

Paper 3.8

Practical Paper

DRAFTING, PLEADING AND CONVEYENCING

Max. Marks: 100

Min.

Marks: 36

This paper shall consist of following two parts :

1. Practical Written Paper - 80 marks
2. Viva-voce Examination - 20 marks

The candidate must pass in both parts separately in 1& 2 Parts. For pass, he will be required to obtain 36% marks in each part, i.e. 29 marks out of 80 and 7 marks out of 20 marks.

PART - A

Practical Written paper

General Principles of Drafting and relevant substantive rules of pleading and their exceptions; amendment of pleadings : Alternative and Inconsistent Pleadings.

(a) Drafting Exercise on Pleadings :

Civil : (i) Complaints, (ii) Written Statement, (iii) Interlocutory Application. (iv) Affidavit, (v) Notice, (vi) Execution Petition, (vii) Memorandum of Appeal and Revision, (viii) Writ Petition and its appeal.

Criminal : (i) Complaints, (ii) Bail Applications, (iii) Accused's Reply, (iv) Criminal Miscellaneous Petition, (v) Memorandum of Appeal, Reference and Revision.

(b) Drafting Exercise on Conveyancing (i) Sale Deed, (ii) Mortgage Deed, (iii) Gift Deed, (iv) Lease Deed, (v) Rent Deed, (vi) Partnership Deed, (vii) Power of Attorney, (viii) Promissory Note, and (ix) Will.

PART - B

The Students have to write 5 exercises of pleading and 5 exercises of conveyancing in his own hand writing. Exercises to be allotted by the class subject teacher out of the following exercises. Two marks are meant for each exercise.

CONVEYANCING

DRAFTING OF PLAINT AND /

OR WRITTEN STATEMENT

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|-----------------------------------|---|
| 1. Sale Deed | 1. Suit for damages for malicious Prosecution |
| 2. Adoption Deed | 2. Suit for eviction and arrears of rent |
| 3. Power of Attorney | 3. Suit for Specific Performance of contract |
| 4. Agreement | |
| 5. Compromise & Family Settlement | |
| 6. Gift Deed | 4. Suit for temporary injunction |
| 7. Lease/ Rent Deed | 5. Inter pleader suit |
| 8. Mortgage Deed | 6. Suit for dissolution of Partnership |
| 9. Partnership Deed | 7. Application for maintenance under section 125 Cr. P.C. |
| 10. Will and Codicil | 8. Application for Divorce or Judicial separation |
| | 9. Notice for eviction of premises |
| | 10. Notice for damages for defamation |

VIVA-VOCE

20 Marks

The students have to maintain a diary in which they have to write 5 exercises of pleading and 5 exercises of conveyancing in his own hand writing.

The viva-voce examination shall be conducted by a committee of three persons. In the Committee, There shall be two Internal Examiners and one External Examiner. The Committee shall award marks on the basis of exercises submitted by the student and performance at the Viva-voce Examination.

SUGGESTED READINGS :

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| 1. K.K. Sivastav | : | The law of pleadings Drafting and conveyancing |
| 2. Y.S. Sharma | : | Drafting Pleading & Conveyancing |
| 3. Y.S. Sharma | : | पारूपण, अभिवचन तथा अभिहस्तान्तरण—
लेखन |
| 4. Om Prakash Tiwari & | : | अभिवचन, हस्तान्तर लेखन तथा व्यवसायिक |
| 5. Shyam Mishra | : | नीति शास्त्र |

