

NATIONAL LAW UNIVERSITY, DELHI

B.A.LLB.(Hons.): IV-YEAR, VIII-SEMESTER (2012 Batch) Special Repeat Examinations, July-2017

Paper 8.4: Clinic-II

Time: 3 Hours

Total Marks: 70

Instructions:

1. Read the questions carefully and answer.
2. No clarification shall be sought on the question paper.
3. Do not write anything on the question paper except your Roll No.

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- Q.1 Based on the following facts, draft a Complaint on behalf of Ram Singh who has engaged you as a counsel:-
Ram Singh is having 3 sons and one daughter. He purchased the land and constructed a house bearing no. 10, sector 4, Dwarka, Delhi, out of his own funds. He allowed his one son namely Ashwani Kumar to live in the house on the first floor. The relations between father and son remained very cordial for about one year after which Ashwani Kumar started harassing his father Ram Singh in one form or the other in order to pressurize him to transfer the first floor in his name without any right, title or interest. Ram Singh does not want to transfer the first floor of his house in the name of his son Ashwani Kumar to protect the interest of his other 2 sons and one daughter who are also opposing the demand of Ashwani Kumar. The things further worsened when on 11.1.2017 Ashwani Kumar resorted to even beating his father in the presence of his wife and children as a result of which Ram Singh called the police at his residence after which FIR was got registered against Ashwani Kumar. After about 6 months of this incidence, Ram Singh directed his son Ashwani Kumar to vacate the first floor of the house where he was residing, but Ashwani Kumar has refused to do so and thus now Ram Singh has no other option and therefore, he approached and engaged you as a counsel to file a civil suit against his son Ashwani Kumar for vacating the first floor of his house.
Draft the complaint accordingly. **(10 Marks)**
- Q.2 Draft the application for the grant of Bail in the following case pending in the Court of Sh. Arvind Sharma Add. Session Judge, Dwarka.
Allegations against the accused Ravi Kumar and Rohan as contained in the FIR are as under:
On 1.4.2017 at about 8 a.m. in the area of Dwarka Mor, there arose a dispute between Ravi Kumar, Rohan accused and deceased Ramesh over some money issue in the house of Ramesh. Heated exchanges were going on between the aforesaid parties. In the meantime, accused Ravi Kumar gave a lalkara (instigated) to Rohan to teach a lesson to Ramesh for quarrelling with them upon hearing which Rohan caught Ramesh from the back and his co-accused Ravi Kumar gave a lathi blows upon the head of Ramesh as a result of which Ramesh fell down and due to the grievous nature of the injuries died at the spot.
FIR was registered against the two accused. The police during investigation of the case arrested both the accused on 31.4. 2017, they were remanded to judicial custody by the Court.
Police could not completed investigation according to Cr. P.C. provisions on time. Relatives of accused have engaged you as a counsel to apply for bail in non-bailable offence on accused behalf. **(10 Marks)**
- Q.3 Pihu was married to Sahil in accordance with Hindu rites and ceremonies on 10 November 2014 at Delhi. Pihu left the matrimonial home some time in Feb 2015 as it had become impossible for her to live with the husband. The parties have been living separately since then. They want a divorce by mutual consent. Draft an appropriate petition for them. **(10 Marks)**

P.T.O.

- Q.4 Ashish is a qualified electronics engineer and his wife Sunena is a household lady. They wish to start a partnership business in which Ashish would be active and Sunena would be sleeping partner. A shop at Karol Bagh belonging to Sunena which she got from her father, is to be used for the business and the value of the shop has been assessed at Rs. 90,00,000. The whole investment of Rs. 100,00,000 for running the business is to be made by Ashish. Profits would be shared equally, and the partners would be entitled to draw Rs. 10,000 per month for their expenses. Draft a partnership deed for them. **(10 Marks)**
- Q.5 Mrs. Shanti Devi, a divorcee, aged 60 years, having no family of her own approaches you for drafting a Will for bequeathing her immovable property, i.e. $\frac{1}{4}$ share in house no.16, Jor Bagh, fixed deposits for a sum of Rs.80,00,000 in State Bank of India, Parliament Street, credit balance in her savings account with Bank of Baroda, Karol Bagh, and the balance of provident fund account in favour of her two sisters, Rama Devi and Shama Devi. Draft a Will for her. **(10 Marks)**
- Q.6(a) Shehnaz wants to let out entire first floor of her house bearing no. 10, Rajur Road, Delhi to Manish on a monthly rent of Rs. 20,000 for residential purposes only for a period of 11 months. Draft a suitable Deed.
- (b) X executes a promissory note in favour of Y for a sum of Rs. 50,000/- payable on demand. Y demands the amount so payable from X who refuses to pay. Y wants to file a suit for recovery of the said amount against X. Draft a recovery suit for Y. **(5X2=10 Marks)**
- Q.7 Answer the following questions in about 50 words each.
- (1) How SC interpreted the object of Pleadings in *Bacchaj Nahar v. Nilima Mandal* case.
 - (2) What is the significance of "Specific Denial" of facts mentioned in the plaint while preparing Written Statement?
 - (3) How process fee can be deposited in Courts?
 - (4) Mrs. Daisy is having a plaint drafted by her, who has come in the District Court at Dwarka. She finds that there are many Courts. She is not aware as to where plaint is to be filed for hearing and thus she approaches you for your advice. Advice her as per recent trend in Courts.
 - (5) Critically analyses the stamp duty on Plaint/Written statement, Deeds and Will.
 - (6) To whom notice is served u/s 438 of Cr.P.C., 1973 and why?
 - (7) Describe the role of rule nisi while deciding the Writ Petition filed by the Petitioner.
 - (8) On what basis a second appeal is filed in the HC in civil matters? How O. 41 of CPC is effective in writing the memorandum of appeal?
 - (9) Point out two examples of "Alternate and Inconsistent Pleadings".
 - (10) Under what circumstances, replication can be filed by the plaintiff as a matter of right?
- (10 Marks)**