

EXAMINATION OF ARTICLED CLERKS

PAPER I

PRACTICE AND PROCEDURE

Monday, 13th May, 2013

TIME : 3 HOURS (1.00 P.M. TO 4.00 P.M.)

(Total Marks – 100)

	Marks
1. (a) What are the essential averments which a Summary Suit must contain ?	6
(b) When would you advise your client to file a summary suit ?	4
2. (a) What are the circumstances under which a Court shall pass an order appointing a Court Receiver?	6
(b) Draft a prayer for appointment of Court Receiver.	4
3. (a) What are the steps to be taken for obtaining Temporary Injunction ?	2
(b) Enumerate three instances in which a Court may grant Temporary Injunction.	6
(c) Draft a prayer seeking Temporary Injunction.	4
4. Please discuss any four of the following :—	20
(a) Revision	
(b) Writ Jurisdiction	
(c) Suits by Indigent Persons	
(d) Commercial Causes	
(e) Contempt of Court	
(f) Compensatory Costs	
(g) Foreign Award.	
5. (a) Under what circumstances will a Court pass an Exparte Decree ?	2
(b) What steps will you take for setting aside an Exparte Decree ?	6
6. Who may apply for the issue of originating summons and in respect of what matters ?	8

OR

Please discuss Interpleader Suit.

7. (a) Which are the contracts which can be specifically enforced?	6
(b) Please discuss Public Interest Litigation.	6
8. (a) "Suit to include the whole claim". Please discuss.	4
(b) Please draft a Petition for leave under Clause XII of the Letters Patent.	6

9. Are the following **true** or **false** :—

- (a) Letters of Administration includes letters of administration with the will annexed.
 - (b) Application for attachment of property of an absconding witness may be disposed of by the Judge in Chambers.
 - (c) Writ of Summons can be served at the office of the Advocate upto 6.00 p.m. on week days.
 - (d) Notice of Motion along with Affidavit in Support shall be served fourteen clear days before the return of the Notice of Motion.
 - (e) Writ of Summons can be served on Sundays with leave of the Court.
 - (f) An advocate can appear on both sides in a Suit if the parties to the Suit have no objection.
 - (g) Any person intending to oppose the grant of probate has to normally file a caveat within 21 days from the service of the citation upon him.
 - (h) Appellate Court does not have the power to frame issues and refer them for trial.
 - (i) The Speaker of the House of the People shall be entitled to exemption from personal appearance in Court.
 - (j) Copy of the order appealed from need not accompany the Memorandum of Appeal.
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