

EXAMINATION OF ARTICLED CLERKS

Paper I

PRACTICE AND PROCEDURE

Monday, 7th October, 2019

Time: 3 Hours (1:00 PM to 4:00 PM)

(Total Marks: 100)

- Notes:**
- i. Read the questions carefully and answer neatly and to the point.
 - ii. Cite relevant case law.
 - iii. Answer to every question should be on a fresh sheet.

1. **Define:** **10 Marks**
 - i. Decree
 - ii. Decree holder
 - iii. Judgment
 - iv. Foreign court
 - v. Mesne profits

2. **When should leave under Clause 12 of the Letters Patent be applied for and at what stage? Under what circumstances leave under Order II Rule 2 is required to be obtained and at what stage?** **10 Marks**

3. **Draft the prayers in any three of the following suits:** **10 Marks**
 - i. Main prayers in suit for dissolution of partnership
 - ii. Main prayers in interpleader suit
 - iii. Main prayers in specific performance suit
 - iv. Redemption of mortgage

4. **Please answer all three.** **10 Marks**
 - i. What is Third Party notice and when is third party required to file affidavit in reply?
 - ii. What is originating summons?

- iii. What are commercial causes?
5. i. Who are the persons not entitled to relief of Specific performance? 10 Marks
ii. What are the consequences for Plaintiff if the suit for specific performance is dismissed?
iii. When instrument may be rectified?
6. i. What is the condition precedent for the issue of mandamus? 10 Marks
ii. Grounds on which the mandamus is refused?
7. i. What are the powers of the Court to enforce execution? 10 Marks
ii. What are the provisions in enforcement of the decree against legal representative?
8. i. When one may sue or defend on behalf of all in same Interest? 10 Marks
ii. When Court may strike out or add parties?
9. i. Procedure where defendant refuses to accept service or cannot be found. 10 Marks
ii. Substituted service.
10. i. What should accompany the memorandum of appeal? 10 Marks
ii. Contents of memorandum of appeal?
iii. Grounds which may be taken in appeal?