

LL.B. VI Term

Paper : LB – 601 - Professional Ethics, Pleadings, Conveyancing and Moot Courts

PART - A : STANDARDS OF ETIQUETTE AND PROFESSIONAL ETHICS

Prescribed Legislation:

The Advocates Act, 1961

Rules Governing Advocates:

(a) Restrictions on Senior Advocates	1
(b) Standards of Professional Conduct and Etiquette	2
(c) Cases on Professional Misconduct	10-199
1. <i>R.K. Anand v. Registrar, Delhi High Court</i> (2009) 8 SCC 106	10
2. <i>An Advocate v. Bar Council of India</i> , 1989 Supp (2) SCC 25	83
3. <i>Salil Dutta v. T.M. and M.C. (P) Ltd.</i> (1993) 2 SCC 185	94
4. <i>State of Maharashtra v. Budhikota Subbarao</i> (1993) 3 SCC 71	97
5. <i>Vinay Chandra Mishra, In re</i> (1995) 2 SCC 584	103
6. <i>C. Ravichandran Iyer v. Justice A.M. Bhattacharjee</i> (1995) 5 SCC 457	130
7. <i>P.D. Gupta v. Ram Murti</i> (1997) 7 SCC 147	142
8. <i>T.C. Mathai v. District & Sessions Judge, Thiruvananthapuram</i> (1999) 3 SCC 614	148
9. <i>R.D. Saxena v. Balram Prasad Sharma</i> (2000) 7 SCC 264	151
10. <i>D.P. Chadha v. Triyugi Narain Mishra</i> (2001) 2 SCC 221	155
11. <i>Shambhu Ram Yadav v. Hanuman Das Khatri</i> (2001) 6 SCC 1	165
12. <i>Pravin C. Shah v. K.A. Mohd. Ali</i> (2001) 8 SCC 650	169
13. <i>Bhupinder Kumar Sharma v. Bar Assn., Pathankot</i> (2002) 1 SCC 470	176
14. <i>Ex-Capt. Harish Uppal v. Union of India</i> (2003) 2 SCC 45	180
(d) Rules relating to Advocates' Right to take up Law Teaching	191
15. <i>Anees Ahmed v. University of Delhi</i> , AIR 2002 Del. 440	191

PART – B : PLEADINGS

Prescribed Book:

1. M.C. Agarwal and G.C. Mogha, **Mogha's The Law of Pleadings in India** (17th ed., 2006)
2. M.R. Mallick, Ganguly's, **Civil Court: Practice and Procedure** (13th ed., 2005)

Prescribed Legislation:

The Code of Civil Procedure, 1908, Orders VI to VIII

I. Pleadings in General (a) Object of pleadings (b) Fundamental Rules of Pleadings	200
II. Forms of Pleadings	200 -260

S.No Particulars

1. Suit for recovery under Order XXXVII of the Code of Civil Procedure 1908
2. Suit for Permanent Injunction
3. Application for Temporary Injunction Under Order 39 Rules 1 and 2 of the Code of Civil Procedure, 1908
4. Application under Order 39, rule 2-A of the Code of Civil Procedure, 1908
5. Suit for Ejectment and Damages for Wrongful Use and Occupation.
6. Model Draft Written Statement
7. Petition for Restitution of Conjugal Rights under Section 9 of the Hindu Marriage Act, 1955
8. Petition for Judicial Separation under Section 10 of the Hindu Marriage Act, 1955
9. Petition for Dissolution of Marriage by Decree of Divorce under Section 13 of the Hindu Marriage Act, 1955
10. Petition for Dissolution of Marriage by Decree of Divorce under Section 13B(1) of the Hindu Marriage Act, 1955
11. Petition for Grant of Probate in High Court
12. Petition for Grant of Letters of Administration
13. Contempt Petition under Sections 11 and 12 of the Contempt of Courts Act, 1971 before the High Court
14. Writ Petition under Article 226 of Constitution of India
15. Caveat under section 148-A of the Code of Civil Procedure, 1908
16. Caveat for Special Leave Petition (Civil) under Article 136 of the Constitution of India
17. Special Leave Petition (Civil) under Article 136 of the Constitution of India
18. Counter Affidavit in Special Leave Petition (Civil)
19. Application for Bail
20. Application for Grant of Anticipatory Bail
21. Complaint under Section 138 of the Negotiable Instruments Act, 1881
22. Application U/S. 125 of the Code of Criminal Procedure, 1973

