



Previous Year Paper

HARYANA CIVIL SERVICE JUDICIAL MAINS EXAM 2000

PAPER I CIVIL LAW

- Q. 1. (a) Discuss fully the conditions which are required to constitute a matter res-judicata and comment upon the following statement. "A verdict against a man suing in one capacity will not stop him when he sues in another distinct capacity".
- (b) 'A' files a suit for declaration that he is entitled to certain lands as heir to 'B'. The suit is dismissed. Can he claim in later suit title to the same properties on the basis of adverse possession?
- (c) A Munsif decided in a maintenance suit that the husband had abandoned his wife and therefore, she was later entitled to maintenance. Does the subsequent petition filed by the husband for judicial separation under section 10 of the Hindu Marriage Act, 1955 operate as res judicata? Give reasons for your answer.
- Q. 2. (a) What is an 'inter-pleader suit? When and by whom can it be instituted?
- (b) When can temporary injunction be granted by a Civil Court?
- (c) In what circumstances can the property of defendant be attached before judgment?
- (d) What is the procedure prescribed for suit by or against a firm?
- Q. 3. (a) What facts are essential in a notice under section 80 of Civil Procedure Code? What shall be the effect upon suit against the Central Government, the State Governments or their Officers if the said notice is not given?
- (b) What is a representative suit? By whom and under what circumstances can such a suit can be filed?
- (c) When can an auction sale of immovable property in execution of a decree be set aside? Who can get it set aside?
- (d) State the provisions which govern the determination of the place of suing.
- Q. 4. Explain and illustrate the following:
- (a) 'Silence may sometime amount to an admission'.
- (b) 'No confession made to a police officer is admissible'.
- (c) 'Oral evidence must in all cases be direct'.





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(d) Facts though not in issue, are so connected with a fact in issue as to form part of the same transaction, are relevant, whether they occurred at the same time and place or at different times and places.

(e) 'What is in writing shall only be proved by the writing ?

- Q. 5. (a) Discuss fully the evidentiary value of retracted confession. Illustrate your answer.
(b) When are the opinions of experts relevant? What is their evidentiary value? Discuss.
(c) What is 'dying declaration'? Can an accused be convicted on the basis of dying declaration alone? Cite case-law. ro
(d) How is the disputed handwriting of a person proved? Examine admissibility of the evidence of a handwriting expert.
(e) Explain 'Secondary evidence? Under what circumstances it is admissible?
- Q. 6. (a) Explain the scope of examination-in-chief, cross-examination and re-examination under the Indian Evidence Act. State briefly their objects.
(b) What is confession? Distinguish between Judicial and Extra-Judicial Confession
(c) Distinguish between Latent and Patent ambiguities. Give examples of such ambiguities.
(d) Hearsay evidence is no evidence. Explain and state the exceptions.
- Q. 7. (a) Discuss the Doctrine of 'Consideration' under the Indian Contract Act.
(b) 'A' made a contract in the month of June 1985 with 'B' for supplying a machine for Twenty Thousand Rupees by December 1985. The company which manufactured such machine temporarily stopped the production in the month of November 1985 but the machine available in black in market for Sixty Thousand Rupees. Can 'A' rescind this contract? Explain.
(c) What are the liabilities of a surety under the Indian Contract Act? When is the liability of a surety discharged?
- Q. 8. (a) Explain "Free Consent" according to the Indian Contract Act. (b) Explain the doctrine of frustration or impossibility citing three illustrations.
(c) Explain clearly the essential elements of "Wagering Contract". How is it different from speculative transaction? Explain with illustrations. Are both of these valid under the law of contract?
- Q.9. (a) What principles have been incorporated in the Indian Contract Act for determining the amount of damages to be awarded in the event of breach of contract? Discuss in the light of decided cases.
(b) All contracts are agreements, but all agreements are not contracts. What conditions have been laid down in the Indian Contract Act for an agreement to become a contract?
(c) 'A' owes Rs. 2,000 to 'B' but the debt is barred by Limitation Act, 'A' signs a written promise to pay 'B' Rs. 1,000 on account of debt. Is it a valid contract? Refer relevant provision of the Contract Act.





