

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination, May-2025

Semester: X

Subject: Drafting, Pleading and Conveyancing (Compulsory)

TIME: Three Hours

Marks: 100

Instructions:

1. *Attempt any Five questions.*
2. *Assume the facts wherever necessary. Brevity will be appreciated.*
3. *Marks for the Answers are indicated at the end of each question.*
4. *No bare acts and/or study materials are allowed.*
5. *No clarification will be sort during examination.*
6. *Affidavit and verification are not required.*

Q.1. One Arunima aged 17 years was standing outside her house on 02.11.2019 at around 8.30 a.m. Three boys Mika, Pavan and Ash, who were her neighbors and were all of around 19-20yrs came there. Mika with bad intentions caught hold of her hand, pulled her and said that her father is not performing her marriage with him and suggested maintaining relations with him and offered to marry her. She raised shout. Upon which her grandmother and sister came out, Pavan started beating her sister whereas, Ash pushed her grandmother and abused her. After this, Arunima and her sister went towards restaurant of her father to inform about the occurrence. Later on, around 09.30 a.m. all three boys reached at her father's restaurant and abused him. Pavan assaulted her father on head with iron tambi whereas Mika hit rod on his legs and accused Ash gave blows with stick. Because of said assault her father suffered bleeding injury and they approached police and lodged report which was registered.

Police officer who took over investigation, arrested accused and on conclusion of investigation charge-sheeted accused and where resultantly tried by learned Special Judge who on appreciation of evidence held accused only guilty for offences punishable under Sections 323, 324 r/w 34 of the I.P.C. and acquitted accused from any other charges. Draft an appeal from the side of Prosecution for considering other offences and enhancement of punishment.

(Marks 20)

Q.2. What do you understand by 'Conveyancing'? What are the different components of a deed? Draft a simple sale deed.

(Marks 20)

Q.3. One Arneesh started the partnership business of school uniform manufacturing and supplying in Delhi on 1/1/2022 along with his three friends. The firm was in profit and was working smoothly until one day (on 1/1/2024) due to some misunderstanding the differences arose between all four partners. Draft a plaint on behalf of Arneesh for dissolution of partnership and written statement on behalf of other partners.

(Marks 20)

Q.4. Write short notes on the following:

- i. Recitals
- ii. Set-off and counter claim

iii. Joinder of plaintiffs, same defendants and same cause of action. (Marks 5+10+5=20)

Q.5. One Mr. Akhilesh was an employee in a ATOZ company wholly owned by the Government of India and is, thus, an instrumentality of state as given in Article 12 of the Indian Constitution. He was the diligent employee working hard day and night. He was appointed on 1st January 2020 as a sales agent and was also given addition responsibilities after looking at his dedication towards work. On 1st December 2022 he was promoted as Area Sales manager. After six months of service he was served with the disciplinary notice which stated his careless attitude towards his job and non-performance of some tasks. The inquiry was done by the internal member of the company while as per the rules of the company the inquiry was supposed to be conducted by the third external party. On grounds of enquiry report he was served with the notice of dismissal. Draft a writ petition on behalf of Akhilesh. (Marks 20)

Q.6. Discuss the difference between Review, Revision and Appeal. Draft a review or revision petition on imaginary facts. (Marks 20)

