

SM-677

3 YEAR LL.B. DEGREE EXAMINATION
DECEMBER, 2004

V SEMESTER

PAPER XIX—CIVIL PROCEDURE CODE AND
LIMITATION ACT

Time : 3 Hours]

[Max. Marks : 100

PART A

Answer any SIX questions
Each question carries 4 marks
(MARKS : $6 \times 4 = 24$)

1. Res Sub Judice. 41
2. Foreign Judgements. 46
3. Mesne-Profits. 40
4. Representative suit. 72
5. Set-off. 86
6. Ex parte Decree. 9A
7. Inter pleader suits. 145
8. Acknowledgment. 173
9. Legal Disability. 165

PART B

Answer any TWO questions
Each question carries 18 marks :
(MARKS : $2 \times 18 = 36$)

10. What is Judgement ? Distinguish Judgement from Decree. 93, 94

[Turn Over

11. What is Res Judicata ? What is object of Res-judicata?
Explain with suitable illustrations. *148*
12. Explain the grounds on which an attachment before
Judgement can be made. *146*
13. Distinguish Appeal, Review and Revision. *53, 54, 55*

PART C

*Answer any TWO questions
Each question carries 20 marks
(MARKS : 2 x 20 = 40)*

14. The court passed a decree without having any Jurisdiction.
If the parties gave or confer consent for this what is the
effect of that consent. Advice the parties.
 15. A obtained a decree of divorce against B (wife) from a
Foreign Court on the ground that he was a resident of
America. Then he married 'C'. B filed a criminal complaint
against A and C for Bigamy. A and C filed an application
for discharge. Discuss the chances of their success in the
Court.
 16. A filed a suit against the government. What are the
precautions that should be followed by A? Advice A.
 17. A and B entered into an agreement. Expressly they
executed a promissory note and a case can be initiated only
within 6 months for Recovery of the money. Advice A on
this matter.
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SM-635

**3 YEAR LL.B. V SEMESTER / 5 YEAR LLB IX
SEMESTER DEGREE EXAMINATION
NOVEMBER / DECEMBER, 2005**

**PAPER – XIX – CIVIL PROCEDURE CODE AND
LIMITATION ACT**

Time : 3 Hours]

[Max. Marks : 100

PART A

*Answer any SIX questions
Each question carries 4 marks*

(MARKS : $6 \times 4 = 24$)

1. Appeal. ✓
2. Interim orders.
3. Foreign Judgement. ✓
4. Injunction. ✓
5. Affidavit ✓
6. Sufficient cause.
7. Resjudicata.
8. Pleadings. ✓
9. Interpleader suit.

PART B

*Answer any TWO questions
Each question carries 18 marks*

(MARKS : $2 \times 18 = 36$)

10. Explain the different stages of a suit from the time of Institution till it is finally determined?
11. What are the different modes of execution of a decree?

[Turn Over

12. What are the various modes of service of summons on a defendant? When the order for substituted service may be issued?
13. "Limitation bars the remedy but does not extinguish the right:"

PART C

Answer any TWO questions
Each question carries 20 marks

(MARKS : $2 \times 20 = 40$)

14. The plaintiff 'A' sues 'B' on a contract and obtains a decree 'B' afterwards sues 'A' for recession of the contract on the ground that it did not fully represent the agreement between the parties. Decide whether the doctrine of *rejudicata* would apply to the second suit by 'B' against 'A'?
15. A ~~plaint~~ is presented to a court for the recovery of Rs. 50,000/- the suit claim is in excess of the preliminary jurisdiction of the court to reject the plaint. Examine the validity of jurisdiction of a court.
16. 'A' obtain a decree against 'B' and took delivery of possession of property. 'B' preferred an appeal and the appellate court reversed the lower court decree. What is the remedy available to B.
17. 'A' suit was filed against 'X', a minor, advice him on the matters of defence in the case.
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15. In an execution Petition, the executing court finds the 'Decree' ambiguous. It wants to construe the precise contents of the Decree. Can the Execution Court Competent to do so?
16. 'A' and 'B' executed a promissory note in favour of 'C' with a request that no suit should be filed for 1 year. 'C' files a suit after 6 months. Discuss.
17. A decree was passed by a Court of incompetent jurisdiction. At the time of execution the legality of the decree is questioned. Is the executing Court competent to entertain this question? Decide