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- Q. 10. (a) "The relation of Partnership arises from Contract and not from status", elaborate. How does Partnership differ from Joint Hindu Family?
(b) Examine the rights of the partners in the Contract of Partnership?
(c) Write short notes on the following:
(i) Compulsory dissolution of the firm,
(ii) Rights of an out going partner.
- Q. 11. (a) Enumerate the essentials of a contract of sale. How does contract of sale differ from agreement to sell? Refer to decided cases.
(b) What are the effects of goods perishing before sale but after agreement to sell?
(c) Distinguish between the following:
(i) Sale and Hire-purchase,
(ii) Sale and Barter.
- Q. 12. (a) "The remedies for non-performance for duties are either compensatory or specific". Explain this statement briefly in the context of specific reliefs available under the Specific Relief Act.
(b) "Justice demands that a person wrongly dispossessed of property should recover it", Explain how Specific Relief Act is operating for his purpose.
(c) He who comes for equity must do equity. Comment giving illustration with reference to Specific Relief Act.

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PAPER II CIVIL LAW PART-A

- Q.1 (a) When does a Hind Widow get absolute ownership of a property if the property is given to her as limited owner by virtue of an instrument like 'Will? Illustrate with case-law.
(b) Who will be heirs of female Hindu if she inherits the property from the relations?
(c) A Hindu 'H' and his wife 'W' had a son 'S' and the daughter in-law 'D'. 'H' died prior to 'W'. Son 'S' also dies prior to 'W'. Property of 'W' was claimed by her husband's brother's son who was already in possession of the said property. Can 'D' successfully claim the property of 'W' after the death of 'W'? Discuss with the case-law.
- Q.2. (a) A divorced Muslim wife has in her custody children born out of wedlock before divorce. Can the children claim maintenance from her and if so, how long?
(b) Can a Muslim mother, who is not appointed guardian of minor's property, effect sales of minor's property for their benefit? Discuss with decided cases.
(c) A Muslim executes a deed in favour of his wife whereby he grants certain immovable property to her in lieu of her dower but possession is not delivered to her. What is the nature and validity of this transaction?
- Q.3. (a) What are the powers of a "Karta" in Hindu joint family? Discuss in detail.
(b) Can "Karta" refer disputes to arbitration and if referred, are other family members bound by the Arbitral Award?
(c) A, B and C are members of a joint Hindu family. A and B are the managing members. A and B borrow money from P for the joint family. Since they failed to repay in time, P files a suit which was decreed against A and B as managers. Discuss whether this decree can be executed against C's share in the co-parcenary property. Can "C" file a suit for partition and claim injunction against P from executing the decree against his share?
- Q.4. (a) Discuss whether a Mitakshara Hindu can effect gift of his undivided interest.
(b) Explain what is Donation-Mortis-Causa.
(c) Discuss rule against perpetuity with illustrations.
- Q.5. (a) Can a person belonging to Scheduled Tribe be tried for BIGAMY? Give reasons.
(b) What are the effects of the remarriage by a Hindu Widow on inheritance before and after the Hindu Succession Act?
- Q.6. (a) Can a Hindu woman after her divorce give her child in adoption without consent of his divorced husband?
(b) Can a Hindu male after his divorce give his child in adoption without consent of his divorced wife?