23. Special Leave Petition (Criminal) under Article 136 of the Constitution of India
24. Transfer Petition (Civil) U/S. 25 of the Code of Civil Procedure, 1908
25. Curative Petition under Articles 129, 137, 141 and 142 of the Constitution of India
26. Complaint under Section 12 of the Consumer Protection Act, 1986
27. Written Statement to the Complaint under the Consumer Protection Act, 1986

PART – C : CONVEYANCING

Prescribed Book:

1. J.M. Srivastava and G.C. Mogha, **Mogha's *The Indian Conveyancer*** (13th ed., 2004)
2. C.R. Datta and M.N. Das, De Souza's, ***Forms and Precedents of Conveyancing*** (13th ed., 1999)

I. Component parts of a deed	261-265
II. Forms of Deeds and Notices	266-286

S. No. *Particulars*

1. Will
2. General Power of Attorney
3. Special Power of Attorney to Execute a Sale Deed
4. Sale Deed
5. Relinquishment Deed
6. Partnership Deed
7. Deed of Dissolution of Partnership
8. Hire-Purchase Agreement
9. Deed of Family Settlement between Rival Claimants of an Estate
10. Lease Deed
11. Mortgage Deed
12. Notice of Ejectment to the tenant under section 106 of the Transfer of Property Act, 1882
13. Notice under Section 80 of the Code of Civil Procedure, 1908

14. Notice under section 138 of Negotiable Instrument Act.

The forms of pleadings/deeds enlisted above are only illustrative and not exhaustive. The pleadings/deeds are to be drafted on different grounds/facts.

IMPORTANT NOTE:

1. The topics and cases given above are not exhaustive. The teachers teaching the course shall be at liberty to add new topics/cases.
2. The students are required to study the legislations as amended up-to-date and consult the latest editions of books.

3. The Question Paper shall consist of three parts. At least one question from each part must be attempted. The question papers set for the examinations held during 2008 to 2010 are printed below for guidance.

LL.B. VI Term Examinations, April-May, 2008

Note: Attempt *five* questions in all, selecting at least *one* question from each part.
All questions carry equal marks.

Part - A

1. An Advocate is a privileged member and watch dog of Indian society, his duties to the court, to the client and to the opponent, must conform to the provisions and rules of Advocates Act, 1961. Comment.
2. (a) “Advocates who are part-time teachers in the Faculty of Law can practise as well as teach whereas the full time teachers of Faculty of Law can only teach but not practise in the court.” Critically evaluate this statement with the help of judicial decisions, rules and regulations framed by Bar Council of India.
(b) Once conceded that lawyers are above the law and law courts, there can be no limit to lawyers taking the law in their hands to paralyse the working of the courts by striking at the heart of liberty conferred on every person by our Constitution. Discuss this proposition in the light of judicial approach.

Part - B

3. Jaspreet married Sukhjinder about 14 years back at Delhi. Jaspreet is a Teacher and Sukhjinder a Govt. employee, who was a widower at the time of marriage having one issue. This fact was concealed from Jaspreet, and from the very beginning, Sukhjinder used to suspect his wife of extra-marital relations. Jaspreet wants to take divorce on the grounds of cruelty. Draft a petition accordingly.
4. The State of Uttar Pradesh approaches you with a grievance that by the impugned judgement, the High Court of Allahabad has quashed the FIR filed by Prohibition and Excise Officers alleging commission of offence under the UP Excise Act and UP Prohibition Act. In all the cases, the allegation was that the accused concerned was either transporting or storing black Jaggery/Molasses for the purpose of manufacturing illicit distilled liquor or was an abettor so far as the offence of manufacturing illicit liquor is concerned. On being moved by application under section 482 of Cr. P.C. 1973 by the accused concerned for quashing the FIR, the High Court accepted the plea holding that there was no material to show that the seized articles were intended to be used for manufacturing illicit distilled liquor. Accordingly, the FIR in each case was quashed. Your client suggests that the adequacy of material already in existence or which could have been collected during investigation and their relevance is essentially a matter of trial. The court was not therefore justified in quashing the FIR. The exercise of power u/sec

