

Roll No.....

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 8

Total number of printed pages : 4

NOTE : Answer SIX questions including Question No.1 which is compulsory.

1. (a) "Constitution of India is basically federal with strong unitary features." Discuss. (8 marks)
- (b) Explain the writ jurisdictions of the Supreme Court and High Courts as provided in the Constitution of India. (6 marks)
- (c) Explain the mischief rule in the interpretation of statutes. (6 marks)

2. Attempt **any four** of the following :
 - (i) State the circumstances in which a property may be transferred in favour of an unborn person.
 - (ii) Explain the rule of *lis pendens* as provided in the Transfer of Property Act, 1882.
 - (iii) What are 'cyber offences' under the Information Technology Act, 2000 ?
 - (iv) State the documents which are required to be compulsorily registered under the Registration Act, 1908.
 - (v) Explain the consequences of the instruments which are not duly stamped under the Indian Stamp Act, 1899. (4 marks each)

3. Distinguish between **any four** of the following :
 - (i) 'Summons cases' and 'warrant cases'.
 - (ii) 'Bailable offences' and 'non-bailable offences'.
 - (iii) 'Battery' and 'assault'.
 - (iv) 'Condition precedent' and 'condition subsequent'.
 - (v) 'Primary evidence' and 'secondary evidence'. (4 marks each)

261

: 2 :

4. Write notes on **any four** of the following :

- (i) E-governance
- (ii) Setting aside of an award
- (iii) Perpetual injunction
- (iv) Rectification of an instrument
- (v) Specific performance of a contract.

(4 marks each)

5. (a) A document was executed outside India and it was presented for registration after a lapse of four months from the date of its arrival in India. Whether the document may be accepted for registration by the Registrar ? Decide.

(6 marks)

(b) Choose the most appropriate answer from the given options in respect of the following :

- (i) Under the Transfer of Property Act, 1882, the transfer of property may be made --
 - (a) Orally
 - (b) By written document
 - (c) By written document with its registration
 - (d) By delivery of property except where transfer is required to be in writing under the law.
- (ii) The right to foreclosure is available to the mortgagee when it is --
 - (a) English mortgage
 - (b) Simple mortgage
 - (c) Mortgage by conditional sale
 - (d) Usufructuary mortgage.
- (iii) The income of transferred property may be accumulated for an unlimited time where the property is transferred with condition --
 - (a) For the payment of debts taken by the transferor
 - (b) For the maintenance of the property itself
 - (c) For the maintenance of the descendants of the transferor generation after generation
 - (d) All of the above.

- (iv) Under the Specific Relief Act, 1963, the relief of cancellation of a written instrument is available –
- (a) When an instrument is void or voidable at the option of the plaintiff
 - (b) Where the plaintiff may apprehend serious injury if the instrument is left outstanding
 - (c) Where the instrument requires registration but is not registered
 - (d) Where conditions mentioned (a) and (b) above are fulfilled.
- (v) The definition of the 'State' as given under Article 12 of the Constitution of India includes --
- (a) The Central Government and Parliament of India
 - (b) The Government and the Legislature of each State
 - (c) All local or other authorities within India and under the control of the Government of India
 - (d) All of the above.

(1 mark each)

- (c) Re-write the following sentences after filling-in the blank spaces with appropriate word(s)/figure(s) :
- (i) Perpetual injunction is granted under section _____ of the Specific Relief Act, 1963.
 - (ii) A police officer may arrest an accused without warrant in case of _____.
 - (iii) The Court of a Judicial Magistrate of the First Class is authorised to pass a sentence of _____.
 - (iv) The right to maintenance under section 125 of the Code of Criminal Procedure, 1973 is available to _____.
 - (v) The application of revision under the provisions of the Code of Civil Procedure, 1908 is made to _____.

(1 mark each)

6. State, with reasons in brief, whether the following statements are correct or incorrect :
- (i) The Constitution of India makes a few exceptions in which the Parliament is authorised to make the laws even on the subjects included in the State List.
 - (ii) Article 174 of the Constitution of India empowers the Governor of the State to dissolve the State Legislature.
 - (iii) The Right to Information Act, 2005 confers on all citizens of India a right to information.
 - (iv) Certain categories of information have been exempted from disclosure under the Right to Information Act, 2005.
 - (v) Under certain circumstances, a person is liable for the torts committed by another.

261

: 4 :

- (vi) On the same cause of action, a fresh suit is barred by law.
- (vii) Decree is a formal expression of an adjudication, whereas an order is the decision of the court.
- (viii) The procedure provided under any special or local law is not affected by the procedure given under the Code of Civil Procedure, 1908.
- (2 marks each)
7. (a) Ashok sells a house to Vinay by a written document and delivers possession to Vinay, but the document is not registered. After one year, Ashok sues Vinay to take back the possession of the property on the ground that non-registration of a document has no validity. Will Ashok succeed? Which doctrine of law can be invoked by Vinay in his defence?
- (6 marks)
- (b) Kamal transfers his property worth Rs.10,000 to Shyam and by the same instrument asked Shyam to transfer his property worth Rs.5,000 to Manoj. Kamal dies before Shyam made his election. Can Manoj get compensation? If so, from whom and how much?
- (5 marks)
- (c) Alok contracts to sell a piece of land to Vimal consisting of 100 bighas for Rs.10 lakh and it turns out that only 50 bighas of land belongs to Alok. Who can demand specific performance of contract and who cannot? If there is a demand of specific performance from rightful party, what will be the consideration?
- (5 marks)
8. (a) Anil was a trustee of a trust. After Anil's death, Brij wrongfully takes the possession of the trust property. Chandan, the son of Anil files a suit for recovery of possession of the property against Brij as the legal heir of Anil in his individual capacity. But Chandan did not succeed. Then Chandan files another suit for recovery of trust property against Brij in the capacity of trustee as he was appointed as trustee after the death of Anil. Whether the second suit is barred by the doctrine of constructive *res judicata*? Explain.
- (6 marks)
- (b) Mohan filed a suit against Sohan and Rohan for partition of coparcenary property 'P-1'. The suit has been decided. Mohan files another suit against Sohan and Rohan for the partition of coparcenary property 'P-2', which was in existence at the time of filing of the first suit. Decide.
- (5 marks)
- (c) Kamini informed Ajay in the year 2001 that she had committed theft of the jewellery of her neighbour. Thereafter, Kamini and Ajay were married in 2002. In the year 2003, criminal proceeding were instituted against Kamini in respect of the theft of jewellery. Ajay is called to give evidence in the case. Decide whether Ajay can disclose the communication made to him by Kamini.
- (5 marks)

-- o --