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- (c) What are the effects of adoption on:
- Right to remarriage?
 - Inheritance?
 - Obligation to maintenance?
- Q. 7. (a) What are the consequences of non-registration of a document which by law requires to be registered?
- (b) Is a Will required to be compulsorily registered? Discuss the effects of non-registration of a Will.
- (c) What are the duties and powers of the Registrar under Indian Registration Act?
- Q. 8. (a) In computing period of limitation for filing appeal against judgment of the Lower Court specify the days which are not to be counted or excluded.
- (b) Can the court adjudicate upon the Bar of limitations through the written statement does not raise that issue?
- (c) Can the court extend period of limitation for filing suit if sufficient causes are shown? What are the limitations on powers of condonation of delay by courts?
- Q. 9. (a) What is the effect of addition of a plaintiff or defendant in a pending suit upon the limitation for filing such suit?
- (b) Describe what is an "acknowledgement" under the Limitation Act. What are the effects of "acknowledgement" on limitation? Discuss with Illustrations.
- Q. 10. (a) What are the pre-requisites of establishing "ADVERSE POSSESSION" in Hindu Law and Limitation Act?
- (b) What are the duties of government officers with reference to section 5 of the Limitation Act in a suit, where the government is a party?

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Part III

CRIMINAL LAW

- Q. 1. (a) Explain and illustrate the difference between preparation to commit an offence and attempt to commit an offence.
(b) State if any offence has been committed in the following cases:
(i) A intending to murder B buys a gun and loads it.
(ii) A intending to murder B fires a gun at B.
(iii) A intending to murder B by poison purchases poison and mixes the same with food, which remains in A's possession.
(iv) A serves the poisoned food to B with the knowledge of the being poisoned.
(v) A woman, with intention of committing suicide runs towards a well, but there she was caught by a person.
- Q. 2. (a) Discuss fully the essential elements of criminal misappropriation of property and distinguish between criminal misappropriation of property and criminal breach of trust.
(b) From the body of a dead man found floating in a river A, the policeman on duty recovered an identity card of the deceased, a costly wrist watch and a gold ring. He did not record in the recovery memo the last two items and pocketed those. What offence if any was committed by A? Answer with reasons.
- Q. 3. Define and distinguish between the following: -
(i) Kidnapping and abduction
(ii) Wrongful restraint and wrongful confinement
(iii) Hurt and grievous hurt
(iv) Theft and Extortion
- Q. 4. (a) An injury was caused to a person with his consent. Under what circumstances such consent might not be a legal defence to the person inflicting injury?
(b) What are the ingredients of the offence of rape? Explain with illustrations.
- Q. 5. (a) What is the mode of delivery of a judgment? Can a Court alter a judgment after it has been delivered?
(b): Accused A fails to appear on the date of judgment. Should the Court deliver judgment:
(i) if A is to be sentenced to imprisonment?
(ii) if A had been granted exemption from personal attendance during trial?
- Q. 6. (a) "For every distinct offence of which any person is accused there shall be a separate charge and every such charge shall be tried separately". Comment. Also state the exceptions to the above rule if any.
(b) What is the effect of errors in charge?





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- Q. 7. (a) Analyse the provisions about the grant of anticipatory bail. Can anticipatory bail be allowed in a murder case? If so, when?
(b) What is the difference between ordinary bail and anticipatory bail?
- Q. 8. (a) What do you understand by summary trial? Describe the procedure for summary trial.
(b) Explain the jurisdiction and powers of the Court of Sessions and of the High Court in revision proceedings.
- Q. 9. (a) What is Estoppel? State different kinds of Estoppel?
(b) A intentionally and falsely leads B to believe that certain land belongs to A thereby induces B to buy and pay for it. The land afterwards becomes the property of A and A seeks to set aside the sale on the ground that, at the time of the sale, he had no title. Decide.
- Q. 10. (a) "Hearsay evidence is not admissible". Explain. What are the exceptions to this general rule?
(b) Can a dumb person be a competent witness?
- Q. 11. (a) When is a confession said to be caused by inducement, threat or promise? Why is it not admissible?
(b) Whether the FIR given to the In-charge of the Police Station by the accused himself for the commission of a cognizable offence can be an admissible evidence against himself.
- Q. 12. (a) What do you understand by Burden of proof? On whom does it lie and how does it shift?
(b) A has not been heard of for more than seven years. On whom burden of proof lies that A is alive?

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