

BA.LL.B (HONS.) – VII-SEMESTER

DRAFTING, PLEADING & CONVEYANCING (CLINICAL PAPER-II)

COURSE CODE:

Course Objective: Drafting, Pleading and Conveyancing skills are quintessential for a lawyer who intends to practice before the Courts. Generally, the young legal professionals get opportunity to learn this during their practice, but the main objective of the Course is to provide with a hands-on experience to the students on Drafting, Pleading and Conveyancing skills to make them competent legal professionals.

Course Outcomes:

1. To understand the fundamental principles of Drafting, Pleading and Conveyancing
2. To apply the Code of Civil Procedure Code, 1908 on various cases and create drafts on Civil Pleadings
3. To apply family laws on various cases and create drafts on Matrimonial Pleadings
4. To apply Criminal Laws on various cases and create various drafts on Criminal Pleadings
5. To develop and create Conveyancing oriented drafts as per the relevant laws on transfer of property, laws on succession and other laws

UNIT-I: Introduction to Drafting, Pleading and Conveyancing; Importance of drafting skills for lawyers; Overview of Substantive and procedural laws; Drafting Rules & Skills-History of Pleadings, Meaning of Pleadings, Function and Object of Pleadings, Fundamental Rules of Pleadings, Legal Requirements and Implications

UNIT-II: Civil Pleadings-Suit for recovery under Order XXXVII of the Code of Civil Procedure 1908, Draft Affidavit, Suit for Permanent Injunction, Application for Temporary Injunction Under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908, Application under Order XXXIX, Rule 2-A of the Code of Civil Procedure, 1908, Application under Order XXXIII read with Section 151 of the Code of Civil Procedure to sue as an Indigent Person, Suit for Ejectment and Damages for Wrongful Use and Occupation, Suit for Specific Performance of Contract, Plaint and Written Statement, Caveat under section 148-A of the Code of Civil Procedure, 1908, Transfer Petition (Civil) U/s 25 of the Civil Procedure Code, 1908, Application for the Execution of Decree

UNIT-III: Matrimonial Pleadings-Petition for Restitution of Conjugal Rights under Section 9 of the Hindu Marriage Act, 1955, Petition for Judicial Separation under Section 10 of the Hindu Marriage Act, 1955, Petition for Dissolution of Marriage by Decree of Divorce under Section 13 of the Hindu Marriage Act, 1955, Petition for Dissolution of Marriage by Decree of Divorce under Section 13-B(1) of the Hindu Marriage Act, 1955, affidavit for matrimonial pleadings; Pleadings Under Indian Succession Act, 1925-Petition for Grant of Probate in High Court, Petition for Grant of Letters of Administration, Petition for Grant of Succession Certificate

UNIT-IV: Petitions Under Constitutional Law-Writ Petition under Article 226 of the Constitution of India, Writ Petition (Cri.) for Enforcement of Fundamental Rights, Special Leave Petition (Civil) under Article 136 of the Constitution of India, Special Leave Petition (Criminal) under Article 136 of the Constitution of India; Pleadings Under Criminal Law-Application for Regular Bail, Application for Anticipatory Bail, Complaint under section 138 of the Negotiable Instruments Act, 1881, Application under section 125 of the Code of Criminal Procedure, 1973

UNIT-V: Conveyancing-Will, General Power of Attorney, Special Power of Attorney to execute Sale Deed, Agreement to sell, Sale Deed, Lease Deed, Mortgage Deed, Partnership Deed, Deed of Dissolution of Partnership, Relinquishment Deed, Gift Deed, Notice under

section 106 of The Transfer of Property Act, 1882, Notice under section 80 of Civil Procedure Code, 1908, Notice under Section 138 of the Negotiable Instruments Act, 1881, Reply to Legal Notice under Section 138 of Negotiable Instruments Act, 1881

Text Books:

1. Dr A B Kafaliya, Textbook on Pleadings, Drafting and Conveyancing, 2nd Edition, EBC
2. G. C. Mogha S. N. Dhingra, Mogha's Law of Pleadings in India with Precedents 18th Edition, Eastern Law House, 2013
3. Rodney D Ryder, Drafting Corporate and Commercial Agreements-Legal Drafting Guidelines, Forms and Precedents, Universal Law Publishing, 2016