

## PAPER OF PRACTICE AND PROCEDURE

### PART-I

#### (ATTEMPT ANY TWO FROM QUESTIONS 1 TO 3)

1. Explain the following terms:- (Any three) **15 Marks**
  - (a) 'Dominus Litis';
  - (b) 'Parens patriae'
  - (c) retrospective and retroactive;
  - (d) 'quia timet action'
  - (e) Prospective overruling;
2. The Supreme Court exercises Appellate Jurisdiction, Extra Ordinary Appellate Jurisdiction, Original Jurisdiction, Advisory Jurisdiction and Plenary Jurisdiction. Elaborate different jurisdictions exercised by the Supreme Court. **15 Marks**
3. The evolving interpretation of Article 142 by the Supreme Court has redefined judicial boundaries. What do you understand by "moulding the relief" under Article 142 of the Constitution? Illustrate your answer with a two recent cases? **15 Marks**

### PART-II

#### ATTEMPT ANY TWO FROM QUESTIONS 4 TO 6

4. What is the meaning of question of law, substantial question of law and substantial question of law as to interpretation of Constitution? Give reference to statutes where Appeal would lie only on question of law and on substantial question of law. **10 Marks**
5. (a) State Consumer Dispute Redressal Commission (SCDRC) allowed the complaint in favour of your client, directing Builder to refund the amount with interest. Builder filed Appeal before the National Consumer Disputes Redressal Commission (NCDRC) who allowed the Appeal thereby directing your client [Flat Buyer] to take possession of the unit without any compensation and the order of refund was set aside. Your client is aggrieved by the order of National Commission. Please advise appropriate proceeding?

(b) Your client filed consumer complaint before the National Consumer Disputes Redressal Commission seeking compensation for deficiency in banking services in view of misappropriation of your saving account which was dismissed on merits by observing that there was no deficiency of service on the part of Bank. Your client would like to challenge the order. Please suggest appropriate proceeding?

(c) Your client filed an original application regarding violation of the Coastal Regulation Zone Notification before the relevant Tribunal. However, the same was dismissed and your client is considering assailing the order before the Court. What is the appropriate proceeding?

(d) Your client is aggrieved by an order passed by the Appellate Authority under the Electricity Act, 2003. Suggest the legal remedy your client can pursue.

**10 Marks**

6. Order V of the Supreme Court Rules, 2013 provides for “Business in Chambers” and vests certain powers in a Single Judge sitting in Chambers [“Chamber Judge”] and also in the Registrar. Describe the types of proceedings (any five) which can be heard by a Single Judge and type of proceedings (any five) which can be heard by Registrar.

**10 Marks**

### **PART-III**

#### **ATTEMPT ANY TEN QUESTIONS FROM 7 TO 20**

7. Your client, an Indian Company has exported garments to a foreign entity at USA. The order was placed through exchange of emails. Your client has not been paid for the supply by the foreign entity. Legal Notice was issued invoking arbitration and demanding claim. In reply, claims were denied and it was also stated that the Emails were neither stamped nor arbitration was agreed upon (a) what proceedings would you initiate for appointment of Arbitrator and (b) what are the defences available to such a Petition?

**5 Marks**



8. In a civil dispute, undertaking was filed by the Managing Director on behalf of the Respondent Company to pay amount of Rs.5 Cr in full and final settlement of all the claims to the Petitioner on or before 30.04.2025, failing which the amount will carry interest @ 12% till the date of payment. Respondent has defaulted in its commitment. Please advise what steps you will initiate for Petitioner?

**5 Marks**

9. For urgent listing of the matter, during vacation, affidavit indicating urgency is required to be filed. What should be the contents of the affidavit?

As per the procedure, cases arising out of interlocutory orders are not treated as case of urgent nature for listing before the Vacation Bench. The Registry accordingly does not list your matter for admission hearing. The High Court has denied interim relief of injunction and you apprehend that third party rights will be created. What is the remedy available to you?

**5 Marks**

10. What is a Jail Petition? Explain the procedure?

**5 Marks**

11. An AOR is an Officer of the Court and important adjunct of the administration of justice.

In a given case, AOR misused the process of law by filing second SLP on distorted facts after dismissal of the first SLP without disclosing dismissal of first SLP. The Court while dismissing second SLP observed that an AOR had misused the process of law. Please state what action can be taken against an AOR who had misused the process of law.

**5 Marks**

12. Supreme Court allowed the Special Leave Petition against your client without issuing notice to your client. Your client learnt about ex-parte order passed in the year January 2024 only recently when execution proceedings were filed by the Opposite Side. What is the remedy available to your client?

In a recent judgment, Supreme Court has passed directions to the Registry not to circulate any miscellaneous application (M.A.) in a

disposed of proceedings unless certain conditions are met. Please specify the same.

**5 Marks**

13. In a matrimonial dispute, husband has filed a divorce case at Varanasi, U.P. Wife is staying with parents about 977 Kms away at Saharanpur, U.P. Wife approached you for transfer of the case from Varanasi to Saharanpur. Please advise.

**5 Marks**

14. In a murder trial, the Sessions Court acquitted accused. The High Court reversed the acquittal and convicted the accused under Section 302 IPC and sentenced to life imprisonment. During the pendency of the High Court Appeal, the accused was enlarged on bail. The High Court has however cancelled the bail in view of conviction. What is the appropriate remedy available to the accused?

**5 Marks**

15. Validity of certain provisions of GST Act is directly challenged under Article 32 of the Constitution before the Supreme Court. Separate Petitions are also pending before the High Court challenging the same provisions. What is the remedy available to Union of India to avoid conflicting judgments?

**5 Marks**

16. After reorganization, the State of Telangana has certain dispute with State of Andhra Pradesh particularly with regard to sharing of water/ power plant etc. The Principal Secretary of State of Telangana has approached you for adjudication of dispute. What advise will you render and procedure to be followed?

**5 Marks**

17. (a) If the Two Judge Bench of the Supreme Court hearing a matter is of the opinion that accused should be sentenced to death. Can Division Bench of two Judges award sentence of death?

(b) If an issue involves question of law as to the interpretation of the Constitution, what is the recourse available to the Division Bench of two Judges?

**5 Marks**

18. Your client approaches you to file a Special Leave Petition. He produces before you, a document in support of his case. The document has not been made a part of the records of the Court below.



- (a) Would you annex the document with the Special Leave Petition?
- (b) If you think that the document is true and authentic and was missed by the Advocates in the Courts below due to oversight, how would you introduce it for perusal before the Supreme Court?
- (c) Is an Interlocutory Application necessary to introduce such evidence?
- (d) Who would affirm the affidavit in support of the said interlocutory application?
- (e) Can the clerk of the Advocate-on-Record file an affidavit in support of such an application?

**5 Marks**

19. Order IV of Supreme Court Rules, 2013 provides that an AOR if found guilty of misconduct or of conduct unbecoming of an AOR, Court may make an order removing his name from the register of AOR. Give three instances which will amount to misconduct or conduct unbecoming of an AOR. ?

Which are the courts and tribunals excluded by the Constitution from the purview of the power of the Supreme Court to grant special leave under Article 136 against the decision of any court or tribunal in the territory of India?

**3 + 2 = 5 Marks**

20. An AOR can now file a case through e-filing by accessing [www.sci.gov.in](http://www.sci.gov.in). What is the procedure for e-filing a case?

**5 Marks**