

## DRAFTING, APPEARANCES AND PLEADINGS

Time allowed : 3 hours

Maximum marks : 100

**NOTE :** Answer *SIX* questions including Question No. 1 which is **COMPULSORY**.

### Question 1

- (a) "All instruments are legal documents, but all legal documents are not instruments." Critically evaluate with reference to leading cases. (10 marks)
- (b) Re-write the following sentences after filling-in the blank spaces with appropriate word(s)/figure(s) :
- (i) \_\_\_\_\_ mortgage is preferred by the lenders/banks/creditors as well as by the commercial enterprises because of its inherent advantages.
  - (ii) If the mortgagee advances further sums of money to the mortgagor on the same security and on the same condition, the deed executed to secure the advance of further sums of money is called deed of \_\_\_\_\_.
  - (iii) Registration and stamp duty is compulsory in case of mortgage value of ₹ \_\_\_\_\_ and above.
  - (iv) Outsourcing is the contracting out of a company's non-core, non-revenue producing activities to \_\_\_\_\_.
  - (v) Delivery of tangible immovable property takes place when the seller places the buyer, or such person as he directs, \_\_\_\_\_ the property. (1 mark each)
- (c) "Compounding is a good way of settling disputes." Comment. (5 marks)

### Answer 1(a)

Section 3 of the Indian Evidence Act, 1872, defines Document as "any matter expressed or described upon any substance by means of letters, figures or marks, or more than one of these means, intended to be used or which may be used for purposes of recording that matter. Examples: writings, prints, map, a caricature, photo, video, etc.

When such document is intended to be used as evidence or is capable of being so used at the time of execution or thereafter, it becomes a legal document.

However, 'an instrument' is a specific type of legal document used or intended to be so used or capable of being used as evidence of a financial / monetary / legal right or liability or purports to be created, transferred, modified, limited, extended, suspended, extinguished or recorded those rights and liabilities.

Legal documents need not be formal or technical in format and language; nor their registration is necessary for evidentiary purposes. But they have to be proved by oral or documentary evidence in a legal proceeding. Whereas, instruments (duly executed ones),

# Drafting Appearances And Pleadings

**Emilie Sanchez**



## **Drafting Appearances And Pleadings:**

*Civil Procedure in Nigeria* Caroline Omochavwe Oba, 2022-05-20 Derived from the renowned multi volume International Encyclopaedia of Laws this convenient volume provides comprehensive analysis of the legislation and rules that determine civil procedure and practice in Nigeria Lawyers who handle transnational matters will appreciate the book's clear explanation of distinct terminology and application of rules The structure follows the classical chapters of a handbook on civil procedure beginning with the judicial organization of the courts jurisdiction issues a discussion of the various actions and claims and then moving to a review of the proceedings as such These general chapters are followed by a discussion of the incidents during proceedings the legal aid and legal costs and the regulation of evidence There are chapters on seizure for security and enforcement of judgments and a final section on alternative dispute resolution Facts are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance Succinct scholarly and practical this book will prove a valuable time saving tool for business and legal professionals alike Lawyers representing parties with interests in Nigeria will welcome this very useful guide and academics and researchers will appreciate its comparative value as a contribution to the study of civil procedure in the international context

*The Principles of Pleading, Practice and Procedure in Civil Actions in the High Court of Justice* William Blake Odgers, 1897

*Resolving Labor and Employment Disputes* Ross E. Davies, 2012-08-01 In today's political and economic climate broad and easy agreement with the basic premise of labor law to stimulate the economy by putting more money into the pockets of working people is not likely Bad economic times are generally not good for labor organization and labor standards There is of course still an important for labor and employment and good practices to help resolve employment disputes New York University's venerable and prestigious Center for Labor and Employment Law has always been dedicated to the underlying principles of labor law as expressed in the National Labor Relations Act seventy five years ago despite recent economic challenges unforeseen at that time The Center's 2010 conference the 63rd in this highly influential series was built around a stocktaking of the current condition of labor law in the United States focusing on the continuities and disparities that characterize practice in the field today This volume contains papers presented at that meeting all here updated to reflect recent developments Extending beyond the NLRA itself contributors discuss the effects of later legislation such as the Wagner and Taft Hartley Acts of 1947 agencies such as the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Programs and proliferating connections between labor relations law and intellectual property law Experts from both the practicing bar and academia eighteen in all call on their unique strengths to address such issues as the following new applications of the 10 j injunction remedies for unlawful discharges in organizing campaigns confidentiality agreements legitimate employer interests reasonableness standard for enforcement of covenants not to compete criminal prosecutions under the Computer Fraud and Abuse Act the role of statistical evidence in systemic

discrimination cases certification for class actions cultivating a plan prevent protect culture of compliance and employee representation election regulation The contributors emphasize the ways in which labor law and policy can be part of the great conversation about how to restore prosperity encourage business and create good jobs Dedicated to ensuring a realistic and fair national labor policy for the future this important publication offers definitive current scholarship toward that goal As such it will be of inestimable value to practitioners government officials academics and others interested in developments in U S employment and labor relations law and practice

