

BSR/38/15

2016

LAW

SECOND PAPER

Full Marks : 200

Time : 3 hours

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

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

GROUP—A

1. Who is an 'indigent person'? Discuss the provisions under the code of Civil Procedure governing suits by indigent person. 5+15=20
2. Explain the doctrine of res judicata. Discuss the significance of 'the matter collaterally or incidentally in issue' determining the principles of res judicata. 8+12=20
3. "The executing court cannot go behind the decree." Elucidate the statement. What are the questions that may be determined by the court executing the decree? 20

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(Turn Over)

GROUP—B

4. What do you mean by the expression 'burden of proof'? State the general principles regarding burden of proof. $10+10=20$
5. What is hearsay evidence? State the grounds for rejection of hearsay evidence. Discuss the exceptions to the rule of hearsay evidences. $4+8+8=20$
6. What do you mean by 'dying declaration'? Explain the evidentiary value of 'dying declaration'. X comes to the police station and lodges the First Information Report that Y has beaten him and also has threatened to kill him. After two days, X is murdered. Y is arrested and prosecuted for the offence of murdering X. Decide whether the First Information Report filed by deceased X can be admitted as dying declaration. Answer with reasons. $4+10+6=20$

GROUP—C

7. Distinguish between the following : $10 \times 2 = 20$
- (a) Mortgage and Charge
- (b) Vested interest and Contingent interest

8. What do you understand by transfer for the benefit of unborn person? To what extent and subject to what conditions does the Transfer of Property Act permit transfers for the benefit of unborn person? 10+10=20
9. What is sale? Explain the rights and liabilities of seller before and after sale. 8+12=20

GROUP—D

10. What are the various remedies provided in the Indian Contract Act for breach of contract? Discuss in detail with examples. 20
11. Define contract of guarantee. Enumerate its essential features. Distinguish between a contract of guarantee and a contract of indemnity. 4+6+10=20
12. Define the term 'contingent contract'. Discuss the rules relating to contingent contract with suitable illustrations. 5+15=20

Answer *any five* questions each within 150 words

13. Write short notes on any *two* of the following : 4×2=8
- (a) Hostile witness
 - (b) Quasi-contract
 - (c) Immovable property
 - (d) Condition precedent
14. Distinguish between primary and secondary evidence. 8
15. Discuss the various kinds of mortgages. 8
16. What are the essentials of lease? Can there be a lease without registration? Discuss. 8
17. Explain the essentials of a valid acceptance. 8
18. Enumerate the rights and liabilities of finder of goods. 8
19. Write an explanatory note on the right of redemption of the mortgagor. 8
20. State the meaning of 'plaint' and its necessary particulars. 8
