

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

**Course: Clinical-IV: Litigation Management and Alternative Dispute Resolution
Semester-X (Batch: 2012-17)**

End Semester Examination: April-May 2017

Date: 4th May, 2017

Duration: 3 hours

Max. Marks: 50

Instructions:

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write any thing on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.

Part-A

Answer any three from Questions No: 1, 2, 3 & 4

Marks

(3x6=
18)

- Q.1 Why is mediation considered to be successful in litigation management? Explain the intricacies of mediation as a method of settlement of disputes.
- Q.2 Which one do you consider important in the administration of criminal justice system in order to help litigation management? Explain the importance through the following elements.
- (a) Cause of Offence
 - (b) Motive of Offender
 - (c) State as an Agent of Law and Order
- Q.3 Do you think that in any system of litigation management the relationship among Legislative, Executive and Judiciary hold significant collective understanding? Explain and give five suggestions for amicable relationship among three organs of the State towards efficient and effective litigation system.
- Q.4 How can a judge of a court help in bringing efficiency in litigation management? What should be nature of judicial thinking?

Part-B

Answer any three from Questions No: 5, 6, 7 & 8

(3x9=
27)

- Q.5 Mr Raju is an advocate and he is also a well-known mediator. He has tried to resolve Intellectual Property Disputes between Apple and Samsung through mediation which failed. Later, the same dispute reached in various State courts including UK, USA, India and China. Samsung has appointed Mr Gopal as its advocate for arguing this case in India. In the hearing, the Indian court had called Mr Raju and asked him to give information about the mediation between Apple and Samsung. Can the Indian court ask Mr Raju to disclose mediation information between Apple and Samsung? Explain the intricacies of meditation based on this issue.
- Q.6 Mr Ramachandran is a judge in Gandhinagar District Court. He is also the chairman of Gandhinagar Legal Services Authority. He is also looking after the functioning of Court-annexed Mediation Center. While hearing a partition suit between Mr Ramu, Mr Somu

and others, he ordered the respective parties to appear before Court-annexed Mediation Center, Gandhinagar for resolving the dispute through mediation under Section 89 of Civil Procedure Code. However, the parties are not willing to go for mediation. Can a judge refer a partition dispute to mediation without the consent of the parties under Section 89 of Civil Procedure Code? What is the role of a judge in the mediation-referral?

- Q.7 Mr Mukesh has sent 100 goats to his brother Mr Anil through Indian Railways from Ahmadabad to Mumbai. When goats got delivered to Mr Anil, 10 goats were seriously injured. Mr Anil communicated the same to Mr Mukesh. Mr Mukesh is willing to file this complaint case in Ahmadabad District Consumer Forum. Give your legal opinion to Mr Mukesh. Discuss legalities of Consumer disputes.
- Q.8 Mr Gilani is an advocate who lives in Ahmadabad. He has lent a portion of his house for rent to State Bank of India, Ahmadabad. The bank did not make the payment of rent to Mr Gilani for 10 months. Mr Gilani is having an account in the same bank. He has PAN and AADHAR cards. Having aggrieved by the act of bank, he has approached Ahmadabad Banking Ombudsman for his grievance-redressal. Can the Banking Ombudsman decide this issue? Discuss Banking Ombudsman issues.

Part-C

Question No: 9 is Compulsory

- Q.9 Ms Alinea is negotiating for the purchase of a house from her neighbor Mr Samuel. Her goal is to acquire Mr Samuel's house for Rs. 20 lakhs. She has begun the negotiation by offering 17 lakhs to Mr Samuel. If Ms Alinea cannot negotiate at a price of 22 lakhs or less for the house, she will then purchase another house from her friend worth Rs 26 lakhs. Mr Samuel's goal is to sell the house for Rs 23 lakhs. Mr Samuel has countered Alinea's initial offer by 25 lakhs. If Samuel cannot get at least Rs. 20 lakhs from Alinea for the house, he will sell it to his friend for 15 lakhs. Choose the right answers from the following choices. (05)

ZOPA is:

- | | |
|-------------------------|-------------------------|
| a). 20 lakhs – 25 lakhs | b). 15 lakhs – 25 lakhs |
| c). 20 lakhs – 22 lakhs | d). None of the above |

Reservation Price of both parties are:

- | | |
|---------------------------|---------------------------|
| a). 17 lakhs and 25 lakhs | b). 20 lakhs and 23 lakhs |
| c). 26 lakhs and 15 lakhs | d). 22 lakhs and 20 lakhs |

Most Likely Price of both parties are:

- | | |
|---------------------------|---------------------------|
| a). 17 lakhs and 25 lakhs | b). 20 lakhs and 23 lakhs |
| c). 26 lakhs and 15 lakhs | d). 22 lakhs and 20 lakhs |

BATNA of both parties are:

- | | |
|---------------------------|---------------------------|
| a). 17 lakhs and 25 lakhs | b). 20 lakhs and 23 lakhs |
| c). 26 lakhs and 15 lakhs | d). 22 lakhs and 20 lakhs |

Stretch Goal of both parties are:

- | | |
|---------------------------|---------------------------|
| a). 17 lakhs and 25 lakhs | b). 20 lakhs and 23 lakhs |
| c). 26 lakhs and 15 lakhs | d). 22 lakhs and 20 lakhs |
