

**EXAMINATION OF ARTICLED CLERKS****Paper I****PRACTICE AND PROCEDURE****MONDAY, 26TH OCTOBER 2015****TIME : 3 HOURS (1-00 P.M. TO 4-00 P.M.)****(Total Marks—100)**

|   | <b>Marks</b> |
|---|--------------|
| Q 1. Briefly discuss any <i>three</i> of the following :—                                   | 12           |
| (a) Rejection of Plaintiff  |              |
| (b) Interest  |              |
| (c) Suit by or against Government   |              |
| (d) Appeals from Original Decree  |              |
| (e) Appeals from orders.  |              |
| Q 2. Explain any <i>five</i> of the following :—  | 10           |
| (a) Who may be joined as Plaintiffs   |              |
| (b) Substituted service   |              |
| (c) Modes of paying money under a decree  |              |
| (d) Application for execution   |              |
| (e) Discovery and Inspection  |              |
| (f) Stay of suit.   |              |
| (g) Attachment.   |              |
| Q 3. (a) Explain Summary Suit and Procedure for the appearance of Defendant                 | 8            |
| <i>OR</i>   |              |
| (a) Draft prayers in a suit for Specific Performance of contract (agreement for sale).      |              |
| (b) Draft a prayer for permanent injunction and appointment of Court Commissioner.          |              |
| Q 4. Describe in detail Writ of Summons and Suit by Indigent Persons                        | 8            |
| Q 5. Explain Rights of Purchaser or lessee against person with no title or imperfect title. | 8            |
| <i>OR</i>   |              |
| Explain Liquidation of damages not a bar to specific performance.                           |              |
| Q 6. Explain any <i>six</i> of the following :—   | 12           |
| (a) Clause 12 of the Letters Patent   |              |
| (b) Difference between Articles 226 and 227 of the Constitution of India.                   |              |
| (c) Recording of Evidence   |              |
| (d) Article 136 of the Constitution of India  |              |
| (e) Recovery of specific immovable property   |              |
| (f) Judgment when pronounced  |              |
| (g) Adjournments.   |              |

## Marks

- Q 7. Whether an appeal filed within 30 days of an ad-interim *ex-parte* order passed by the Hon'ble High Court is maintainable? with case law. 10
- Q. 8. (a) Mr. X has signed a Letter of Offer with Mr. Y (Builder) for purchase of a flat in under construction building in South Mumbai. The Letter of Offer is duly confirmed by Mr. Y, Mr. Y defaults under letter of Offer. What are the remedies available to Mr. X against Mr. Y. 8
- (b) Discuss Institution of Suit. 10

OR

- (b) Discuss Frame of Suit.
- Q 9. Write short notes on any *two* of the following :— 4
- (a) Final decree in suit for sale
- (b) Writ of Habeas corpus
- (c) Objection to Jurisdiction as a preliminary issue
- (d) Foreign Judgment
- (e) Transfer of Decree.
- Q 10. Explain : The principles of Res Judicata, when attracted, would bar another suit in view of Section 12 of the Code. 10