

2011

LAW

SECOND PAPER

Full Marks : 200

Time : 3 hours

The questions are of equal value

Answer **eight** questions, taking **two** questions from each Group A, B, C and D

GROUP—A

(Code of Civil Procedure)

1. Explain the doctrine of res judicata. What is constructive res judicata? Distinguish between res judicata and constructive res judicata.

2. Who may be joined as Plaintiff and as Defendant? Under what circumstances one person may sue or defend on behalf of all in the same interest? Discuss at what stage the pleas of joinder and misjoinder of parties can be taken.

3. What are the essential particulars to be contained in a plaint? What are the procedures for filing money suits and suits of immovable property? Discuss whether the Court can return a plaint.

GROUP—B

(Law of Evidence : Indian Evidence Act)

4. Distinguish between private documents and public documents. What is the procedure of proving public documents?
5. "The art of cross examination is a double edged weapon." Examine the statement. What questions normally can be asked in a cross-examination?
6. Write explanatory notes on any *two* of the following :
- (a) Admissions
 - (b) Relevancy of fact
 - (c) Burden of proof
 - (d) Estoppel

GROUP—C

(Transfer of Property Act)

7. Write exhaustive notes on any *two* of the following :
 - (a) Attestation
 - (b) Immovable property
 - (c) Vested and contingent interest
 - (d) Doctrine of election
8. Discuss the doctrine of past performance stating elaborately its scope and ambit under the Transfer of Property Act.
9. Explain the characteristics of sale. Discuss briefly the rights and liabilities of Buyer and Seller in a sale.

GROUP—D

(Law of Contract : Indian Contract Act)

10. "All contracts are agreements but all agreements are not contracts." Explain fully.
11. Define and explain the term consideration and state its essential elements.
Discuss fully the exceptions when agreement without consideration is valid.

12. Discuss Contract of Bailment in detail with rights and duties of Bailee and show when Bailment is treated as pledge.
