

PP – 13/4
Miscellaneous Laws
Paper – IV

Time : 2½ hours

Full Marks : 250

The figures in the right-hand margin indicate marks.

Answer all questions.

1. Explain the rules relating to joinder of parties and joinder of cause of action. 25

OR

Discuss the principles of Res judicata as laid down in the Civil Procedure Code. Can the finding of a criminal court be Res judicata in a Civil Court ? 25

2. State the provisions relating to abatement of suits under the Civil Procedure Code. Under what circumstances such an abatement may be set aside ? 25

OR

KY – 4/5

(Turn over)

Write short notes on any **two** of the following :

$$12\frac{1}{2} + 12\frac{1}{2} = 25$$

- (a) Set off and counter claim
 - (b) Attachment before judgement
 - (c) Setting aside Ex parte decree
3. Explain the doctrine of relation back with reference to the law of adoption. State how this doctrine is changed by the provisions of the Hindu Adoption and Maintenance Act. 25

OR

- "A Mohammedan testator has not an unlimited power of disposition by will." Examine and state the legal limits on a testator's power to dispose his property by will under Mohammedan Law. 25
4. "Liability for libel does not depend on the intension of the defamer, but on the fact of defamation." — Discuss. State the modern law with regard to unintentional defamation. 20

OR

What are the essentials of the tort of malicious prosecution ? Distinguish the tort of malicious

prosecution from the tort of false imprisonment.

20

5. 'Property of any kind may be transferred.' Explain the rule and state the exceptions. 25

OR

What is meant by foreclosure and who may sue for foreclosure ? Can a mortgagee sue for partial foreclosure or sale ? 25

6. "A contract is not voidable merely because it was caused by one of the parties to it being under a mistake as to a matter of fact." — Discuss the statement giving exceptions to it with case laws. 25

OR

What are the rules governing the assessment of damages on a breach of contract ? Distinguish between liquidated damages and penalty. 25

7. What are the exceptions to the general rule that a Court shall not direct specific performance of part of a contract ? 20

OR

KY - 4/5

(3)

(Turn over)

Discuss the circumstances in which an injunction cannot be granted. 20

8. Explain the procedure for acquisition of land under the Land Acquisition Act and state the circumstances in which a state shall invoke special powers in case of urgency. 20

OR

Discuss the provisions of the Land Acquisition Act relating to the procedure for acquisition of land for companies. 20

9. Explain the scope and applicability of Section 5 of the Limitation Act in the matters of condoning the delay in moving the judicial process. 20

OR

What are the circumstances in which a fresh period of limitation is to be computed in respect of any property or right to recover a debt ? 20

10. What is meant by presentment of a negotiable instrument ? State the cases in which presentment for payment is not necessary. 20

OR

Explain the nature of statutory protection given to the paying banker and discuss the circumstances in which they can be claimed. 20

- 11. "If the enactment is expressed in language which is fairly capable of either interpretation, it ought to be constructed as prospective only." — Discuss. 25**

OR

What are the general rules for drafting a Bill ? Enumerate the various ingredients of a Bill. 25