482 of the Code, in the facts of the case, is clearly indefensible. Draft a petition for Special Leave to Appeal.

5. (a) A case under section 307 of I.P.C. is registered on 28.01.08 vide FIR No. 101/2008 against John for attempting to kill his friend, a political rival, by his friend's father in the jurisdiction of P.S. Maurice Nagar, Delhi and police is on the way to arrest John. Draft an appropriate Bail Application on behalf of John.
- (b) Ravi purchased computer peripherals from Shyam and in lieu thereof issued a cheque for Rs. 50,000 bearing No. 4067, Dt. 20.02.08 drawn at SBI, DU. When the cheque was presented by Shyam for payment through his banker, it was returned dishonoured by the banker along with the memo Dt. 10.03.08 on the ground of insufficiency of fund. In spite of the demand notice, Ravi did not pay the money. Draft a suitable complaint on behalf of Shyam to recover the said amount.

Part - C

6. (a) Briefly discuss the essential components of deed.
 - (b) A and B have been continuing a partnership firm for two years with the capital and profit being shared equally. B provided technical know-how. Due to differences, both approach you for drafting a suitable deed for dissolving the said firm giving the trade mark and goodwill to B. Prepare the deed with usual general clauses.
7. A agreed to sell his property "X" to B vide agreement to sell Dt. 3 Feb, 2007 for Rs. 1,00,000 and had received part payment of Rs. 10,000 in advance. The sale deed was to be completed within three months. The balance amount was to be paid before the Sub-Registrar by the vendee to the vendor. The property "X" is a factory and all the fittings, machines and fixtures are also to be sold along with the building. Draft a comprehensive sale deed.
8. (a) Ram Prakash is an old man of 80 years. He has a son Sunil residing with him. He wants to file a case before a Civil Judge for recovery of possession and rent and damages against his tenant Mohan but he is not able to attend the case personally on all the hearings and wants to authorize his son Sunil for this purpose. Prepare a suitable attorney on behalf of Ram Prakash.
 - (b) Draft an appropriate Notice on Behalf of the landlord Gurjeet, R/o M-21, GK-II, N. Delhi, to be served on his lessee Karim, R/o M-26, GK-II, N. Delhi, as he has not paid rent for successive four months. The rent (monthly) of the premises is Rs. 3,800 and the tenanted premises include two rooms, kitchen, a bathroom along with open court yard.

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LL.B. VI Term (Supplementary) Examinations, Aug.-Sept., 2008

Note: Attempt *five* questions in all, selecting at least one question from each part.
All questions carry *equal* marks.

PART - A

1. An Advocate was charged with professional misconduct for appropriation of money received, towards his fee, without intimation to the client and without settlement of fees. The Advocate defended himself by saying that while, it may be, that such conduct is not consistent with the highest professional standards, it cannot be treated as amounting to professional misconduct. Is the Advocate guilty of professional misconduct?
2. "An Advocate shall, at all time, comfort himself in a manner befitting his status as an officer of the Court, a privileged member of the community; and a gentlemen, bearing in mind that what may be lawful and a moral for a person who is not a member of the Bar, or for a member of the Bar in his non-professional capacity, may still be improper for an Advocate." Discuss.