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THREE / FIVE YEAR LL.B. DEGREE EXAMINATION — DECEMBER 2009

FIFTH / NINTH SEMESTER

Paper XIX — CIVIL PROCEDURE CODE AND LIMITATION ACT

(Semester pattern 2001-2002)

Time : 3 Hours

Max. Marks : 100

PART-A (Short Answer Questions)

(Marks: 6×4=24)

Write short notes on any SIX of the following questions
Each question carries 4 marks

1. Interim Orders. ^{SP}
2. Suits against minors.
3. Interpleader Suit.
4. Constructive Res judicata. ⁽¹⁾
5. Revisional Jurisdiction.
6. Legal disability. ^{order}
7. Rules of pleadings.
8. Notice U/Sec.80 of C.P.C.
9. Framing of Issues.

PART-B (Essay Type Questions)

(Marks: 2×18=36)

Answer any TWO of the following questions

Each question carries 18 marks

10. Explain the meaning of place of suing. Discuss, whether a suit for arrears in respect of a house at Hyderabad is maintainable at Tirupati, if he defendant resides and works for gain at Tirupati.
11. What properties are not liable for attachment and sale in execution of Decree? see (a) agents
12. Define and explain Reference, Review and Revision. H.R. - CC
13. What are the requisites of a Valid acknowledgement? What is its effect on limitation? H.R. 19

[P. T. O.]

PART-C (Case Comment Type Questions)

(Marks : 2×20=40)

*Answer any TWO of the following questions**Each question carries 20 marks*

14. A, files a miscellaneous application for setting aside an exparte order passed in his suit. The Miscellaneous application is dismissed. What is the remedy open to A ?
15. A plaint is presented to a court for the recovery of Rs.70,000 the suit claim is in excess of the pecuniary jurisdiction of the court to reject the plaint. Examine the validity of jurisdiction of a court. *any suit*
16. A, an employee of American Embassy in India took an amount of Rs.10 lakhs on a promissory note from B, an Indian on Default can B file a civil suit before Indian courts. Discuss. *fine*
17. A suit was filed against X, a minor, in the court at Guntur. Advice him on the matters of defense in the case. *X - minor*

3 YEAR LL.B. DEGREE EXAMINATION
DECEMBER, 2004

V SEMESTER

PAPER XX—CRIMINAL PROCEDURE CODE
JUVENILE JUSTICE ACT AND PROBATION OF
OFFENDERS ACT

Time : 3 Hours]

[Max. Marks : 100

PART A

Answer any SIX questions
Each question carries 4 marks
(MARKS : $6 \times 4 = 24$)

1. Adversary process.
2. Summons cases. 53
3. Right to Legal Aid. 21
4. Principles of search. 16
5. FIR. 35
6. Meaning of parole.
7. Summary Cases. 57
8. Juvenile Delinquency. 94
9. Contents of charge. 47

PART B

Answer any TWO questions
Each question carries 18 marks
(MARKS : $2 \times 18 = 36$)

10. Explain the meaning and purpose of Arrest. What are the rights of arrested persons?

[Turn Over

11. Distinguish 'cognizable' and non-cognizable offences.
12. What is a charge? Explain the contents of a charge sheet and the procedure for alteration.
13. What is Reference? Compare Reference with Revision.

PART C

Answer any TWO questions
Each question carries 20 marks

(MARKS : 2 × 20 = 40)

14. 'A' a magistrate, not empowered to issue a search warrant by law for search of a place respected to contain stolen property, erroneously and in good faith issues a search warrant. Examine the validity of the warrant.
15. 'A' informed 'P' a police officer an information about the commission of the offence. The offence is of a bailable nature. Explain the procedure to be followed by the police officer in this case after getting information from 'P'.
16. A was arrested by the police and was not produced before the police before the magistrate within 24 hours. Advise 'A'.
17. A Muslim woman filed a petition for maintenance under sec. 125, G.P.C. Examine the maintainability of the petition.

