

HIGH COURT FOR THE STATE OF TELANGANA

**Written Examination for Recruitment of District Judges
by transfer through Limited Competitive Examination**

Paper-I
(Constitutional and Civil Laws)

Dated 17th August, 2019

Time: 3 Hours, from 10:00 am to 1:00 pm

Maximum Marks: 100

Instructions to the candidates

1. Question paper consists of 10 questions. Answer all the questions. Each question carries total of 10 marks. If a question has sub-questions or parts, the marks carried by each sub question or part are indicated.
2. Questions must be answered only in English. If the answers are not legible, such answers will not be evaluated.
3. Write your hall ticket number only in the space provided in the first page of the main answer booklet. Do not write either your name, or hall ticket number, or any mark, anywhere in the main answer booklet/additional answer sheets.
4. Any attempt by the candidate to disclose his/her identity in any manner in the answer sheets will disqualify him/her.
5. No candidate will be permitted to leave the examination room/hall before 11:00 am.

1. "Let no woman give or take a son in adoption except with the consent of her lord". (Vashishtha)

(a) In the light of the above statement examine the power of a Hindu woman with regard to adoption. Do you think that the changes brought about by the Hindu Adoption and Maintenance Act, 1956 and further by the Personal Laws (Amendment) Act, 2010 have actually enlarged her power in this regard? Elaborate.

(5 marks)

(b) A married Hindu woman takes a son in adoption with the consent of her husband (who is physically and mental fit). The couple was issueless at the time of adoption. Decide the validity of this adoption.

(5 marks)

2. (a) Briefly state how to determine whether property is 'self acquired property', or 'joint family property'? (5 marks)

(b) Explain the changes brought about by the Limitation Act, 1963 with regard to filing of suits for recovery of possession of immoveable property based on previous possession and also based on title. (5 marks)

3. (a) When assigned lands covered by the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 are mortgaged to a bank/Financial institution, and there is a sale by the latter if default is committed in paying of purchase money, will the purchaser from the latter get lawful title? Substantiate your answer with reasons. (3 marks)

(b) Can a Court draw an inference of admission under Sections 17 to 21 of the Evidence Act, 1872 if a legal notice given by a party is not replied to by the other party that the other party accepts as true the allegations levelled against him in the said notice? Justify your answer with brief reasons. (3 marks)

(c) What is the distinction between sham/nominal transactions and a benami transaction? (4 marks)

4. (a) When a 'Hiba' cannot be revoked? (5 marks)

(b) Who can remove a 'Mutawalli'? Can the power as such be delegated? (5 marks)

5. (a) What do you understand by the concept of unequal bargaining power? Discuss its application to commercial contracts while referring to sections 23 and 28 of Contract Act. (5 marks)

(b) In a pool auction of large quantity of coffee by the State, the highest bid offered by A is accepted, but A failed to abide by certain terms and conditions of the contract. Government had to arrange for re-auction. In the re-auction, the

amount fetched is less than what was realized from *A*. The State files a suit for damages against *A* for recovering the loss suffered by it. Decide. (5 marks)

6. (a) What is the difference between a mortgage by conditional sale and a document of sale with a condition of re-purchase? (5 marks)

(b) What are the principles of *lis pendens*? Is there any exception to this principle? Explain with case law. (5 marks)

7. (a) Name some of the documents which are compulsorily registrable according to Transfer of Property Act, 1892 and the Registration Act, 1908, and state within what time a document compulsorily registrable can be presented for registration, from the date of its execution? (10 marks)

8. X filed a suit for permanent and mandatory injunction against Y alleging that Y was threatening to dispossess him from his premises, and had erected a wall in front of X's door thereby blocking his entry into his own house. X prays for interim mandatory injunction directing Y to remove that wall so that he may use his premises. Y opposes interim mandatory injunction on the main ground that its grant would amount to decreeing the suit. Discuss the law and deliver the order. (10 marks)

9. What is the difference between:

(1) Doctrine of limitation and prescription. (3 marks)

(2) Doctrine of limitation and laches. (3 marks)

(3) Doctrine of limitation and acquiescence. (4 marks)

10. (a) Discuss difference between Expression "sufficient cause" available under section 5 of Limitation Act and sub-section (3) of section 34 of the Arbitration and Conciliation Act, 1996. (5 marks)

(b) What is the difference between Section 5, and section 14 of the Indian Limitation Act? (5 marks)