

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. Comment on the following :

- (a) A will does not require to be registered.
 - (b) A Power of Attorney must be strictly construed.
 - (c) *Amino attestendi*
 - (d) A debtor cannot claim or take advantage of non-payment of consideration for assignment.
- (5 marks each)

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

2. Explain the following :

- (a) Statement of a case by Appellate Tribunal to the Supreme Court of India under the Income Tax Act, 1961.
- (b) Interlocutory orders
- (c) Objects of Pleadings
- (d) Extinction of a Trust.

(4 marks each)

OR (Alternate question to Q. No. 2)

2A. Explain the following :

- (i) Legality of a written deed for performing a promise in near future.
- (ii) Utility of arbitration
- (iii) Electronic or e-contracts
- (iv) Building contracts

(4 marks each)

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

3. Distinguish between the following :

- (a) *Habeas corpus* and *Quo warranto*
- (b) Release and re-conveyance of mortgaged assets
- (c) Compounding and consent orders
- (d) Power of Attorney and Letter of Authority

(4 marks each)

OR (Alternate question to Q. No. 3)

3A. Write notes on the following :

- (i) Shareholders' agreements
- (ii) Plaintiff structure
- (iii) Court craft
- (iv) *Habendum*

(4 marks each)

4. In the light of judicial pronouncements, discuss the following :

- (a) A restriction which is not specified in the Articles of Association is not binding either on the company or the shareholders.
- (b) Surrender of lease is not a transfer but a mere yielding up by the lessee of his interest under the lease to the lessor by mutual agreement.
- (c) Transfer of immovable property by way of sale can be effected only by a deed of conveyance.
- (d) Articles of Association regulate the internal management of a company.

(4 marks each)

: 3 :

5. (a) It is incumbent upon a party in possession of best evidence on the issue involved to produce such evidence and if such party fails to produce the same, an adverse inference is liable to drawn against such party. Explain.
(4 marks)
- (b) A group of fashion designers, Akshita, Haritha and Hemalatha propose to form a Limited Liability Partnership (LLP). They seek your professional guidance on the drafting of the following clauses in the LLP Agreement :
- (i) Admission of new partner
(ii) Extent of liability of the LLP
(iii) Arbitration
(6 marks)
- (c) Draft a specimen Deed of Assignment of a Patent. Assume data.
(6 marks)
6. (a) Aviksh is the owner of a flat (Flat No. 304, admeasuring 1500 sq. ft.) in Poornaprajna Co-operative Housing Society Ltd.; the ownership of the said flat is evidenced by Share Certificate No. PP 37. Aviksh now proposes to sell this flat to Sudharshini for a total consideration of ₹ 45 lakh. It is agreed that ₹ 15 lakh would be paid as earnest money at the time of execution of agreement to sell and the balance amount of ₹ 30 lakh would be paid upon execution of the deed of conveyance.
Draft an agreement to sell based on the above facts. Assume other data, where necessary.
(8 marks)
- (b) Explain the provisions of Appeal under Civil Procedure Code, 1908. What points are to be considered while drafting an appeal ?
(8 marks)

————— o —————