reversionary interest in a property. When Ajit succeeds to the property, Baljit sues for possession of the same. Whether Baljit's suit for possession will succeed ? Give reasons.

(5 marks)

8. (a) Atul was running a school at a certain place. Ali started another school near the school of Atul. As a result of this, most of the students of Atul's school left his school and joined Ali's school. Due to competition, Atul had to reduce the fees by Rs.40 per student per quarter and thus he suffered huge monetary loss. Atul filed a suit against Ali in the court for compensation. Is the suit instituted by Atul maintainable ? Give reasons by referring to relevant case law.

(6 marks)

- (b) Abhay's agricultural land was purchased by the government for the purpose of construction of a factory but no duty was paid for this transfer by the government. Abhay wanted to take back his land on the ground that government has not paid the duty and, therefore, no sale deed was executed. Will Abhay succeed ? Give reasons.

(5 marks)

- (c) A document was executed by several persons at different times. The person in whose favour such execution was made, presented the document for re-registration after expiry of three months. Whether such documents can be registered and if yes, within what period ?

(5 marks)

