

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)

	Marks
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
OR	
(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
OR	
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 immoveable property	
(f) Judgment when pronounced	
(g) Adjournments	

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| Q 7. Whether an appeal filed within 30 days of an ad-interim <i>ex-parte</i> 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.
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| Q 9. Write short notes on any <i>two</i> 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 |