PART - B

3. Draft a complaint under Section 138 Negotiable Instruments Act, 1881 on assumed facts with appropriate relief in a proper Court for dishonour of a cheque of Rs. 50,000.
4. Smt. Indra Puri is married to Shri Sudhir Kumar according to Hindu rites and ceremonies. Their relations were not cordial right from the beginning and Smt. Indira Puri was living separately since 01.01.07. In order to put pressure on her husband to move a Joint Petition of divorce with mutual consent as per the provisions u/s 13-B(1) of the Hindu Marriage Act, she filed complaint u/s 406 and 498-A IPC against her husband. The husband, apprehending his arrest any time, approaches you to file an anticipatory bail application. Draft the same.
5. M/s ABC Educational Society is running a Law School affiliated to D.C. University, Delhi. The school suddenly increased the tuition fee and also made it compulsory for the students to wear uniforms of the school to be supplied through the Store of the School. Aggrieved by the above two notices, the students of the School approach you for appropriate advice. Draft an appropriate Writ Petition under Article 226 of the Constitution of India on behalf of the students.

PART - C

6. Miss Neelam is the owner of immovable Property No. A-12, Sangam Vihar, Delhi and intends to go out of India for an indefinite period. She proposes to appoint her brother

Rakesh to manage the movable and immovable property in her absence. Draft a General Power of Attorney.

7. Shri Ram Kishan is the owner of Property No. W-10, Greater Kailash, New Delhi. Shyam Gopal approached him and both the parties agreed that Ram Kishan will lease out two rooms set out of the above said property with kitchen and attached bath for purpose of residence only, at a monthly rent of Rs. 12,000 per month excluding water and electricity charges. Ram Kishan approaches you for drafting a Lease Deed adding other terms in his favour. The period for lease is 3 years. Draft a Lease Deed.
8. (a) Draft a notice under Section 80 CPC, 1908 on assumed facts.
(b) Draft a notice of ejectment to a tenant under Section 106 of the Transfer of Property Act, 1882, on behalf of the landlord as the tenant has failed to pay the rent for four months consecutively.

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LL.B. IV Term Examinations, April-May, 2009

Note: Attempt *five* questions in all, selecting at least one question from each part.
All questions carry *equal* marks.

PART A

1. A, a senior designated Advocate, practicing in Supreme Court in India, has been assigned as *amicus curie* by the Supreme Court to represent B, an accused, who is a poor person, whose death sentence has been confirmed by the High Court due to incompetent legal representation and has approached the Supreme Court in Special Leave Petition against the judgement of the High court. A's remuneration was fixed by the court to be Rs. 500 for each appearance. A refuses to present the accused before the Supreme Court as the fee fixed was insufficient. Has A committed professional misconduct? What legal actions/punishment may be given to A? Can A refuse to accept the brief? Discuss critically in the light of relevant legal provisions and recent judicial pronouncements with suggestive measures.
2. (i) Critically analyse the decision in *Court on Its Own Motion v. State*, 151 (2008) DLT 695.
(ii) Enumerate the duties of an advocate to the court. Can an advocate personally engage in any business?

PART B

3. 'S' (the seller), resident of Delhi, telephoned 'B' (the buyer), resident of Mumbai offering to sell and deliver identified goods worth Rs. 50,000 to B. B accepted the offer immediately over the telephone. S, however, failed to deliver the goods. B sued S in Mumbai for damages. S contended that the Mumbai court had no jurisdiction to entertain the suit. The argument was that the contract was completed in Delhi as B's acceptance was communicated to S in Delhi and not in Mumbai. The trial court agreed with S and

dismissed the suit. On appeal, the High Court agreed with the trial court holding that in case of instantaneous communication, the contract was complete when the acceptance of communication was received. As the communication of acceptance was received by the seller in Delhi, it was the Delhi court, and not the Mumbai court, which had the jurisdiction. Draft a Special Leave Petition on behalf of B.