**Paralegal Practice & Procedure Fourth Edition** Deborah E. Larbalestrier, Linda Spagnola, Esq., 2009-07-07 The completely revised and updated fourth edition of the most trusted paralegal desk references on the market Now fully revised and expanded the bestselling desk reference for paralegals at any level Each chapter has been completely updated to include the latest step by step instructions for every aspect of a paralegal's job with new procedures checklists and resources throughout Topics covered include Paralegal ethics Training programs Court systems and court procedures Federal court practice and procedures Pretrial practice and procedure Legal research tools Electronic trial preparation procedures In addition to the general resources that will be of value to every paralegal this guide also includes detailed information on practice and procedures for working in specialty law firms

American Jurisprudence Pleading and Practice Forms Annotated, 2000 *The Principles of Pleading, Practice and Procedure in Civil Actions in the High Court of Justice* William Blake Odgers, Great Britain. High Court of Justice, 1900 A Curriculum for Community Paralegal Workers, 2003

**National Reporter on Legal Ethics and Professional Responsibility: American Bar Association Model code of professional responsibility, Disciplinary rules, Formal and informal opinions**, 1982 **Non-Appearance Before the International Court of Justice** J B Elkind, 1984-09

**Halsbury's Laws of England** Quintin Hogg Baron Hailsham of St. Marylebone, 1973 *Resolving Family Conflicts* Jane Murphy, 2017-03-02 Over the past two decades virtually all areas of family law have undergone major doctrinal and theoretical changes from the definition of marriage to the financial and parenting consequences of divorce to the legal construction of parenthood An equally important set of changes has transformed the resolution of family disputes This paradigm shift in family conflict resolution has reshaped the practice of family law and has fundamentally altered the way in which disputing families interact with the legal system Moreover the changes have important implications for the way that family law is understood and taught This volume examines the contours of this paradigm shift in family conflict resolution and explores its implications for family law scholarship and practice The interdisciplinary compilation includes contributions from lawyers legal academics social scientists and mental health professionals As the articles in the volume demonstrate the transformation in family conflict resolution holds considerable promise for disputing families but it also raises a number of challenges These challenges include concerns about the institutional competence of courts the surrender of fact finding and decision making to individuals without legal training the loss of autonomy and privacy for family members subject to

continuing court oversight and the disjunction between problem solving justice and authoritative legal norms By exploring both the promise of the new paradigm and its potential pitfalls this volume engages family law scholars and offers insights to judges practitioners and policy makers responsible for serving families in conflict *Paralegal Training Guide* Kenya AIDS NGOs Consortium,2005 *Illinois Bar Journal* ,1986 Vols 28 include reports and proceedings of the 64th 1940 annual meetings formerly issued as the association s Annual report **Proceedings of the Idaho State Bar** Idaho State Bar,1960 Vols 11 1935 include Proceedings of the Judicial Section v 1 **Federal Judicial Branch** United States. Congress. House. Committee on the Judiciary. Subcommittee on Courts, Civil Liberties, and the Administration of Justice,1985 **Language Choice in Postcolonial Law** Richard Powell,2020-02-24 This book discusses multilingual postcolonial common law focusing on Malaysia s efforts to shift the language of law from English to Malay and weighing the pros and cons of planned language shift as a solution to language based disadvantage before the law in jurisdictions where the majority of citizens lack proficiency in the traditional legal medium Through analysis of legislation and policy documents interviews with lawyers law students and law lecturers and observations of court proceedings and law lectures the book reflects on what is entailed in changing the language of the law It reviews the implications of societal bilingualism for postcolonial justice systems and raises an important question for language planners to consider if the language of the law is changed what else about the law changes **Arkansas Law Review and Bar Association Journal** ,1956 **A Treatise on the Practice of the High Court of Chancery of Ireland** Michael Joseph BARRY (and KEOGH (Right Hon. William N.)),1840 *Decisions* United States. Federal Mine Safety and Health Review Commission,1981 **Confirmation Hearing on Federal Appointments** United States. Congress. Senate. Committee on the Judiciary,2004

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