THREE/FIVE YEAR LL.B. DEGREE EXAMINATION, FEBRUARY 2009

Fifth/Ninth Semester

Paper XX—CRIMINAL PROCEDURE CODE, JUVENILE JUSTICE ACT AND PROBATION OF OFFENDERS ACT

(Semester Pattern 2001—2002)

Time : Three Hours

Maximum : 100 Marks

Part A (Short Answer Questions)

Write short notes on any six of the following.
Each question carries 4 marks.

- 1/ ✓ Non-Cognizable Offence.
- 2/ ✓ Prosecutor.
- 3/ ✓ Executive Magistrate.
- 4/ ✓ Acquittal.
- 5/ ✓ Compoundable Offences.
- 6/ ✓ Revision.
- 7/ ✓ Inquest report.
8. Disposal of property in criminal cases.
- 9/ ✓ Probation.

(6 × 4 = 24 marks)

Part B (Essay Type Questions)

Answer any two of the following questions.
Each question carries 18 marks.

- 10/ ✓ Under what circumstances a Search warrant can be issued by the court ? Explain the Procedure for conducting a search.
- 11/ ✓ Who is entitled to get the maintenance under Criminal Procedure Code ? A person who is ordered to pay the maintenance neglects to pay the same. State the consequences in the regard. Is a wife who is living in adultery entitled to get the maintenance in the court ?
- 12/ ✓ What is F.I.R. ? Explain the procedure for recording of F.I.R. State any difference between F.I.R. and complaint under Cr. P.C.
13. Examine the role of judiciary in the protection of Juvenile Offenders.

(2 × 18 = 36 marks)

Turn over

Part C (Case Comment Type Questions)

Answer any two of the following questions.

Each question carries 20 marks.

14. If a person arrested on the accusation of a bailable offence is refused bail, will the detention of such person be considered illegal? What are the remedies available against the police officer or the judicial officer who refuses to grant bail in a bailable case?
15. More than two years ago A was sentenced to death but the sentence has not been executed so far. A moves the court that his death sentence be commuted to imprisonment for life as there was undue delay in the execution of death sentence. Decide.
16. X is travelling from Tirupati to Chennai by Train. During the night, his Brief case is stolen. The theft is discovered at Chennai. Y is caught with the stolen Brief case of Hyderabad. Where can Y be tried for Theft? Give reasons.
17. A, who is convicted by the trial court and punished with imprisonment for two years, files an appeal against the said conviction, but dies during the pendency of the appeal. His son B submits application and requests that appeal be finally decided. Decide.

(2 × 20 = 40 marks)

3 YEAR LL.B. V SEMESTER / 5 YEAR BA LLB
IX SEMESTER DEGREE EXAMINATION
NOVEMBER / DECEMBER, 2005

PAPER - XX - CRIMINAL PROCEDURE CODE
JUVENILE JUSTICE ACT AND PROBATION OF
OFFENDERS ACT

Time : 3 Hours]

[Max. Marks : 100

PART A

Answer any SIX questions
Each question carries 4 marks

(MARKS : $6 \times 4 = 24$)

1. Arrest. ✓
2. Charge. ✓
3. Fair Trial.
4. Security Bond. ✓
5. Cognizable offences. ✓
6. Right to legal Aid.
7. Estoppel.
8. Probation. ✓
9. Seizure.

PART B

Answer any TWO questions
Each question carries 18 marks

(MARKS : $2 \times 18 = 36$)

10. What is F.I.R.? Explain the procedure for recording of F.I.R.
State any difference between F.I.R. and complaint under
Cr.P.C.

[Turn Over

Very easy
stop

11. Examine the provisions relating to BAIL to an accused person in Cr.P.C., 1973.
12. Discuss the procedure for a Trial before a Court of Session.
13. Examine the salient features of the Juvenile Justice Act, 1986.

PART C

Answer any TWO questions

Each question carries 20 marks

(MARKS : $2 \times 20 = 40$)

14. 'A' alleges that 'B' has committed some offences. The majority of them are non-cognizable. The station officer of the police station wants to treat the case as cognizable. Can this be challenged?
15. 'A', a magistrate tried an offence summarily. Is he empowered to do so? Is the decision enforceable?
16. 'A', 'B' & 'C' during the course of Investigation stated to the investigating police officer that 'D' a dark, tall and bearded person killed 'E'. In trial proceedings 'A' & 'B' repeated the same statement but 'C' contradicted his own statements. Discuss the validity of the statements deposed by 'A', 'B' & 'C'.
17. X, charged with the offences of cheating and criminal breach of trust evaded arrest resulting in the non-execution of warrant. Explain the remedies available under Sec. 82 & 83 of Cr. P.C.