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Q.1. One Mr. Ramesh, R/o. Ramnagar lodged FIR against one Mr. Kamlesh and others on 15/9/2022 at 4:30 a.m. under Section 307, 392, 323, 143, 323, 143, 144, 147, 148, 149 of I.P.C. in respect of the incident that allegedly took place on 15/9/2022 at 2:00 a.m. Mr. Ramesh has alleged that he was having love affair with one Ashu, i.e. the daughter of Mr. Kamlesh since last 6 months and when her parents came to know about the same, they stopped her college and tuitions for three months and therefore, Ramesh could not meet her and they were communicating on phone or through SMS. Ramesh alleged that prior to 2 – 3 days Ashu asked him to meet her on 15/9/2022 at 2:00 a.m. at the temple near her house. It is alleged that accordingly Ramesh went to the temple, near the house of Ashu and was waiting for her; however, she did not come. It is alleged that while he (Ramesh) was proceeding towards the house of Ashu to inquire why she didn't come, he was given blows by sharp edged weapon on his head and back after which he fell down and he was assaulted by fist blows and at that time he saw the faces of the assailants. It is alleged that at that time his gold chain and mobile were also snatched. Ramesh alleged that Kamlesh, Suresh, Vimlesh and some other four people were the persons who assaulted him. After that he became unconscious and when he regained senses he was in some rural hospital. On the basis of the facts stated, **draft** an application of bail on behalf of Mr. Kamlesh. (Marks 20)

Q.2. What are the kinds of mortgage? Draft a usufructuary mortgage deed. (Marks 20)

Q.3. Alisha a young lady of 21 years old belonging to Shajahanpur is a software engineer. During her last months of graduation, she gets the job in college placement in an IT company at Bangaluru in 2021. There she met one Rajneesh her senior colleague who actually belonged to Jodhpur, with whom after a year of courtship she married. Marriage took place at Shajahanpur after which they went back to Bangaluru to resume their job. After an year they were blessed with twins. As time passed it became difficult for the couple to manage both work and family as a result there were frequent fights between them. Rajneesh on many occasions tried to convince Alisha to shift to his home town Jaipur, but Alisha was not willing to do away with her job. Rajneesh finally resigned from the job and went back to Jaipur leaving behind Alisha and his twin children. Later Rajneesh initiated the divorce proceedings in Jaipur against Alisha. Draft following

- i. The plaint on behalf of Rajneesh
- ii. Application for the restitution of conjugal rights on behalf of Alisha. (Marks 10+10=20)

Q.4. Write short notes on the following:

- i. *Facts probanda and facts probantia.*
- ii. *Particulars in pleading with example.*
- iii. *Additional Pleas and inconsistent pleas.*

(Marks 8+4+8=20)

Q.5. Mr. Kumar is a public spirited individual, and is a well-recognized practicing Advocate-On-Record of Hon'ble Supreme Court of India. He is a deep believer in the upliftment of democratic values, judicial independence and promotion and protection of Rule of Law and individual and institutional freedom as enshrined in Constitution of India. He had pro-bono fought number of cases for underprivileged groups of the society. He also created a pro-bono group of five other senior advocates called GPB who work on the same line. One day when he was discussing his case in his office with his GPB members some people threw stones on his window and the glass pane from the window blew very hard injuring two of his members. After few days when he was on his way to the court some people hit his car damaging it badly while injuring him and his colleague. On one fateful day he and his fellow advocates also had to face gunfire in the court premises. These instances continued for two months when finally, he filed a petition in the court against the assailants. Draft the petition on behalf of Mr. Kumar.

(Marks 20)

Q.6. Draft a Will for Mr. 'X' who resides in flat 204 SNN Delhi NCR, in favor of his son 'Y' with respect to his property consisting of two flats (no. 202 and 204 in SNN apartments) in Delhi NCR and some jewelry worth rupees 1 crore, with the clause that the rent from flat no. 202 will be given to his two daughters equally for five years from the execution of the will and also that till the lifetime of his wife (mother of 'Y') the flats will not be transferred to anyone and that she would be entitled to live there.

(Marks 20)

Section for reference: -

Hindu Marriage Act, 1955

9. Restitution of conjugal rights. -

(1) *When either the husband or the wife has, without reasonable excuse, withdrawn from the society of the other, the aggrieved party may apply, by petition to the district court, for restitution of conjugal rights and the court, on being satisfied of the truth of the statements made in such petition and that there is no legal ground why the application should not be granted, may decree restitution of conjugal rights accordingly.*

(2) *Nothing shall be pleaded in answer to a petition for restitution of conjugal rights which shall not be a ground for judicial separation or for nullity of marriage or for divorce.*