4. (i) Jyotsana married Akash, a Software Engineer, in 2004 as per Hindu rituals. A child, Sanya, was born out of the wedlock in 2006. Thereupon, Akash got a good opportunity in Canada and went to Canada with a promise to return back to India within a year but he did not come back and join Jyotsana despite several letters, phone calls and requests. Akash started earning a hefty amount of money and was not willing to join Jyotsana. Prepare a suitable petition on behalf of Jyotsana which can direct Akash to join the company of Jyotsana.
- (ii) As per the fundamental rules of pleading, “out of facts only the Material Fact, not evidence is required to be pleaded.” Explain this statement with suitable illustrations.
5. (i) A got an injunction order on 22.2.2008 against B from the court of ADJ (Central), Delhi restraining him from making any new construction till the final disposal of the suit on the subject matter of the suit property No. 96, Model Town-I, Delhi – 110009. B, despite specific orders, was making new construction on 26-2-2008. On behalf of A, move appropriate application for action against B.
- (ii) A was in the business of copying and selling pirated CD’s and pornographic films, etc. On the information received from the complainant, the local police raided the shop of A and the police seized some 3000 pirated CD’s and 20 CD writers. FIR No. 538/09 was lodged against A u/s 292 IPC, and Ss. 65,65,68A of Copyright Act and the police was on the look to arrest him. Prepare a suitable bail application on behalf of A.

PART C

6. (i) Briefly discuss the essential components of deed.
- (ii) Based on the assumed facts, prepare a relinquishment deed.
7. (i) Draft a Notice on behalf of landlord Shyam, R/o NP-100, Pitampura, Delhi-34 to be served to his lessee Sanatan, R/o M-21, Raja Garden Delhi-54, as he has not paid rent for successive four months. The rent of the premises is Rs. 3,800 per month and the tenanted premises include two rooms, kitchen, a bathroom and a open courtyard.
- (ii) Veena, R/o 22, Shalimar Bagh, Delhi, is married and settled in Pune. She has her sister Sonia in Delhi and Veena is willing to institute a civil suit for declaration of her rights against her in-laws but it is not possible for her to be in Delhi for each date. Prepare a suitable power of attorney on behalf of Veena in favour of her sister Sonia for adjudicating her right in the said civil suit.
8. (i) A, a businessman, is willing to start a business of garment at 102, Copernicus Marg, New Delhi-110001. B is the owner of the premises. A approaches B to take this property on lease for five years against rent of Rs. 15,000 per month and a security deposit of Rs. Two Lakhs. Prepare a suitable lease deed on behalf of A and B.

- (ii) Based on the assumed facts, prepare a 'will'.

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LL.B. VI Term (Supplementary) Examinations, July-August, 2009

Note: Attempt *five* questions in all, selecting at least one question from each part.
All questions carry *equal* marks.

PART A

1. Comment with reasons on the professional misconduct of a defence lawyer and the special public prosecutor in sessions trial in BMW case decided by Delhi High Court in case (*Court of Its Own Motion v. State*).
2. (i) Have lawyers a right to strike or give a call for boycott of Courts? Discuss with decided cases.
(ii) "An advocate may be a law teacher while practising but a regularly appointed teacher cannot be an advocate." Comment with the support of case law.

PART B

3. Manish is a tenant in part of property on first floor bearing No. 4, Civil Lines, Delhi for five years inducted by Pankaj, the landlord, residing on ground floor of the property; @ Rs. 5,000 per month. Landlord threatened the tenant with his associate of forcible dispossession or, in the alternative, to increase the monthly rent to Rs. 10,000. The tenant had been paying regularly the lease money and only two years time had expired. Draft a suit for injunction on behalf of tenant with an application for interim relief.
4. H is faced with a situation that his wife, W left the matrimonial house and had started living with her parents along with a male child of one year without any reason. W is a teacher and H is a non-earning spouse. Draft a petition for restitution of conjugal rights under the Hindu Marriage Act.
5. (i) Draft an application for anticipatory bail for the accused A, husband, against whom FIR was registered on the false complaint of his wife with police station Maurice Nagar in respect of offences subjecting a married woman to such cruelty that she was forced to leave her matrimonial house and for non-returning of the streedhan demanded by wife u/s 406 and 498-A of IPC.
(ii) Draw a petition u/s 125 Cr. P.C. for wife and a minor child against the husband, who is employed in Income Tax Department as an inspector posted at the head office at New Delhi earning monthly salary of Rs. 25,000 while the wife was turned out of the matrimonial house along with the child, who had no source of income, giving your own details of residence and facts befitting the case of criminal complaint, when the wife is residing with her parents.