THREE/FIVE YEAR LL.B. DEGREE EXAMINATION, FEBRUARY 2009

Fifth/Ninth Semester

Paper XXI—LAW OF EVIDENCE

(Semester Pattern 2001—2002)

Time : Three Hours

Maximum : 100 Marks

Part A (Short Answer Questions)

*Write short notes on any six of the following.
Each question carries 4 marks.*

1. Estoppel.
2. Circumstantial evidence.
3. Res Gestae.
4. Golden rule of evidence.
5. Chief Examination.
6. Expert evidence.
7. May presume.
8. Burden of proof.
9. Public Document.

(6 × 4 = 24 marks)

Part B (Essay Type Questions)

*Answer any two of the following questions.
Each question carries 18 marks.*

10. Explain the principles regarding the admissibility of Dying Declaration. Why and when are 'dying declaration' relevant ?
11. "Oral evidence must, in all cases whatever, be direct". Explain and state the exception to this rule.
12. Write an essay on privileges relating to the affairs of state.
13. Discuss the law relating to secondary evidence. State when secondary evidence is admissible to prove the contents of the documents.

(2 × 18 = 36 marks)

Turn over

Part C (Case Comment Type Questions)

Answer any two of the following questions.

Each question carries 20 marks.

14. ✓ A, a married woman had written letters to her parents and other relatives about her critical condition at the hands of her in laws and husband's brother. She died within three months thereafter. Are these letters relevant in prosecution against them ?
15. A owns a plot of land in Hyderabad. He called a surveyor to identify his land. After that, he started construction of a house on the neighbouring plot of land belonging to B. B was making frequent visits to A's house during construction. After the completion of the house, B claims that since the house is built on his land, the house also belongs to him. In the alternative, he claims compensation from A. Advise A and B.
16. ✓ X is accused to a murder. At the trial, the prosecution produced three eye witnesses. A, who is a child of 7 years of age, B, who is a lunatic and C, who is the wife of X. Are these witnesses competent ?
17. X, launched a police complaint that she was raped by one Y. At the trial of the case, Z brings evidence to show that X is of a general immoral character. X objects saying that under the law, character of parties to the case is not admissible. Decide.

(2 × 20 = 40 marks)

33-67-5-03

THREE / FIVE YEAR LL.B. DEGREE EXAMINATION — JANUARY 2007

FIFTH / NINTH SEMESTER

Paper XXI — LAW OF EVIDENCE

(Semester pattern 2001 - 2002)

Time : 3 Hours

Max. Marks : 100

PART - A (Short Answer Questions)

Write short notes on any SIX of the following

Each question carries 4 marks

(Marks : $6 \times 4 = 24$)

1. Documentary Evidence.

2. Mensrea.

3. Burden of Proof.

4. Leading Question.

5. Res gestae.

6. Estoppel.

7. Oral Evidence.

8. Question of Fact.

9. Confession.

PART - B (Essay Type Questions)

Answer any TWO questions

Each question carries 18 marks

(Marks : $2 \times 18 = 36$)

10. What is Hearsay Evidence ? Explain its importance in Law of Evidence.
11. Explain the term 'Promissory Estoppel'. What is its significance ?
12. What is dying declaration ? Explain its evidentiary value.
13. Discuss the significance of expert evidence in Law of Evidence.

PART - C (Case Comment Type Questions)

Answer any TWO questions

Each question carries 20 marks

(Marks : $2 \times 20 = 40$)

14. 'A' sues 'B' for Rs.10,000. 'A' produces relevant account books where entries are made upto Rs.10,000. 'B' say they are false. Are the entries in books relevant to prove debt ?

[P. T. O.]

29-1-31

chad with

15. To prove that 'A' murdered 'Y', evidence of 'C' a child of 7 years studying second class is brought as an eye witness. Is it sufficient to prove the case?

chad with

16. 'X' in order to prove his nativity brings a xerox copy of the Certificate issued by M.R.O. 'Y' refuses to accept this and deny admission to secure a seat in University College. Discuss the relevancy of proof in this case.

