

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Clinical Paper-I (Drafting, Pleading and Conveyancing)
Semester-IX (Batch: 2013-18)

Mid Semester Test: September-2017

Date: 7th September, 2017

Duration: 2 hours

Max. Marks: 30

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 anything 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**Marks****Answer all the questions****Q.1 Answer the following:****(1x10=10)**

Draft a Complaint/Petition under Section 125 of the Code of Criminal Procedure, 1973 for the grant of maintenance to the petitioner.

Brief Facts:

The petitioner in this matter is your client, who is a wife, a graduate and not engaged in any earning activity and stands fully dependent on maintenance allowance for her day to day needs of herself and her infant male child of two years, whose custody is lying with her, by consent of both the parties. The father of your client belongs to a middle class family and cannot afford her maintenance. The other party, being husband and a respondent in the instant matter, has abundant means and resources with no responsibility or liability and lives with his parents who are retired Government Officer and Principal of a school respectively. The respondent is employed as Technical Supervisor with a Technological Company in New Delhi. He draws a handsome salary along with perks and allowances. He is also having other sources of income such as from rent and interest of undisclosed investments etc. The marriage between your client and the respondent was solemnized three years back according to Hindu rites and ceremonies with extraordinary pomp and show on the request of the respondent. Your client was meted out with matrimonial cruelty and incessant demands of dowry from the respondent and his family members from the very first day of marriage. As a consequence of such inhuman treatment she has filed a Criminal Complaint with the concerned police station, pursuant of which an FIR was also lodged with the police station under sections 406, 498A read with section 34 of IPC. There was also on record of court a compromise reached between the parties for grant of anticipatory bail to the respondent with a settlement payment of Rs. 5 Lakhs to be made to your client, out of which only Rs. 3 Lakhs was paid as part-payment towards the value of *stridhana* and dowry articles. Even after this compromise, the respondent has issued a mischievous advertisement in a newspaper hurting the sentiments of your client and has also subject her to defamation, in view of which she was forced to oppose quashing of FIR in the

High Court, and which lead the High Court to direct a police investigation in the matter. Out of the part-payment of Rs. 3 Lakhs received your client has utilized the said amount for repayment of loan taken for marriage and for her own maintenance. This amount paid to her was insufficient and her aged father also had to spend a lot more in terms of money in addition to the aforesaid amount. Your client has asked you to file a petition for maintenance and meeting the medical expenses for herself and the child for at least Rs. 50,000/- pm., as per the status of the parties. Recently, she has also taken a loan of Rs. 1 Lakh for treatment and medical expenses of the infant child and for subsequent medical related expenses. This Hon'ble Court is also having jurisdiction to try this petition since the marriage between the parties was performed in New Delhi and also your client is presently residing in Delhi.

Relevant Provisions of Law:

1. *Section 125, Cr. P.C. – Order for maintenance of wives, children and parents.*
2. *Section 406, I.P.C. – Punishment for criminal breach of trust.*
3. *Section 498A, I.P.C. – Husband or relative of husband of a woman subjecting her to cruelty.*
4. *Section 34, I.P.C. – Acts done by several persons in furtherance of common intention.*

Part-B
Answer all the questions:

(4x5=
20)

- Q.2 Discuss the procedure for Amendment of Pleadings.
- Q.3 State the grounds on which plaint may be returned, and discuss the procedure thereof.
- Q.4 What are the essential ingredients of Set-off claim? Differentiate Legal Set-Off from Equitable Set-Off.
- Q.5 Draft a Plaint for Specific Performance of a Contract to Purchase Land on your own facts.
