

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. (a) XYZ Ltd. wishes to convey Meeting of Board of Directors through Electronic mode. Draft a suitable Notice for the same. Assume other informations.
- (b) Draft a Resolution for appointment of 'David' as Company Secretary pursuant to Section 203 of The Companies Act, 2013.
- (c) "Registration of a Power of Attorney is not Compulsory". Comment.
- (d) "A Company is an artificial judicial person created by Law". Comment.

(5 marks each)

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

2. Write notes on the following :

- (a) Applicability of principle of res judicata.
- (b) Importance of Force Majeure Clause in Commercial contracts.
- (c) Conditions for Appeals before the Hon'ble Supreme Court in Civil cases.
- (d) Main functions of Directorate of Enforcement.

(4 marks each)

OR (Alternate question to Q. No. 2)

2A. Write notes on the following :

- (i) Can revision application be made where aggrieved party has right to appeal in the matter ? Elucidate with relevant provisions of Criminal Procedure Code.
- (ii) Describe the applicability of Secretarial Standard-1 under the Companies Act, 2013, issued by The Institute of Company Secretaries of India on Meeting of Board of Directors.
- (iii) Enumerate the stages of a criminal trial in a summons case.
- (iv) FIR and Complaint.

(4 marks each)

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

3. Discuss the following :

- (a) What are the provisions regarding quorum for the meeting of Board of Directors under Companies Act, 2013. Can article provide for the different quorum than the Companies Act, 2013 ?
- (b) Is it necessary to get the Power of Attorney attested ?
- (c) Bank was authorised by its Articles to issue bonds. The directors issued bond to 'A' without the requisite resolution. A filed a suit for recovery of the money against the company. The company resisted the suit on the ground that there was no resolution passed. Will 'A' succeed ?

(4 marks)

(4 marks)

(4 marks)

: 3 :

- (d) The directors of the company were authorised under the Articles of Association of Company to borrow ₹ 20,000 without the consent of shareholders in general meeting. The directors themselves let ₹ 50,000 to the company without such consent. Is the company held liable for ₹ 50,000.

(4 marks)

OR (Alternate question to Q. No. 3)

3A. Distinguish between the following :

- (i) Ordinary Resolution and Special Resolution
- (ii) Simple Mortgage and English Mortgage
- (iii) Summons and Warrant
- (iv) Complaint and Written statement.

(4 marks each)

4. Explain the following :

- (a) Revocation of Gift.
- (b) Articles of Association are Company's internal rules and regulations, explain with relevant case laws.
- (c) Draft a specimen affidavit for issue of duplicate Share Certificate, as the original Share Certificate issued by the Company has lost. Assume data.
- (d) Deficiency in Pleadings would not affect the Plaintiff's Case. Discuss with reference to relevant case laws.

(4 marks each)

5. (a) In a pending Suit defendant filed written statement denying Plaintiff's claim for right of recovery of building. In this process he filed list of five witnesses before the Hon'ble Court, three of whom were employees of City Development Authority. Court summoned three defense witnesses out of the list of five witnesses filed by the defendant and closed the evidence stage. Court passed a cryptic and unreasoned order. With a view to cure this defect in trial of the suit and to prevent the miscarriage of justice, defendant decided to file Revision Petition. Draft a suitable Revision Petition taking into account the above facts and assume data, wherever required.
- (b) Draft a Specimen Petition by wife under section 125 Cr. P.C. 1973 for maintenance. *(8 marks each)*
6. (a) 'X' and 'Y' are partners. 'Z' a minor son of 'Y' was admitted to the benefits of the partnership. 'Y' dies and the business of the firm is carried on. During this period 'X' incurs losses heavily. The creditors of the firm demand losses from 'X' and 'Z'. The Lawyer has advised 'Z' that he is liable upto 'Z's capital investment in such partnership firm. Advise 'Z'.
- (b) ABC Ltd. called an Annual General Meeting on 28th December, 1998. As the quorum was not present on that day, the meeting was adjourned to 4th January, 1999 on which date the meeting was duly held. No other AGM was held in 1999. Can the company be prosecuted for not holding AGM every year ?
- (c) Two shareholders sued the Directors of a Company, alleging various fraudulent and illegal transactions, whereby the Company's property was misapplied. The transactions were, however, of such nature as the majority of shareholders had the power to confirm. Will such suit succeed ? Why ?
- (d) Summary trial. *(4 marks each)*