*Seemingly
201*

CS

17. A plaintiff in a promissory note suit against 'B' a defendant brought a witness 'C' who makes a statement that 'B' owes money to 'A'. Is it relevant?

P. do not

P.D.

NSL

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12.

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33-67-5-03

THREE / FIVE YEAR LL.B. DEGREE EXAMINATION — FEBRUARY 2006

FIFTH / NINTH SEMESTER

Paper XXI — LAW OF EVIDENCE

(Semester pattern 2001 - 2002)

Time : 3 Hours

Max. Marks : 100

PART - A (Short Answer Questions)

Write short notes on any SIX questions of the following

Each question carries 4 marks

(Marks : $6 \times 4 = 24$)

1. Relevant facts.
2. Direct evidence.
3. *Lex Fori*.
4. Conspiracy.
5. Cross-Examination.
6. Patent ambiguity.
7. Accomplice.
8. Retracted confession.
9. Distinguish between 'May Presume' and 'Shall Presume'.

PART - B (Essay Type Questions)

Answer any TWO questions

Each question carries 18 marks

(Marks : $2 \times 18 = 36$)

10. What is meant by confession under the Indian Evidence Act, 1872? When are confessions relevant and binding?
11. Explain the rules relating to 'hearsay evidence'. Enumerate the exceptions thereto.
12. What are the different kinds of Estoppel recognised by the Indian Evidence Act, 1872?
13. Who is competent to be a witness? Write a note on dumb witness.

PART - C (Case Comment Type Questions)

Answer any TWO questions

Each question carries 20 marks

(Marks : $2 \times 20 = 40$)

14. 'A', an unmarried girl was accused of the murder of her newly-born child. She was sent, in the custody of Police Constables, to a doctor for examination. The Police

[P. T. O.]

Constable was standing outside the room in which 'A' was being examined by the doctor. During her examination, she made a confession to the doctor. Is the confession admissible in evidence against 'A' ?

15. 'A' was charged with murder. 'A' brought evidence that on the alleged day of murder, he was at a different place. Is the evidence admissible ?
 16. 'A' leaves his house telling his wife that he is going to see 'B', who is in neighbouring village in order to recover a debt due by 'B'. Soon after he is found murdered there. Is the statement admissible as a dying declaration at the trial of 'B' for the murder of 'A' ? Give reasons.
 17. 'A' and 'B' are being tried for conspiring to cheat 'C' for a sum of Rs.2,400. After the transaction 'B' made certain entries in a diary showing that each of them had profited to the extent of Rs.1,200 in the said transaction. These entries in the diary of 'B' are sought to be used as evidence against 'A'. Can they be admissible ?
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SM-637

3 YEAR LL.B. V SEMESTER / 5 YEAR BALLB
IX SEMESTER DEGREE EXAMINATION
NOVEMBER / DECEMBER, 2005

PAPER - XXI - LAW OF EVIDENCE

Time : 3 Hours]

[Max. Marks : 100

PART A

Answer any SIX questions
Each question carries 4 marks
(MARKS : 6 × 4 = 24)

- 1. Presumptions.
- 2. Leading questions. ✓
- 3. Relevant fact. ✓
- 4. Onus Probandi.
- 5. Promissory Estoppel. ✓
- 6. Accomplice.
- 7. Resgestae.
- 8. Court Martial. ✓
- 9. Dying Declaration. ✓

PART B

Answer any TWO questions
Each question carries 18 marks
(MARKS : 2 × 18 = 36)

- 10. Define and distinguish admission and confessions.
- 11. What are the conditions in which judgements are relevant?
- 12. State the law relating to exclusion of oral by documentary evidence.

[Turn Over

13. Write a critical note on the examination of witnesses.

PART C

*Answer any TWO questions
Each question carries 20 marks
(MARKS : 2 × 20 = 40)*

14. X confesses before his wife Mrs. X that he has killed Z, the former boy friend of Mrs. X, where X is being prosecuted for the murder of Z, examine the admissibility of the confession made by X.
15. 'A', a child of 5 years is the only eyewitness in a rape case where X is being prosecuted for having raped Y. Is 'A' a competent witness.
16. X died of injuries received in an attack. Before his death he went to police station and lodged a report clearly stating details of attack and name of Y as the person who attacked on him. Decide the question can an F.I.R. be used as a dying declaration in this case.
17. 'A' an accused in a case of sedition faces lie detector test. Can statements of 'A' made in the lie detector test be admitted.