PART C

6. (i) Draft a will on behalf of Mr. T. aged 80 years, who has approached you in respect of all his self-acquired movable and immovable properties in favour of his elder son 'S' with whom he is residing excluding his only wedded daughter 'D' and a younger son 'YS', who did not care for him. Give the description of the property as per your own fact.
- (ii) T approaches you for drafting a special power of attorney authorizing his son 'S' for selling out his self acquired immovable property bearing no.4, Model Town, Delhi with all necessary components for the deed of Special Power of Attorney.
7. Draft a Partnership Deed between X and Y in respect of a business of "Interior Decorators", to be carried out by the parties, where X is a person of experience in this trade and had approached Y, who had premises and also finances to run the business. Incorporate all necessary elements for a usual partnership deed with a profit and loss share between the partners to be 30% and 70%, respectively.
8. (i) Draft a notice u/s 80 C.P.C. on behalf of X against the Department of Tourism, Union of India. for payment of money on account of lease money for a car with services of driver for two years for the use of tour and travels of foreign travelers under a contract between X and Department of Tourism having its office at New Delhi. Lease money was Rs. 1,000 per day including the services of a driver and the contract was for 5 years, which was terminated after two years without assigning any reason or notice and without payment.
- (ii) Draft a relinquishment deed by R in favour of his brother B, who is a co-sharer in agricultural properties situated at Kanjhawla, New Delhi to the extent of 80 bighas 12 biswas. R has no issues and in his life time, he wants his share in the property to go to his brother B. Incorporate all the ingredients required in a relinquishment deed.

LL.B. VI Term Examinations, May-June, 2010

Part A

1. (a) Full-time Law teachers have been restricted for enrollment as advocates as it has been held to be contrary to the Bar Council of India Rules by Delhi High Court. The said verdict needs a close scrutiny. Critically examine the said verdict in the light for leading judicial pronouncements with suggestions.
- (b) Despite clear judicial pronouncements declaring the strike by lawyers to be illegal by the apex court, strikes and boycott calls are resorted by Lawyers Association throughout India and the profession has not been able to retrieve the lost social respect and as such the judicial system is being held to ransom and the administration of law and justice is threatened. Critically examine and suggest legal remedies.

2. “A legal practitioner who is specially privileged class of person is bound to conduct in a manner befitting the high and honorable profession to whose privileges he has been admitted and if he departs from the high standards which that profession has set for itself and demands of him in professional matters, he is liable to disciplinary action.” Examine this statement under the light of recent judicial pronouncement by the apex court in case of *R.K. Anand Vs. Registrar, Delhi High Court*.

