

Roll No .....

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 6

Total number of printed pages : 4

**NOTE :** Answer **ALL** Questions.

1. Attempt the following :

- (a) “The Companies Act, 2013 permits a company to pay certain commissions and prohibits the payment of all other commissions, discounts etc.” Comment.
- (b) Draft an Affidavit of a Creditor in proof of his debt in Proceeding for the Liquidation of a Company.
- (c) Write down the procedure of dissolution of Partnership through mutual agreement.
- (d) Explain the various process involved while writing a Legal Opinion.

(5 marks each)

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

2. Explain the following :

- (a) What are the factors to be considered while giving out Premises on Lease and License Basis ?
- (b) Ingredients of an Agency Contract.
- (c) Procedure to Draft a Written Statement.
- (d) “Goodwill of a business is an intangible asset”. Comment.

(4 marks each)

: 2 :

*OR (Alternate question to Q. No. 2)*

2A. Write short notes on the following :

- (i) Consideration for a Guarantee and Surety's Liability in a Contract of Guarantee.
- (ii) Mortgage by deposit of Title Deed.
- (iii) Necessary Provisions and Purposes of On-Line Shopping Agreements.
- (iv) Rights and Liabilities of the Mortgagee.

*(4 marks each)*

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

3. Draft the following documents (Assume Facts if necessary) :

- (a) Draft a Special Power of Attorney. Assume facts.
- (b) Draft an FIR. Assume facts.
- (c) Draft Gift Deed.
- (d) Draft a Specimen Deed of Revocation of a Public Charitable Trust named Devtulya Vriddha Seva Samiti Ashram (Regd.), Gwalior (M.P.) for failure to settle debts. (Assume necessary data).

*(4 marks each)*

**OR (Alternate question to Q. No. 3)**

- 3A.** Distinguish between the following :
- (i) Distinguish between Fidelity guarantee and Continuing guarantee.
  - (ii) Distinguish between Retirement of partner and Expulsion of partner.
  - (iii) Distinguish between Supplemental Deed and Endorsements.
  - (iv) Distinguish between Writ of Habeas Corpus and Quo-warranto.
- (4 marks each)*
- 4.** (a) Draft a Specimen Deed of Sale by a Certificated Guardian (Appointed by the Court) of a Hindu Minor. Assume requisite data, if necessary.
- (b) Draft a Specimen Agreement for Hire-Purchase between Financier and Guarantor. Assume facts.
- (8 marks each)*
- 5.** (a) “Promoter means a person who has control over the affairs of the company, directly or indirectly whether as a shareholder, director or otherwise.” Elucidate.
- (4 marks)*
- (b) Samaksh and Puneet are partners in a firm manufacturing and marketing jeans in the name and style of Novelty Garments. Now they want to admit Ms. Sameeksha, a Sartorial expert, as a new partner. Prepare a Deed of Agreement for admission of Ms. Sameeksha into the firm.
- (6 marks)*
- (c) Draft a Deed of License for use of wall of a Building for publicity and advertisement for goods, etc. Assume facts if necessary.
- (6 marks)*
- 6.** (a) Amicable Corporation Ltd. incorporated under the Companies Act, 2013 purchased an independent house comprising two floors in Gurgaon in the State of Haryana for a sum of ₹ 3.5 crore for providing company accomodation to Dinesh, Company Secretary on the first floor and it was decided that the company shall have its guest house at ground floor.

: 4 :

For facilitating its registration, Mrs. Rajwati, the Chairman - cum-Managing Director Executed the following special power of attorney :

“By this power of attorney, I, Rajwati Chairman, Amicable Corporation Ltd., do hereby appoint authorize Dinesh to be my agent and authority for the purposes of Executing registration of the property purchased by the company from Antarctic Builders Ltd. on this 15th day of September, 2018.

For and on behalf of Amicable Corporation Ltd.

Sd/-

Chairman

On presentation of this document, the Registrar refused to complete the registration Procedure stating that the power of attorney is void.

In the light of the above answer the following :

- (i) Is the action of the Registrar legally tenable ? State reason.
- (ii) Draft a power of attorney as you would have been the Company Secretary.
- (iii) Property registration charges are 8% for a man and 6% for a woman. Will you advise that the power of attorney be executed in favour of Mrs. Rajwati to derive this benefit ?

(8 marks)

- (b) Define Anticipatory Bail.

Draft a Bail Application before a Magistrate during Police Enquiry under Section 437, Cr.PC 1973.

(8 marks)

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