

MHCPDJ-M-I-2023

Register No.

4120231151

LAW PAPER I

Date of Examination : 12/08/2023 (FN)  
(09.00 a.m. to 12.00 noon)

Total Marks : 75

General Instructions to Candidates :

1. The facts and particulars provided in the Question Paper i.e. the court's name, place, case numbers and names of parties are fictional. Yet candidates have to conclusively assume them to be true for the purpose of answering the questions. Candidates have to write the answers only in English.
2. The candidates need not provide cause title with citation while answering the questions. Providing wrong or incomplete cause title or quoting a wrong citation will be detrimental to the candidates.
3. Section A & B have seven 5 marks questions and seven 10 marks questions respectively in each Part. Candidates shall answer five questions in each section.
4. The candidates should answer each Question in Section-A not exceeding two pages and each Question in Section-B not exceeding four pages. No additional answer sheets will be provided.

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SEAL

## LAW PAPER I

### SECTION A - (5 × 5 = 25 marks)

Answer any FIVE questions

1. Can a second mortgage be entered into when an earlier mortgage subsists? Explain with reference to relevant provisions.
2. Explain the difference between liquidated damages and penalty with reference to the relevant provisions of the Indian Contract Act, 1872.
3. Can an agreement for sale be assigned? Explain with reference to the provisions of Section 15 of the Specific Relief Act, 1963 [As amended]?
4. Explain the concept of performance of reciprocal promises with reference to provisions of the Indian Contract Act, 1872.
5. What is the concept of substituted performance of a contract under the Specific Relief Act, 1963? How are such contracts enforced?
6. Explain the difference between a return of plaint and a rejection of the plaint with relevant provisions of Law.
7. Explain doctrine of feeding the grant by estoppel.

### SECTION B - (5 × 10 = 50 marks)

Answer any FIVE out of SEVEN questions

8. Explain the concept of place of suing in a suit for infringement and passing off.
9. Explain the significance of the judgment of the Supreme Court in Vineeta Sharma v. Rakesh Sharma [(2020) 9 SCC 1] and its significance on the interpretation of Section 6 of The Hindu Succession Act, 1956.
10. What is the position of law with reference to the personal law of Renocants in the Union Territory of Puducherry?

11. Explain the powers of the court and the arbitral tribunal to grant interim reliefs under the Arbitration and Conciliation Act, 1996.
  12. Explain the principle of presumption of constitutionality with reference to leading cases.
  13. When a company is admitted into corporate insolvency, can a prosecution be launched against the company and its directors under Section 138 of The Negotiable Instruments Act, 1881? Explain with reference to relevant case laws.
  14. What are the principles governing the grant of discretionary relief under Order XXXIX of the Code of Civil Procedure, 1908? Explain with reference to the triple test.
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