Part B

3. (a) “Whatever be the system of pleading, the sole object of it is that each side may be duly alive to the questions that are about to be argued in order that they have an opportunity of bringing forward such evidence as may be appropriate to the issue.” Examine this statement with the help of Civil Procedure Code and the fundamental rules of pleading.
- (b) John is a tenant of Shyam Lal with respect to a premises at Kamla Nagar having two rooms, kitchen, bathroom, at the monthly rent of Rs. 2,400 per month for a period of three years w.e.f. 01-01-2007 vide lease dtd 01-01-2007. John is regular in paying the rent but Shyam Lal threatens to dispossess him with the help of some antisocial elements. On 30-05-2008, Shyam Lal quarreled with John and abused him and his family members. John had already filed a suit for permanent injunction against Shyam Lal and with this suit he wants to file an application for injunction as a temporary relief so as to restrain Shyam Lal from creating nuisance and illegally dispossessing him from the premises. Draft an appropriate ad-interim application on behalf of John.
4. Harry suffered financial losses and is in need of Rs. One lakh. He approached Shiv Kumar for a loan of Rs. One lakh. Shiv Kumar issued him a cheque of said amount on 1-3-2008 and requested Harry to execute a promissory note for an amount of Rs. One lakh @ interest of 6% per annum. Harry did not pay any money towards principal or interest, hence Shiv Kumar issued legal notice dtd 03-03-2008 which was duly received by Harry. Harry did not make any payment towards the debt. Draft an appropriate suit on behalf of Shiv Kumar. Also draft an Affidavit in support of your plaint.
5. (a) Brahma Dutt is an age old father of Ajay, who is a software engineer and employed in a reputed firm with a salary of Rs. 50,000 per month. Ajay did not make any provision to maintain his father Brahma Dutt and has recently thrown him out of the house. Brahma Dutt is now living with one of his relatives who is not able to maintain him anymore. His wife died in 1999. Brahma Dutt is on the verge of starvation. Draft an appropriate complaint on behalf of Brahma Dutt for securing his each day bread and butter and other necessary expenses for living.
- (b) A case has been registered against Sanjeeve, an MBBS doctor, under section 406, 498-A of Indian Penal Code for criminal breach of trust and cruelty by his wife Sanya vide F.I.R. No. 58/08 in police station Kamala Nagar. He has

been arrested by police on 30-05-2008 and is in custody since then. Draft an appropriate bail application on behalf of Sanjeeve.

Part C

6. M/s Bombay Technologies (P) Ltd., having its registered office at Mumbai, wants to open a General store at Greater Kailash, N. Delhi at property no. M-26, Greater Kailash, N. Delhi, measuring 2200 sq. feet, Ground floor, for a period of eleven years, with renewal clause at the option of lessee and enhancement of rent at 10% after every three years. The rent agreed is Rs. 1,50,000 per month. Draft a comprehensive deed keeping in view all the essential components of deed with specific arbitration clause and clause for lock-in period of 11 months and all other covenants such as advance rent, security, subletting, fixing of sign board, etc.
7.
 - (a) Dr. S.P. Seth, a widower, is absolute owner of a flat measuring 200 sq. yards at Patpar Ganj and a vacant plot measuring 400 sq. yards at Shiv Vihar, Delhi. He is also having shares and other movable assets. He is having to sons : Sanjay and Vijay and one daughter Anju. All are married. Dr. Seth wants to relinquish all his share in favor of Vijay and Anju equally debaring Sanjay from inheriting any share in his property as he is of criminal nature and has already been disowned by him vide public notice. So as to bequeath his property, Dr. Seth wants an appropriate deed. Draft a deed on his behalf.
 - (b) Mona and Samiya are friends, Mona is a trained fashion designer and wants to start business of boutique, Samiya is owner of a shop at Sarojini Nagar, N. Delhi. Both of them agreed to start a business in partnership with initial investment of Rs. One lakhs each and agreed to share profit and losses with special provision of rent for the property of Samiya at Rs. 3,000 per month with mention of specific arbitration clause and the partnership shall be at will. Prepare an appropriate deed on behalf of Samiya and Mona.
8.
 - (a) Samiya had entered into agreement with CPWD, a govt. dept., for construction of a building at Maurice Nagar, Delhi on 01-02-2009 to be completed by 31-12-2009 against a consideration amount of Rs. 30 lakhs, payment of 15 lakhs was to be made at different stages of construction and rest Rs. 7.5 lakhs amount on completion of the work and Rs. 7.5 lakhs to be paid within three months after completion of the work. Samiya completed the entire work in time and submitted the final bill, the department failed to make the payment of Rs. 7.5 lakhs in prescribed time. Samiya approaches you for a Legal action. Draft an appropriate Legal notice.
 - (b) Rohit Paul is permanently settled in London. He owns several properties in NCR, out of which he wishes to dispose 78, UB, Jawahar Nagar, Delhi – 110007. He approaches you to draft an appropriate Power of Attorney in favour of his friend Ajay R/o L-21, Laxmi Nagar, Delhi, so as to enable him to sell the above mentioned property only on his behalf, receive the sale consideration and to execute the deed, etc. Draft an appropriate Power of Attorney on behalf of Rohit Paul.

