

Roll No.....

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 6

Total number of printed pages : 3

NOTE : Answer **ALL** Questions.

1. Critically comment on the following :

- (a) Formation of e-contracts, being paperless, lies outside the Fowler's rules of drafting.
- (b) Writing process is an essential part of a legal opinion even if composed on a laptop.
- (c) A High Court allows a writ petition (C) under Article 226 of the Constitution of India, issuing a writ of *mandamus* directing SEBI to enlist shares of XYZ (Pvt.) Ltd. along with those of AFC Corporation, a government company.
- (d) Pleading is just a written complaint for preventing deviations from the course which litigation must take as held in *Ganesh Trading vs. Motiram* AIR 1970 SC 480.

(5 marks each)

Attempt all parts of either Q.No. 2 or Q.No. 2A

2. Explain the following :

- (a) Drafting of legal documents is a skilled job requiring observance of many do's and don'ts.
- (b) Distinguishing features of a contract of *del credere* agency.
- (c) Process of appeal to Securities Appellate Tribunal (SAT) under the SEBI Act, 1992.
- (d) Factors to be taken into consideration for compounding of offences.

(4 marks each)

OR (Alternate question to Q.No. 2)

2A. Distinguish between the following :

- (i) 'Probate' and 'letter of administration'.
- (ii) 'Privileged will' and 'unprivileged will'.
- (iii) 'Revision' and 'appeal'.
- (iv) 'Set-off' and 'counter claim'.

(4 marks each)

Attempt all parts of either Q.No. 3 or Q.No. 3A

3. In the light of judicial pronouncements, discuss the following :
- (a) A transfer of an actionable claim is usually called an assignment.
 - (b) A lease is a transfer of a right for use of equipment/real property for a consideration.
 - (c) In view of limited precedential value of many High Courts' decisions, it is difficult to come to clear and crisp answers as to the enforceability of shareholders' agreements.
 - (d) It is well settled that evidence should be tailored strictly according to pleadings.
- (4 marks each)*

OR (Alternate question to Q.No. 3)

- 3A. Write notes on the following :
- (i) Covenants and undertakings
 - (ii) Consent orders
 - (iii) Pre-incorporation contracts
 - (iv) Right to legal representation under the Companies Act, 1956 read with the Companies Act, 2013.
- (4 marks each)*
4. (a) Draft a specimen notice to dissolve a partnership.
(b) Explain the rule of adverse inference.
(c) State the arguments on preliminary submissions.
(d) Distinguish between 'complaint' and 'first information report'.
- (4 marks each)*
5. (a) "Several types of appeal have been provided in the ordinary civil law as well as constitutional framework." Elucidate in respect of civil jurisdiction only.
- (8 marks)*
- (b) Highlight important professional etiquettes necessary for success in career.
- (8 marks)*

: 3 :

6. ABC Corporation (Pvt.) Ltd. incorporated under the Companies Act, 2013, purchased a five-room double-storey flat in XYZ locality of Chennai for providing company accommodation to its Company Secretary on the first floor and company guest house on the ground floor. For facilitating its registration, the Chairman-cum-CEO (CCEO), executed the following special Power of Attorney :

"By this Power of Attorney, I XXX, the Chairman of the ABC Corporation Ltd. do hereby appoint and authorise CD, an MBA, LLB and ACS - to be my agent and attorney for the purposes of executing registration of our company flat address : (XXXXY, XYZ locality of Chennai) purchased by us for ₹80 lakh only from KLN Builders (Pvt.) Ltd., on this Day of September, 2014.

To : All concerned authorities.

Sd/-XXX
CCEO"

Upon presentment, the Sub-Registrar, Chennai refused its bearer, CD, to allow him to complete the registration procedure, holding the Power of Attorney to be *void*.

Answer the following —

- (i) Is the Sub-Registrar's refusal legally tenable ?
- (ii) If not, in what form or manner should the Power of Attorney be framed ?
- (iii) How is it to be executed ?
- (iv) Will it make any difference if the CCEO is a married woman aged 45 years ?

(4 marks each)

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