

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Legal English (including Legal Writing))
Semester- II (Batch: 2021-26)

End Semester Online Examination: May 2022

Date: 04th May, 2022

Duration: 8 hours

Max. Marks: 50

Instructions:

- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.

Part A
(Answer all questions)

Marks

- Q.1 The following questions are based on the novel 'To Kill a Mocking Bird' by Harper Lee. You are free to interpret the questions and respond to them in your own way. (Answer any Two) (Word Limit: 700-1000 words.) (5x2= 10)
- a) Does Tom Robinson receive a fair trial in May comb County? What do you think are the reasons?
 - b) Who is 'Boo' Radley? Describe the efforts made by Dill, Jem and Scout to reach out to 'Boo' Radley and the outcome of these efforts.
 - c) Would you classify the novel 'To Kill a Mocking Bird' as a *Bildungsroman*. Explain why.
- Q.2 Mr. Melele Mbangwa, a citizen of Nigeria, currently residing at Cuffe Parade, Mumbai, purchased raw material worth Rs. 90,000/- on credit, from Mr. Datta Porwal, a cloth merchant and resident of 37, Ram Mandir Road, Akola, Maharashtra on 4th May 2022. He promised to pay back the principal amount at 15% simple interest after three months from the purchase. (5)
- Prepare a **Promissory Note** on behalf of Mr. Melele Mbangwa based on the facts stated above.
- Q.3 Explain the meaning and make relevant sentences of **any five maxims**. (5)
- a) Aut dedere aut judicare
 - b) Animus Nocendi
 - c) Corpus Delicti
 - d) Ei incumbit probatio qui dicit, non qui negat
 - e) Suppressio Veri
 - f) Nemo dat quod non habet

Part B
(Answer Any four)

- Q.4 Mr. Ryan Parag, a resident of Chandrapur, purchased machinery worth Rs. 5 Crores from Mr. Dagdusheth Wardhawale, a manufacturer whose factory is situated in Nagpur, on 10th February 2019. The goods reached on 19th February 2019. Subsequently, when Mr. (7.5)

Ryan Parag started using the machine in his factory, his workers encountered several problems in its functioning.

Mr. Parag then communicated to Mr. Dagdusheth Wardhawale about the problems in the machine and asked him to either replace the machine, or rectify the defect. He reminded Mr. Wardhawale several times but received no response to his complaint. He then decided to file a civil suit with the help of his advocate Ms. Saisha Orke, on 3rd of February 2022. He also accused Mr. Wardhawale of committing breach of contract.

You are Ms. Saisha Orke, draft a suitable **plaint** on behalf of Mr. Ryan Parag.

- Q.5 Draft a suitable **written statement** on behalf of Mr. Dagdusheth Wardhawale through his lawyer Ms. Nirja Shah, in response to the plaint filed by Ryan Parag. The defendant argues that there was no breach of contract on his part. (7.5)

He has an argument further that, as per the contract signed between the two parties, the purchaser should have informed him about the defect within six months of purchase. However, the purchaser failed to do so. Therefore, the seller is not liable to either replace the machine, or return the amount. He argues that on the contrary it is the purchaser who has committed a breach of contract.

- Q.6 Mrs. Ruby Billimoria is residing in Saudi Arabia for the past two years. She has several properties in India. Out of these, she wishes to sell her flat in Surat, Gujarat; situated at La Belle Apartments, Opposite Sangam Shopping Centre, Dumas, Surat. She appoints her brother, Mr. Dastoor Banaji, resident of Vapi, as her attorney to sell the above mentioned property, to execute its sale deed and to get the same registered. Prepare a **power of attorney** on behalf of Mrs. Ruby Billimoria. (7.5)

- Q.7 Professor Vasu Jain of IIT Gandhinagar, has invented a multi-functional robot called 'Shivo' for harvesting and other related agricultural activities. He has successfully obtained a patent from Ahmedabad Registry on 12th January 2020 numbered VJ/2020/90123. (7.5)

He has now been approached by Mahyco Engineering Works, situated in Sinnar, Nashik, Maharashtra, Pin Code-422113, for utilizing his patent named 'Shivo'. They have offered him a sum of Rs. 7.5 crores and wish to enter into a formal agreement. Write a suitable **assignment deed** for this transfer.

- Q.8 Mr. Aristotle Ranga, a resident of "Anand Nilayam", 79, Poes Garden, Chennai-600086, purchased goods worth Rs. 3 crores from Mr. Plato Bala, a trader in betelnuts and a resident of Hubli City, District Dharwad, Karnataka state, Pin code-580020 on 3rd January 2022. He paid the trader vide cheque no. 345987 of the New Era Cooperative Bank, Vidyagiri Branch, Dharwad, Karnataka Pin Code-580004. (7.5)

Mr. Plato Bala, presented the cheque for payment at his bank, the People's Cooperative Bank, Lokur branch, Dharwad-581206, on 10th January 2022. He was informed by his banker on the 12th of January 2022 that there were insufficient funds in the drawer's account. He then informed the drawer about it and politely requested him to put sufficient funds in his account so that the cheque could be credited.

However, in spite of repeated reminders, the drawer failed to make payment of Rs. 3 crores, neither did he honour the cheque returned by the banker. Finally, the holder in

due course sent a notice to the drawer regarding dishonour of cheque, on 10th February 2022. The drawer failed to respond to the notice. The holder has now decided to file a complaint under Section 138 of Negotiable Instruments Act on 4th May 2022, through his lawyer Adv. Kirtiben Raval in the appropriate court at Chennai.

You being Adv. Kirtiben Raval, draft a suitable **complaint** on behalf of the payee under **Section 138 of the NI Act**.
