

COURSE-IV
CLINICAL COURSE-III

**DRAFTING, PLEADING
AND
CONVEYANCING**

Objectives:

- Translation of thoughts into words- spoken and written is an essential ingredient of an effective lawyer.
- The students should be trained in drafting of pleadings and conveyances and other essential documents.
- The skill of drafting can be acquired and sharpened by undertaking the exercises under the supervision of an expert in the field.
- The course aims at equipping the students with drafting skills.

Course contents:

1. **General principles** of drafting and relevant substantive rules.
2. **Pleadings-**
 - A. **Civil:** Complaint, Written statement, Interlocutory application, Original petition, Affidavit, Execution petition, Memorandum of appeal and Revision, petition under Art.226 and Art.32 of the Constitution of India. Drafting of Writ petition and Public Interest Litigation petition.
 - B. **Criminal:** Complaint, Criminal miscellaneous petition, Bail application, memorandum of Appeal and Revision.
3. **Conveyance:** sale deed, mortgage deed, lease deed, gift deed, promissory note, power of attorney, will, trust deed, partition deed, etc.

Examination and allocation of marks:

1. Each Student shall undertake 15 practical exercises in drafting of Pleadings carrying 45 marks (3 marks for each exercise).
2. Each student shall undertake 15 practical exercises in Conveyancing, which carries 45 marks (3 marks each).
3. The above-mentioned drafting of Pleadings and Conveyancing exercises shall be in the handwriting of the students on one side of the bond size papers. The papers shall be bound accompanied by a certificate signed by the course teacher and the principal to the effect that it is the bonafide work of the concerned candidate.
4. The cover shall indicate the name of the examination, subject, seat number, and the center code number.
5. There shall be a contents page.
6. At the end of the semester, the student shall appear for a viva voce, which shall carry 10 marks. Viva to be conducted by the Principal and the course teacher.

- **General Rules** of Pleading
- **Fundamental Rules** of Pleading
- Important provisions of C.P.C, Cr.P.C & Evidence Act
- Pleadings – Or 6 R 1 – in
- Jurisdiction
- Hierarchy of courts
- Cause title details
 - Suit for recovery of money e.g.

**PRINCIPLES AND FORMS OF
PLEADINGS AND CONVEYANCING
WITH ADVOCACY AND
PROFESSIONAL ETHICS**

A.N. CHATURVEDI

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LB-502 Drafting, Pleadings, Full Material - Faculty of LAW

Jan 1, 2010 - "Drafting, Pleadings and Conveyancing" (DPC) is made as a compulsory practical ... drafting of pleading in the High Court and Mofussils Court.

People also ask

- **Or 6 R 2.** Pleading to state material facts and not evidence—
- (1) Every pleading shall contain, **and contain only** a **statement** in a **concise** form of the **material** facts on which the party pleading relies for his claim or defence as the case may be, but **not the evidence** by which they are to be proved.
 1. Pleadings should state facts & not law
 2. State material facts only
 3. Not to state evidence &
 4. Facts stated in concise form

Fundamental Rules of Pleading

1. Pleadings should state facts & not law
2. State material facts, only
3. Not to state evidence (*Facta probanda- Facta probantia*) &
4. Facts stated in concise form

- **Other requirements**
- Rr 4-16
- Misrepresentation, fraud, breach of contract
undue influence, wilful default – spf pleaded
- Notice – issued
- Document – filed
- Supply address -
- Signed by party/pleader/agent
- Verification – date, place, no of paras (knowledge, info,
- Verifying affidavit

Hierarchy of Civil & Cr. Courts

- **Civil Courts**

- SC
- HC
- DIST. COURT
- CIVIL JUDGE (S.D.)
- CIVIL JUDGE (J.D.)

- **Criminal Courts**

- SC
- HC
- SESSIONS COURT
- CHIEF JUDICIAL MAGISTRATE/
METROPOLITAN MAGISTRAT
(CJM/CMM)
- JUDICIAL MAGISTRATE FIRST
CLASS (JMFC)
- JUDICIAL MAGISTRATE FIRST
CLASS (JMFC)

Types of cases

- O.S. – original suit
- O.P. – original petition
- R.F.A. – Regular First Appeal
- R.S.A. – Regular Second Appeal
- C.R.P. – Civil Revision Petition
- Cr.R.P. -Criminal Revision Petition
- Cr. Appeal
- W.P. – Writ Petition
- C.C. – Criminal case
- S.C. – Sessions case
- P.C.R. - Private Complaint
- LAC/MVC -

Jurisdiction of courts

1. Pecuniary Jurisdiction
2. Territorial Jurisdiction
3. Jurisdiction as to Sub-matter

- **Gen rules**
- Margin
- Neatness
- Paragraphs – numbering, each diff fact – impce of summarising
- Punctuations
- Consistency – link between paras
- Proper reference of doc, map etc
- Language – avoid Slang, colloquial, jargon
- Dates, sums and numbers
- Impce of annexures, schedules, maps etc

- Important parts
 1. Cause title
 2. Address
 3. Body of the plaint
 4. Cause of action
 5. Jurisdiction Formal paras
 6. Court fees
 7. Prayer/ Relief clause
 8. Verification & Execution (o 6 r 15)
 9. Verifying Affidavit (on separate sheet)
 10. Schedules/ Annexures etc

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- ◆ Code of Criminal Procedure (Karnataka) Rules, 1968
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- ◆ Criminal Procedure (Payment of Expenses to Persons Attending Before Police Officers) (Karnataka) Rules, 1979
- ◆ Code of Criminal Procedure (Directions for Suspension of Sentences) Rules, 2007
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