THREE/FIVE YEAR LL.B. DEGREE EXAMINATION — JANUARY 2005

Fifth/Ninth Semester

Paper XXIII — (Optional) LAW OF BANKING
(Semester pattern 2001-2002)

Time : 3 Hours

Max. Marks : 100

PART - A
(Short Answer Questions)

Write short notes on any SIX questions of the following
Each question carries 4 marks

(Marks : 6 x 4 = 24)

- 1. Holder in due course ✓
- 2. Collecting banker ✓
- 3. Cash reserve ✓
- 4. Deposits ✓
- 5. Amalgamation of banks ✓
- 6. Credit control.
- 7. Endorsement. 0
- 8. Letters of revolving credit.
- 9. Banker's cheque.

SHARES
108

Transfer of
Property Act 1882

one of the essential characteristics of a cheque is that of its transferability
Negotiability means transferability. PART - B A Cheque is a negotiable instrument
According to Sec 5 of the Indian Negotiable Instruments Act - 1881
(Essay Type Questions)
Answer any TWO questions
Each question carries 18 marks
(Marks : 2 x 18 = 36)

6/3/62

- 10. What are the features of relationship between a banker and customer?
- 11. What are the rules under which the co-operative societies function?
- 12. What are the objectives and functions of the Reserve Bank of India?
- 13. What are the reforms in Indian Banking Law?

co-operative
banks - sec 56

Sec-182 to 238 of the Indian
Contract Act - 1872 deal with the
law of agency
all these
provisions are
applicable to
the relationship of the
banker and
the customer

PART - C
(Case Comment Type Questions)

Answer any TWO questions
Each question carries 20 marks

(Marks : 2 x 20 = 40)

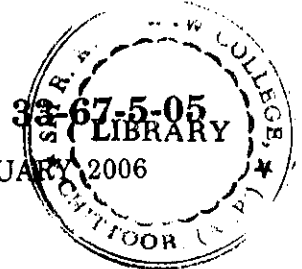
- 14. 'A' draws a cheque for Rs.100 and by mistake he left blanks before the amount both in words and figures and presented to a stranger 'B'. 'B' fraudulently raised the amount to Rs.10,000 on the cheque and cashed from the Bank of the customer 'A' — What is the position of the 'Bank'?

The Bankers Book Evidence
Act - 1891. U/s - 4 of this Act

1) Signatures of customers
minor Sec-3 of the Indian Negotiable Act
1875. Completed his age 18 yrs. and not
before

13) Amount of Cheque [P.T.O.]
Sec-18 of N.I. Act - 1881
opt pay the amount stated
in words, but not in figures

15. Basing on the entries in the customer's Bank Pass Book the customer gave away a cheque to a friend who is in an urgent need of money and left abroad. The friend presented the cheque to the specified bank and the bank refused to pay him stating 'insufficient funds' in the account. The customer demanded the bank to honour cheque even for the lesser amount in the account — Advise the Bank what to do basing on case law.
- ✓ 16. 'A' customer of a commercial bank deposited five lacs of rupees for a period of ten years making believing his girl friend that she is entitled that amount after maturity as she is the 'nominee'. Much before the maturity date the customer died. Both the wife and girl friend claimed that amount — Advise the bank.
- ✓ 17. 'A' firm drew a cheque on the Andhra Bank, in favour of another firm 'B'. The cheque was drawn pay 'B' firm or bearer and was crossed A/C payee only. The cheque was presented for payment to Andhra Bank but was not paid on the plea of countermanded by the drawer. The Andhra Bank sued the drawer for recovery of the amount with interest — Decide with the help of leading cases.
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THREE / FIVE YEAR LL.B. DEGREE EXAMINATION — FEBRUARY 2006

FIFTH / NINTH SEMESTER

Paper XXIII -- (Optional) LAW OF BANKING

(Semester pattern 2001 - 2002)