LL.B. VI Term (Supplementary) Examinations, July-August, 2011

Note: Attempt *five* questions in all, selecting at least one question from each part. All questions carry *equal* marks.

PART A

1. No judicial system in a democratic society can work satisfactorily unless it is supported by a bar that enjoys the unqualified trust and confidence of the people, that share the aspirations, hopes and ideals of the people.
Apex court expressed concern over decline of ethical and professional standards among lawyers. Comment.
2. (a) Members belonging to the noble profession have not to encourage dishonesty and corruption but have to strive to secure justice to their client. Examine in the light of judgment by Apex Court in case of *Shambhu Ram Yadav vs. Hanuman Das Khatri*.
(b) Part time teachers of law could be enrolled as an advocate and also that an advocate being enrolled could take up part time law teaching. Critically examine the statement with the help of recent pronouncement.

PART B

3. (a) Every pleading shall contain and contain only, a statement of material facts on which the party pleading relies for his claim or defence. Explain with the help of illustrations and provision of Code of Civil Procedure, 1908 as amended upto date.
(b) Laxmi alongwith her two minor daughters viz Savi, aged about 3 years and Luvi aged about 1 year, has been turned out of her matrimonial home by her husband Ajay. Ajay is a businessman and earning Rs. 50,000 p.m. Laxmi is unemployed. Ajay refuses to maintain Laxmi and her two minor daughters. Draft an application for maintenance for Laxmi and minor daughters.
4. (a) Sanjay is apprehending arrest as an F.I.R. u/s 406/498A of Indian Penal Code has been registered against him in P.S. Sabji Mandi, on the complaint made by his wife Sangita for subjecting her to cruelty and criminal breach of trust. Draft an appropriate application for bail on behalf of Sanjay.
(b) The Hon'ble court of Civil Judge, (Central) Tis Hazari passed an injunction order dated 21.03.2011 in favour of Vinay and against Ram Prasad, restraining Ram Prasad from unauthorized construction of IV floor at C-12, Kamla Nagar, Delhi till final disposal of suit. However Ram Prasad did not obey the order dated 21.3.11. Draft a suitable application for Vinay.
5. Mohan was married to Syama on dated 25.05.05 at Delhi, in accordance with Hindu rites. Out of the said wedlock, one female child was born out on dated 14.01.2009. However, due to some disputes and differences, the relations between Mohan and Syama become

strained. Both decided to dissolve their marriage. Draft suitable petition for divorce, resolving the issues for maintenance and custody of child also.

PART C

6. (a) A, aged about 70 years, having two sons and one daughter, all married, wants to bequeath his assets, moveable and immovable, in favour of his children in equal proportion. A is having three flats at Delhi, Fixed Deposits for Rs. 60 Lakhs in P.N.B. Draft a Will for A.
(b) Daljeet has filed a suit for declaration, injunction and partition, against Harpreet Kaur, which is pending in the court of Civil Judge (Central) Delhi. Daljeet used to remain abroad in relation to his business and can not attend the court personally and look after his case. He wants to appoint Rakesh as his attorney. Draft a suitable attorney on behalf of Daljeet.
7. (a) Bipasha, along with her friend Nisha, plans to start a Beauty Parlour. Bipasha is a trained and experienced beautician. Nisha is the owner of one shop at Delhi. Both agreed to invest Rs. One lakhs each and to share the profit and loss in equal proportion. Draft an appropriate deed to start the business. Under the name and style of "SAUNDARYA Beauty Shop".
(b) Draft a legal notice for ejection of tenant on assumed facts.
8. M/s Bombay World approaches, through its special power of attorney Shri R.K. Aggarwal, to Madhav who is owner of a premises admeasuring 1800 sq. yards, at F-44, Deep Nagar, Delhi, for taking the premises on rent for establishing a retail store. Draft a comprehensive lease deed incorporating the terms relating to rent, lock-in-period for 3 years, a security etc.