

[N.B.:— Figures to the right indicate full marks assigned to the questions.]

1. Write short answers in not more than **two** sentences :— 20
  - (a) Define the expression "Property" under the Pr. Ins. Act 1920 ?
  - (b) Which Courts have jurisdiction under the Pr. Ins. Act 1920 ?
  - (c) Whether a petition by a debtor or creditor can be withdrawn ? If yes how ?
  - (d) What is 'relation back' under the Pr. Ins. Act 1920 ?
  - (e) State any two debts which order of discharge will not release the insolvent from ?
  - (f) What are the powers of interim receiver ?
  - (g) State the basis on which the Court can dismiss the petition presented by the debtor.
  - (h) For what purpose the Court appoints Interim Receiver of the property of the debtor ?
  - (i) Can the partnership firm be adjudged as insolvent ? Give reasons.
  - (j) Who are exempted from insolvency proceedings ?
2. Write short notes on any **four** of the following :— 20
  - (a) The disqualifications of the insolvent
  - (b) Duties of debtor
  - (c) Contents of petition by a debtor
  - (d) Appeals under the Prov. Ins Act, 1920
  - (e) Effect of order of discharge
  - (f) Summary Administration.
3. Answer any **two** of the following problems :— 12
  - (a) The Court annuls the order of adjudication for the reason that the debtor has failed to apply for discharge within the time specified by the Court –
    - (i) What consequences the debtor may have to suffer on annulment of order of adjudication ?
    - (ii) Why the debtor is required to apply for discharge ?

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- (b) A debtor who was adjudged as insolvent by the District Court. Prepared a scheme of arrangement for payment of his debts which was approved by the Court. The debtor paid his debts in installments pursuant to the scheme for some time but there after started making defaults.
- What powers the Court can exercise against the defaulting debtor ?
  - What is the effect of readjudication of debtor as insolvent on rights of creditors to prove their debts ?
- (c) The creditors filed insolvency petition against the debtor. They were apprehending that the debtor may dispose of all his properties before the order of adjudication is passed against him in order to defeat their claims.
- Advise the creditors what steps can be taken by them under Insolvency Law to protect their interest.
  - Does the property of the debtor vest in Interim Receiver ?

4. Write answers in detail to any four questions :—

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- State and explain the various acts of insolvency as prescribed under the Pro. Ins. Act 1920.
- What properties of the insolvent are divisible and what are not divisible ?
- Who is a Secured Creditor ? What are the rights conferred upon a secured creditor by the Prov. Ins. Act, 1920.
- What are the effects of the annulment of the order of adjudication ?
- What are the provisions relating to calculation and distribution of dividend among the creditors under the Prov. Ins. Act, 1920 ?
- What is the procedure prescribed for composition of debts and schemes of arrangement ?

**(मराठी रूपांतर)****(३ तास)****[एकूण गुण : १००]****[सूचना : उजवीकडील अंक त्या प्रश्नांचे पूर्ण गुण दर्शवितात.]**

१. दोन ते तीन वाक्यात उत्तरे द्या :-

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- प्रो. ई. अँक्टनुसार (१९२०) संपत्ती म्हणजे काय ?
- प्रो. ई. अँक्टनुसार कोणत्या कोर्टांना दिवाळखोरी विषयक अधिकारीता आहे ?
- धनकोने वा ऋणकोने केलेली याचिका परत घेतली जाऊ शकते का ? जर होय तर कशाप्रकारे ?
- पूर्वप्रभावी कार्यात्मक संबंध (रिलेशन बँक) म्हणजे काय ?
- कोणतीही दोन ऋणे (कर्जे) सांगा की जी मुक्ततेचा आदेशपण ऋणकोला मुक्त करू शकत नाही.
- अंतरिम रिसीव्हरचे (तात्पुरता मालमत्ता व्यवस्थापक) अधिकार सांगा.
- ऋणकोने सादर केलेला दिवाळखोरीचा दावा कोणत्या कारणास्तव न्यायालय (फेटावू) खारीज करू शकते ?
- कोणत्या उद्देशासाठी न्यायालय अंतरिम रिसीव्हरची नेमणूक करते ?
- भागीदारी संस्था दिवाळखोर म्हणून घोषित केली जाऊ शकते का ? कारणे द्या.
- दिवाळखोरीच्या कार्यवाहीमधून कोणाला मुक्तता वा सुट आहे ?

**[ TURN OVER ]**