

BALLB V Year Semester X w.e.f. July 2018 (2018-19)

PAPER NO - IX
DRAFTING, PLEADING AND CONVEYANCE
(Clinical Course)
(CRIDITS: PRACTICAL 6)

Objectives of the Course:

This course covers essential skills required of an Advocate: the skill of drafting conveyances and pleadings. Developing the ability to draft effectively requires development of skills of writing purposefully, articulation, legal research, and of qualities of language, its clarity and precision. All of these develop by practice. The objective of the course is to introduce the student to these skills, and lead him through various basic documents that an Advocate would be called upon to prepare.

The subject of Conveyancing will enable a student to know the aspects of the drafting process, essential features of some transactions involving transfer of property and contracts, as also other documents that he would have to make for his clients. He will learn addressing the interests of all parties to the transaction, and the need for protecting to the best extent possible the interests of his own client as a transacting party.

The subject of Pleadings will alert the student towards the basic principles of drafting pleadings that state the case of his client. He will understand the process of pleadings, particularly the interplay between different substantive laws applicable to the case. He will also understand the application of principles of pleadings, and the rules of procedure, and the mandatory contents in different categories of pleadings.

This paper will be taught through class instructions and simulation exercises, preferably with assistance of practicing lawyers/ retired judges. Apart from teaching the relevant provisions of Law, the course will include not less than 30 exercises in drafting, Pleading & Conveyance carrying a total of 30 Marks (Internal- for 20 Marks, student has to maintain a practical record consisting of Drafts regarding Pleading and Conveyancing and 10 Marks for viva voce, the oral examination will be conducted by a team of two examiners; out of which one will be External. The External Examiner shall verify the record maintained by each student in this regard as per the guidelines of the Bar Council of India.). And Theory paper will be of 70 Marks (University examination).

Unit no:

Total Theory Lecture 80

1. DRAFTING:

10 Lectures

General principles of drafting and relevant substantive rules

2. PLEADING:

35 Lectures

2.1. Meaning and purpose of pleadings, Importance of pleadings in the administration of Justice Rules of pleadings, Types of pleadings, Orders VI to VIII of Civil Procedure Code 1908, Relationship between pleadings and evidence. The pleading process: Know relevant substantive laws, Identify provisions applicable, Understand essential elements of provisions, Know presumptions, Ascertain facts, Select facts, Language, Style, Form, Need for precision and clarity, Use of precedents. Jurisdiction, Limitation, Valuation, Court fees and calculation Prayers and court fees, Verification.

2.2 Civil:

2.2.1 Plaintiff

Suit for recovery of price of goods sold

Suit for declaration of share and partition of property of a joint Hindu Family

Suit for specific performance

Application for probate

Petition for divorce by mutual consent

Petition for divorce alleging grounds of divorce

Caveat application

2.2.2 Written Statement

Written statement in a suit for recovery of price of goods sold

Written statement in a suit for declaration of share and partition of property of a joint Hindu family

Written statement in a suit for specific performance

Objection to an application for probate contesting the will

Objection to an application for succession certificate giving consent to grant of Succession certificate

Say to a petition for divorce (contesting Matter)

Say to a petition for restitution of conjugal rights

2.2.3 Other proceedings

Interlocutory application

Affidavit

Execution petition

Memorandum of Appeal

Revision

Consumer complaint alleging defect in goods or deficiency in services with it's Reply

Petition under Article 32 of the Constitution of India violating Articles 14 or Article 19 or Article 21 of the Constitution of India

Petition under Article 226 of the Constitution of India violating Articles 14 or Article 19 or Article 21 of the Constitution of India

2.3 Criminal

Application for bail

Application for anticipatory bail

Criminal complaint alleging defamation, or affray and simple hurt

Application to court for recovery of motor vehicle seized by police

Application for compounding an offence of defamation or an offence under 498-A of IPC

Application by a wife for maintenance for himself and herself and her children

Memorandum of Appeal

Revision

3 CONVEYANCING:

35 Lectures

3.1 General principles relating to conveyancing

Object of Conveyancing, essentials of drafting The drafting process: Know the laws, Know the transaction, Scheme of the draft, Ascertain facts, Language, Style, Form, Need for precision and clarity, Use of precedents. Contents of a draft conveyance: Commencement, Parties, Recitals, Parcels, Operative part, Arrangement of obligations, Signatures, Attestation. Formalities: Writing, Attestation, Notarisation, Registration Investigation of title, Chain of title, Public notices and their purpose, search and title report.

3.2 Transfers

Agreement to sell immovable property

Sale deed of immovable property

Development agreement

Lease deed of immovable property

Simple mortgage of immovable property

Gift of immovable property

Sale of raw materials by its supplier to a manufacturing company

3.3 Contracts

Partition deed between members of a Joint Hindu Family
General power of Attorney
Partnership deed
Trust Deed
Indemnity bond
Leave and licence agreement

3.4 Notice and other documents

Will
Affidavit
Acknowledgement in writing under section 18 of the Limitation Act 1963
Public notice inviting Objections to a transaction of immovable property

3.5 Notices

For dissolution of a partnership at will
Under section 106 of the Transfer of Property Act 1882
Under section 138 of the Negotiable Instruments Act, 1882
Reply to notice under section 138 of the Negotiable Instruments Act, 1882
Notice Under section 80 of the Civil Procedure Code

Selected Bibliography:

- 1) MedhaKolhatkar, **Drafting, Pleading and Conveyancing, Lexis-Nexis 2015**
- 2) S P Aggarwal, **Drafting and Conveyancing, Lexis Nexus 2015**
- 3) DeSouza's **Forms and Precedents of Conveyancing, C R Datta and M N Das (eds), Eastern Law House, 2017.**
- 4) A B Majumder, **Law relating to Notices, Eastern Law House, 1993**
- 5) Mogha's **Indian Conveyancer, 14th ed, G C Mogha (ed), Eastern Law House, 2009**
- 6) Mogha's **Law of Pleadings in India, 18th ed, P C Mogha et al (ed), EasternLaw House**
- 7) P S Narayana, **Criminal Pleadings and Practice, 9th ed, Asia Law House, 2013**
- 8) P K Majumdar, **Law of Pleadings, Conveyancing & Advocacy, 5th ed, Orient Publishing Company, 2013**
- 9) P S Narayana, **Civil Pleadings and Practice, 11th ed, Asia Law House, 2017**

BA LL.B -V Year (Semester- X) Examination, 2019
CGPA (Paper – IX)
Drafting, Pleading and Conveyance
(Clinical Course)
Total Marks: 70

Instructions:

- 1) Question No. 9 is compulsory.*
- 2) Out of remaining attempt any 4 questions*
- 3) Each question carries 14 Marks.*

Q.1	Marks 14
Q.2	Marks 14
Q.3	Marks 14
Q.4	Marks 14
Q.5	Marks 14
Q.6	Marks 14
Q.7	Marks 14
Q.8	Marks 14
Q.9 Wrote short note (any two)	Marks 14
1)	
2)	
3)	