

308: Drafting, Pleading & Conveyance

OBJECTIVES OF THE COURSE:

This is a Compulsory Clinical Course as prescribed under the Bar Council of India – Rules of Legal Education, 2008. The entire course is designed in order to apprise the law students about the practical knowledge of drafting of pleading and conveyancing deeds. This course is expected to be taught through class instructions and stimulation exercises, preferably with the assistance of practising lawyers/retired judges. The law students will have to draft the prescribed civil and criminal Pleading exercises as well as prescribed conveyancing deeds by understanding the general principles and relevant legislations in the class rooms. The law students should make themselves comfortable in drafting different cases and deeds based upon any given hypothetical facts taking into consideration the procedural laws like Code of Civil Procedure, Code of Criminal Procedure, Evidence Act as well as Constitutional Law of India, Transfer of Property Act, Registration Act, Limitation Act, Negotiable Instruments Act, Family Courts Act etc.

There will be 90 marks Theoretical Examination and 10 Marks viva voice Examination, both to be taken by the Gujarat University in this course.

Theoretical Examination: 90 Marks

Viva Voice Examination: 10 Marks

1. Drafting and Pleadings:

1.1 General Principles of drafting and relevant substantive rules

1.2 Pleadings: Civil

1.2.1 Pleat

1.2.2 Written Statement

1.2.3 Memorandum of Appeal

1.2.4 Civil Revision Application (u/s. 115 of the CPC & under the Rent Act)

1.2.5 Interlocutory Application

1.2.6 Execution Application

1.2.7 Affidavit

1.2.8 Writ of Mandamus

1.2.9 Writ of Habeas Corpus

1.2.10 Writ of Certiorari

1.2.11 Criminal Complaint

- 1.2.12 Bail Application
- 1.2.13 Anticipatory Bail Application
- 1.2.14 Criminal Appeal
- 1.2.15 Criminal Revision

2. Conveyancing Deeds:

- 2.1 Conveyancing Deeds: Meaning, Importance and types – Deed Pole and Indenture, General Principles
- 2.2 Various conveyancing deeds:
 - 2.2.1 Notice: General, Statutory Notice (Sec. 80 of CPC) and Notice u/s. 138 of the Negotiable Instruments Act, 1881
 - 2.2.2 Agreement to Sell
 - 2.2.3 Sale Deed
 - 2.2.4 Mortgage Deeds
 - 2.2.5 Lease Deed
 - 2.2.6 Rent Note
 - 2.2.7 Power of Attorney: General and Special
 - 2.2.8 Gift Deed
 - 2.2.9 Will and codicil
 - 2.2.10 Trust Deed
 - 2.2.11 Partnership Deed

Suggested Readings:

1. Mogha's Law of Pleadings with precedents : Eastern Law House
2. Bindra on Conveyancing Vol. I-III, Law Publishers
3. S. C. Ghosh, Principles & Forms of Pleading, Eastern Law House
4. K. S. Gopala Krishnan, Pleadings and Practice (Civil & Criminal), ALT Publication
5. Chaturvedi A. N., Principles and Forms of Pleadings and Conveyancing with Advocacy and Professional Ethics : Allahabad Law Agency
6. Pandit and Amin, Principles and Precedents of Pleadings and Conveyancing
7. Shiva Gopal, Conveyancing, Precedents & Forms, Eastern Book Co.
8. S. R. Myneni, Drafting, Pleading & Conveyancing, Asia Law House
9. Swamy NM, Text Book on Drafting, Pleading & Conveyancing, Asia Law House
10. P. S. Narayan Civil Pleading & Practice, Asia Law House
11. P. S. Narayan Criminal Pleading & Practice, Asia Law House
12. K. K. Srivastava, Law of Pleadings, Drafting & Conveyancing, Central Law Agency