

ASPP-4/11 — Misc.
Laws

2011

Time : 2½ hours

Full Marks : 200

The figures in the right-hand margin indicate marks.

Answer **all** questions.

(MISCELLANEOUS LAWS)

1. Answer any **two** of the following : 25×2 = 50
 - (a) Examine the different modes effecting service of summons.
 - (b) Explain the term 'Cross Decree'. State the mode of executing a Cross Decree.
 - (c) Discuss the provision relating to stay of Suit.
2. Explain the circumstances when the court may grant the extension of period of limitation. 20

OR

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(Turn over)

2. "No foreign rule of limitation shall be a defence to a suit instituted in India entered into a foreign country." Explain this rule with exception.
3. 'The rescission of contract necessarily constitutes a bar to its performance by either of the party to it.' In the light of this statement, explain when rescission may be adjudged or refused under the Specific Relief Act. 20

OR

- What do you mean by the perpetual injunction ? Explain when perpetual injunction will be refused by the court.
4. Write explanatory notes on the following : 10
 - (a) Iddat
 - (b) Hijira

OR

State the grounds of divorce under the dissolution of Muslim Marriage Act, 1939.

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(2)

Contd.

5. Enumerate the changes brought about by Hindu Marriage Laws Amendment Act, 1976. 10

OR

Examine the grounds of divorce under Hindu Marriage Act.

6. Explain the conditions that are essential to constitute a tort. 20

OR

Explain the rules to determine contributory negligence.

7. What is a quasi-contract? Discuss the different kinds of quasi-contract. 20

OR

Define 'Offer'. What are the essentials of a valid offer? Cite decided case.

8. Define 'vested interest' and 'contingent interest' with essentials. Distinguish between vested interest and contingent interest. 20

OR

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Define 'English mortgage'. Explain the essentials of an English mortgage. What are the remedies open to a mortgagee in such mortgage?

9. (a) What do you mean by literal rule of interpretation of statute? Illustrate your answer with the help of cases. 15
(b) Write note on **Reddendo Singulis Singulis**. 15

OR

- (a) What is meant by non obstante clause? Discuss the provisions arising out of indiscriminate use of such clause.
(b) Write note on **Expressio Unius**.



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