

Total No. of Printed Pages—4

183

ABP/CCM-36/XIV

2015

LAW

SECOND PAPER

Full Marks : 200

Time : 3 Hours

*The figures in the margin indicate full marks  
for the questions.*

*Answer any two questions from each Group.  
(within 250 words for each answer)*

**Group-A**

1. Elaborately discuss what do you mean by a 'suit of civil nature' in terms of the provisions of Civil Procedure Code.

Explain the term 'courts to try all civil suits unless barred'.

12+8=20

2. What is 'res-judicata' ? Discuss with the help of decisional laws the utility of res-judicata. Does it differ from constructive res-judicata ?

4+10+6=20

Contd.

3. The Code of Civil Procedure provides certain powers under Section 151. — Discuss what is the purpose and effect of the same. Explain the utility of such powers with the help of decisional laws.  $10+10=20$

**Group-B**

4. What is 'oral evidence' and how does it differ from 'documentary evidence'? Are there any exceptions to the rule of oral evidence?  $10+10=20$

5. Explain the terms 'facts in issue', 'relevant facts' and 'facts logically connected with facts in issue' with practical illustrative examples. 20

6. What is 'burden of proof'? State on whom does the burden of proof lie. Discuss in brief the salient provisions on burden of proof as provided under the law.  $4+4+12=20$

**Group-C**

7. Discuss the term "Property of any kind may be transferred". What are the various exceptions to the above as provided under Transfer of Property Act and any other law for the time being in force? — Explain. 20

8. What is a 'mortgage'? What are the different kinds of mortgage?

Discuss the procedure for effecting mortgage by deposit of title deeds. 4+8+8=20

9. Write explanatory notes on :

(a) Doctrine of election

(b) Doctrine of part-performance. 10+10=20

#### Group-D

10. Write elaborately what is 'consideration'.

Discuss the relevance of consideration in a contract to be a valid one with its exceptions.

Give suitable illustrative examples. 6+14=20

11. What is 'discharge of contract'? Discuss the various methods of discharge of contract. 4+16=20

12. Define partnership and discuss its essential ingredients in detail referring relevant legal provisions and decided cases. 20

Answer **any five** questions from the following :  
(within 150 words for each answer)

13. Write short notes on : (any two) 2×4=8

(a) Joinder of parties

(b) Leading Question

(c) Fraudulent Transfer

(d) Contract of Guarantee.

14. Distinguish between 'set-off' and 'counter-claim'. 8
15. What are 'public documents' ? What is the procedure required to prove public documents? 8
16. "Estoppel can be used as a shield, not as a sword"— Discuss. 8
17. Distinguish between 'vested' and 'contingent' interest. 8
18. "Rule of perpetuities is an important aspect of transfer of property"— Explain. 8
19. Write a brief note on 'Pledge'. 8
20. Does a valid contract need to have components of 'offer' and the same required to be accepted ? Discuss with suitable illustrations. 8