Time : 3 Hours

Max. Marks : 100

PART - A (Short Answer Questions)

Write short notes on any SIX questions of the following

Each question carries 4 marks

(Marks : 6 x 4 = 24)

- 41/ Pass-book. ✓
 - 110/3. Over-draft. ✓
 - 5. Pledged goods. ✓
 - 71/7. Banking Companies Act. 1956 ✓
 - 27/9. Traveller's cheque. ✓
 - 49/2. Joint account. ✓
 - 4. Demand draft. ✓
 - 6. Holder in due course. ✓
 - 8. Banker's Lien. ✓
- ALL ordering to see 171 of the Indian Contract Act 1872

PART - B (Essay Type Questions)

Answer any TWO questions

Each question carries 18 marks

(Marks : 2 x 18 = 36)

- 10. Explain how the Reserve Bank of India controls the advances of Commercial Banks. ✓
 - 11. When can a banker refuse payment on a cheque? / Forger ✓
 - 12. Examine the relationship between the Banker and Customer. ✓
 - 100/13. Write about the protection available to a paying banker as per statute in case of payment to a wrong person. Banker's mistake - Sec - 72, India Contract Act 1872 ✓
- 1949 - Sec - 6 - Banker's Reg. Act

PART - C (Case Comment Type Questions)

Answer any TWO questions

Each question carries 20 marks

(Marks : 2 x 20 = 40)

- 14. 'Y' purchased a cell phone by issuing a cheque for Rs.5,000 from 'X'. When 'X' presented the cheque for payment the bank has returned with the remarks that the payment was stopped by 'Y'. There was sufficient fund in the account of 'Y' also. Advice 'X'.

111/ The Reserve Bank of India Act 1934 Sec - 45 B 1935

69/ Traveller's Cheque Case law Sec - 148 Indian Contract Act 1872 defines Banker's Bailor

[P. T. O.]

PART - C (Case Comment Type Questions)

Answer any TWO questions

Each question carries 20 marks

(Marks : $2 \times 20 = 40$)

14. 'A' executes a promissory note to pay 'B' a sum of Rs.10,000. If 'C' leaves sufficient money in favour of 'A'. 'C' dies leaving insufficient money. Is Promissory note valid?
15. A bill is endorsed pay 'X' or order, 'X' endorses the bill in blank. It comes into the hands of 'A' who passes it by a simple delivery to 'B' who forges 'A's endorsement and transfers it to 'C'. Can 'C' sue any of the parties to the bill?
- ✓16. 'X' a banker pays the cheque of the customer 'Y' before the order of Counter-manding the cheque is received by the Bank. Is the banker liable for it?
17. 'A' a customer has Rs.15,000 balance in his account. He has issued on 15-1-2006 a cheque to 'B' for Rs.10,000. Which was dated as 1-2-2006 and 'B' without looking to the date has presented on 16-1-2006 and it was honoured by the bank and reduced the balance to Rs.5,000. Again on 20-1-2006 'A' has presented a self-cheque for Rs.6,000 and it was dishonoured for non-availability of balance. Examine the liability of the banker.
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33-67-505

THREE/FIVE YEAR LL.B. DEGREE EXAMINATION — FEBRUARY 2008

FIFTH/NINTH SEMESTER

Paper XXIII — (Optional) LAW OF BANKING

(Semester pattern 2001-2002)

Time : 3 Hours

Max. Marks : 100

PART - A (Short Answer Questions)

Write short notes on any SIX of the following

Each question carries 4 marks

(Marks : 6 x 4 = 24)

1. Define Banker.

50/ 2. Current Account. -

103/ 3. Over Draft. -

60/ 4. Customer.

5. Demand draft.

6. Holder in-due-course.

7. Payment of honour.

15/ 8. Regional Rural Banks. 1976 - Act

39/ 9. Endorsement in blank. See 16 of N.I. Act.

*India Stamp Act, 1899
Banker
The Indian Companies Amendment Act - 1936 - 9/11/1936
1949 - 21/11/1949
The Banking Regulation Act - 1949 - 21/11/1949
Sec 5 (c)*

PART - B (Essay Type Questions)

Answer any TWO questions

Each question carries 18 marks

(Marks : 2 x 18 = 36)

6/7 10. Explain how the RBI controls the advances of Commercial Banks in India.

