

# **Supreme Court Law Clerk-Cum- Research Associates Exam 2024**

## **Webinar**

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**Rank 1, Supreme Court Law Clerk-Cum-Research Associates Exam 2023**

# Part II of the Exam

## Part II

3 1/2 hours (including 30 minutes reading time)

300 marks,

### Question 1- Brief Preparation:

Prepare a **brief synopsis or precis** of a case file **not longer than 750 words**, i.e. **approximately 2 sides of a single page**.

The candidate would be provided with a copy of a Special Leave Petition or Civil/Criminal Appeal or Writ Petition.

#### **Parameters for judging this question include:**

- (a) ability of the candidate to identify and marshal the relevant facts - References to the appeal numbers of a criminal or civil appeal, SLP or other proceeding are generally unnecessary.
- (b) identification of legal issues before the High Court/Appellate Tribunal;
- (c) comprehensive analysis of the issues as done by the High Court in the impugned decision;
- (d) ratio of the impugned decision;
- (e) relevant grounds before the Supreme Court - neutral outlook
- (f) ability to condense information and structure the document logically - the reference to relevant annexures or paragraph numbers and pages of the impugned judgment
- (g) brevity - clear, informative, and in a few words

**The basic outline of the Brief may contain the following contents:**

- i. Case number and Name of the parties
- ii. Relevant facts in the case;
- iii. Relevant findings of the Judgment/Order under challenge;
- iv. Main Grounds of the challenge;
- v. Prayer (where necessary);
- vi. Interlocutory Applications (where necessary); and
- vii. Counter Affidavit/Rejoinder Affidavit/further Affidavits (where they have been filed).
- viii. Gist of Previous orders, if any (Record of Proceedings/ Office Reports);

If there is a delay in filing the SLP or proceeding, the nature and extent of the delay, along with the explanation of the delay, should be set out.

## **Question 2 - Preparation of a draft research memo**

**○ In this question, the candidate shall be provided:**

- brief factual dispute
- the relevant statutes and precedents to decide the dispute
- along with certain irrelevant decisions which modify the line of precedent.

**○ The candidate would be required to**

- formulate a draft reasoned memo
- not longer than 500-750 words (i.e. approximately two sides of a paper leaf) on the dispute.
- 75 marks

**○ Parameters for judging this question include:**

- (a) ability to use relevant legal sources;
- (b) use of legal language;
- (c) exposition of the law;
- (d) analysis of the facts and applicability of the law to the facts; and
- (e) structure of the opinion.

- **The basic outline of the Brief may contain the following contents:**

- i. Brief facts

- ii. Issues involved

- iii. Laws involved

- iv. Discussion/ Reasoning

- v. Findings/ Conclusion

### **Question 3 - Analytical Question**

○ Shall be required to answer **one out of five analytical** questions in

- 350- 500 words
- 75 marks

○ **Parameters for judging this question include:**

- (a) presentation and development of an argument through reasons and appropriate examples;
- (b) coherence and structure of the answer;
- (c) sentence construction and grammar.

# **Answer of Question 1 of 2023 Exam**

## **Point to Remember**

- List of dates
- Read the impugned judgement
- Applications and limitations
- Previous orders, replication, rejoinder were not there in the question
- Read the lower court judgements to extract additional facts

**SLP (CIVIL) NO. 12345 OF 2022**  
**SHANTI V. SATYA & ORS.**

| <b>Date</b> | <b>Particulars</b>   | <b>Relevant Page no.</b> |
|-------------|--|--------------------------|
|             | <b>Facts</b>   |                          |
| 08.08.1992  | By <b>Agreement to sell Rs 85,000</b> paid and possession transferred to petitioner of disputed property (plot in Monaco)  | 9                        |
| 1995        | After flood, petitioner reconstructed room in property. Respondent no. 2 interfered with peaceful possession for property.   | 9                        |
| 03.12.1997  | Respondent no. 2 through GPA dated 07.12.1991, <b>sold disputed property to Respondent no. 3 by registered sale deed no. 3374.</b> No possession transferred.                      | 9                        |
| 17.12.1997  | Petitioner filed Civil Suit No. 486 of 1997 against Respondent no. 2 and Om Prakash for Permanent Injunction to restrain from interfering in peaceful possession.                  | 17                       |
| 28.11.2001  | <b>Civil Suit No. 486 of 1997 Ex- parte Decreed</b> in favour of Petitioner  | 17, 18                   |
| 10.09.2002  | Petitioner filed Civil suit no. 204 SP of 2002 for Specific Performance of Agreement to sell dated 08.08.1992 and claiming registered sale deed dated 03.12.1997 as null and void. | 19                       |
| 25.11.2011  | <b>Civil suit no. 204 SP of 2002 Partially allowed. Held agreement to sell valid and proved and Petitioner to Refund of Rs. 85,000 and 6% p.a. interest.</b>                       | 23                       |



|            |   |        |
|------------|---|--------|
| 24.12.2011 | Respondent filed Civil Appeal no. 282RBT of 2011/2014 against 25.11.2011 decree.  | 24     |
| 03.01.2012 | Petitioner filed Civil Appeal no. 278RBT of 2012/2014 against 25.11.2011 decree.  | 24     |
| 14.11.2014 | <b>Court set aside the judgement dated 25.11.2011 and dismissed 278RBT of 2012/2014 as Respondent no. 1 not liable to refund Rs. 85,000</b>   | 29     |
| 03.12.2017 | Petitioner filed Second Appeal RSA No. 5173 of 2014 (O&M) against judgement dated 14.11.2014.   | 9      |
| 19.01.2018 | <b>Hon'ble HC of Punjab and Haryana dismissed Second Appeal RSA No. 5173 of 2014 (O&amp;M) (Impugned Judgement)</b>   | 9-12   |
|            | <b>Findings of the HC</b>   |        |
| 19.01.2018 | Held that petitioner not entitled to relief on the following grounds:<br>A) Agreement to sell dated 08.08.1992 is a fake document.<br>B) Petitioner has no proof of payment of Rs. 85,000 to Respondent.<br>C) Respondent no. 1 failed to proved receiving Rs 85,000 from Petitioner.<br>D) Petitioner failed to show ready and willingness since filing suit for specific performance after 10 years.<br>E) Petitioner was never in possession for the property.<br>F) No substantial question for law arises. | 11, 12 |

| Date | Particulars  | Relevant Page no. |
|------|--|-------------------|
|      | <b>Grounds for Challenge</b>   |                   |
|      | <p>Impugned Judgement dated 19.01.2018 challenged on following grounds:</p> <p>A) Respondent No. 2 had POA to execute Agreement to sell date 08.08.1992.</p> <p>B) Agreement to sell proved by attesting witness and held so by Judgement dated 28.11.2001 and 25.11.2011</p> <p>C) Respondent received Rs. 85,000 consideration.</p> <p>D) Petitioner in possession for disputed property since 08.08.1992.</p> <p>E) Petitioner constructed house on disputed property</p> <p>F) Market value of disputed property has increased</p> | 14, 15            |
|      | <b>Prayer</b>  |                   |
|      | <p>The following is prayed by Petitioner:</p> <p>A) Stay operational of Impugned Judgement dated 19.01.2018</p> <p>B) Pass such other order as deem fit.</p>   | 15                |
|      | <b>I.A. No. ___ of 2022</b>  |                   |
|      | Application for exemption from filing the official transaction of the Annexure   | 2                 |
|      | <b>Limitation</b>  |                   |
|      | Petition for Condonation of delay filed for 525 days.  | 30                |

**Q & A**

**Thank You!**

**All the best!**

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