11. Discuss the rights, duties and responsibilities of a collecting banker.

7/ 12. Explain the powers and functions of Reserve Bank of India. - 21 of the Act

13. When can a banker refuse payment on a cheque?

*14/ Co-op Bank
31 Functions of RBI
16/6 Traveller's cheques
114 - SF feels of
150/ Rule of Clayton's case
31 - RBI*

[P. T. O.]

PART - C
(Case Comment Type Questions)

Answer any TWO questions

Each question carries 20 marks

(Marks : 2 x 20 = 40)

14. 'X' a banker discloses confidential information relating to the account of a customer 'Y' to his friend 'Z' without the consent of 'Y'. Discuss the liability of the Banker.
15. A cheque is issued by 'A' in favour of 'B'. It was stolen by 'C' a relative of 'B'. 'C' endorsed the cheque in his favour by forging the signature of 'B'. Discuss the liability of the paying banker if payment is made to 'C'.
16. A bill is drawn by 'A' payable at Door No. 13 Prakasam Road, Tirupati. It does not contain the name of the drawee. 'B' who resides there accepts the bill. Is the bill valid?
17. 'X' was the seller of a T.V. set to 'Y'. 'Y' purchaser issued a cheque for Rs. 10,000 drawn on Andhra Bank. But the cheque was returned to 'X' with remarks "payment stopped by the drawer". Discuss the liability of 'Y' under N.I. Act.

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*Indian Torts Act - 1882
Hindu Marriage Act - 1955
Hindu Succession Act - 1956
Married Women's Property Act - 1874*

THREE/FIVE YEAR LL.B. DEGREE EXAMINATION, FEBRUARY 2009

Fifth/Ninth Semester

Paper XXIII—(Optional) LAW OF BANKING

(Semester Pattern 2001—2002)

Time : Three Hours

Maximum : 100 Marks

Part A (Short Answer Questions)

Write short notes on any six of the following.
Each question carries 4 marks.

1. Pass book. ✓
2. Over draft. ✓
3. Banking Companies. ✓
4. Traveller's cheque. ✓
5. Joint account. ✓
6. Doctrine of Reinstatement. ✓
7. Reserve Bank of India. ✓
8. Amalgamation of Banks.
9. Garnishee order.

(6 × 4 = 24 marks)

Part B (Essay Type Questions)

Answer any two of the following questions.
Each question carries 18 marks.

10. "A Banker is required to observe strict secrecy in regard to his customer account"—Explain.
11. Discuss the provisions relating to cross of cheques and various kinds of crossing of cheques.
12. What are the reforms in Indian Banking Law ?
13. Define a holder in due course ? What are his privileges under the Negotiable Instrument Act ?

(2 × 18 = 36 marks)

Part C (Case Comment Type Questions)

Answer any two of the following questions.
Each question carries 20 marks.

14. A draws a cheque for Rs. 10,000 and by mistake he left blanks the amount both in words and figures and presented to a stranger B. B fraudulently raised the amount to Rs. 1,00,000 on the cheque and cashed from the Bank of the customer A. What is the position of the Bank ?

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protection to the paying banker. Sec 89 grants protection Turn over
to the paying banker as under. where a promissory note, bill of Exchange
or cheque has been materially altered but not appear to have been
altered payment thereof by a person or banker liable to pay and
paying the same according to the apparent tenor thereof at the
time of payment and otherwise in due course shall discharge such
person or banker from all liability thereon and such payment shall
not be questioned by reason of the instrument having been altered.

15. X purchased goods by issuing a cheque for Rs. 5,000 from Y. When Y presented the cheque for payment the bank has returned with the remarks that the payment was stopped by X. There were sufficient funds in the account of X. Advise Y.
16. A Cheque drawn by A and payable to B passed by Endorsement through the hands of several persons and was ultimately endorsed in favour of E. The cheque was dishonoured on account of want of funds. Advise E.
17. A customer of a bank deposited Rs. 10 lakhs for a period of Ten years making believing his father that he is entitled to that amount after maturity as he is the 'nominee'. Much before the maturity date the customer died. Both the wife and father of customer claimed. Advise the Bank.

(2 × 20 = 40 marks)