



## Previous Year Paper

### HARYANA CIVIL SERVICE JUDICIAL MAINS EXAM 2001

#### PAPER I CIVIL LAW

- Q.1. (a) What is set off? Discuss the provisions regarding set-off as provided under the Civil Procedure Code and distinguish between legal and equitable set-off.  
(b) A sues B, on a Bill of Exchange, B alleges that A has wrongfully neglected to insure B's goods and is liable to him in compensation which he claims to set-off. Can the amount be set-off? Discuss.
- Q.2. (a) Explain and illustrate the principle of restitution. Is an order granting restitution appealable?  
(b) Who may apply for restitution? Against whom restitution can be granted?
- Q.3. (a) Discuss the principle of 'Res judicata' in the following proceedings:  
(i) Application for Amendment of Decree  
(ii) Application for Review  
(iii) Order of Maintenance  
(b) Distinguish between 'Res judicata' and Res subjudice.
- Q.4. (a) Unless a right of appeal is clearly given by statute, it does not exist? Comment. Can an appellate court reverse a decree on the ground of misjoinder of parties?  
(b) The head office of a transport company was situated at Chandigarh and the branch offices as Lucknow, Jaipur and Patna. A dispute arises between X and the company in respect of transaction made through Lucknow office. X files a suit in respect of this dispute against the company in a Court at Jaipur. How the court will decide?
- Q.5. (a) What do you understand by 'Substantive' and 'Adjective Law?' In which category will you place the law of evidence? Explain.  
(b) Explain and illustrate 'Fact in issue' and 'Relevant Fact'.
- Q.6. (a) State whether a confession before a police officer/Magistrate admissible? If so, explain its rationality.





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(b) X, lodged an FIR before a police officer in the nature of confession stating that he murdered his wife Y, as she was a woman of bad character. Is the above statement admissible? If so, to what extent and under what circumstances? Discuss.

Q.7. (a) Write short notes on the following: -

(i) Examination in-Chief,

(ii) Cross-examination,

(iii) Re-examination,

(b) State and illustrate the rule of estoppel as enacted in Indian Evidence Act.

Q. 8. (a) Restitution stops, whether repayment begins. Discuss the above statement in the light of decided cases.

(b) X agrees to sing at Y's theatre for one week and also agrees not to sing at any other theatre during the period. Later on X contract with Z to sing during that week at Z's theatre. Can Y sue for an injunction to restrain X?

(c) A agrees to give the use of his hall to B for holding a concert on a prescribed date. However, the hall was destroyed by fire prior to prescribed date. B sued A for damages for breach of contract. Will B Succeed?

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## PAPER 2 CIVIL LAW

- Q.1. (a) Discuss the nature of marriage under the Hindu Law and the Muslim Law with the help of decided cases. A Hindu boy of 21 years of age married to a Muslim girl of 19 years. Under which law the marriage would be valid. If not, what would be the status and position of children out of this wedlock? Whether they would be legitimate?  
(b) Discuss with the help of decided cases the remedy of Restitution of Conjugal Rights and wife's defence of job at different place under the Hindu Marriage Act, 1955. Do you subscribe the view that this remedy is barbaric and unconstitutional?
- Q.2. (a) Explain the powers and position of 'Karta' in a Joint Hindu Family. Whether a female Hindu can be 'Karta'? Under which circumstances the 'Karta' can alienate Joint Hindu family property. Refer to decided cases.  
(b) What do you mean by the doctrine of 'Pious Obligation' and the defence of 'Avyavaharik (immoral) debt'?
- Q.3. (a) A Hindu male died intestate leaving behind widow, father, a son who has converted Islam, a married daughter and other son's widow who is residing with her parents. How and to whom his property will devolve?  
(b) "The Hindu Succession Act, 1956 has made serious inroads in the Mitakshara principle of survivorship". Discuss in the light of section 6 of the Act.
- Q.4. (a) Who can claim Haq-Shuffa (pre-emption) and what are the formalities to claim right to pre-emption? State the legal devices for evading right of pre-emption.  
(b) Explain the essential conditions of a valid acknowledgement. Refer to decided cases.
- Q.5. (a) What do you mean by doctrines of 'Aul and Radd'.  
(b) (i) A Muslim woman died leaving her husband and two sisters. How her property will devolve?  
(ii) A Muslim male died leaving his mother, widow and daughter. How much share they will get?
- Q.6. (a) "The Punjab customary practices sometimes have precedence over enacted law like the Hindu Succession Act, 1956". Discuss. A Hindu having only agricultural holdings died and left behind two sons and one married daughter. The married daughter demanded her 1/3 share in the agricultural holding. Sons claimed that she is not entitled to the share according to Punjab Customary Law. Decide.  
(b) What are the special duties and controlling powers of the Registrar under the Indian Registration Act, 1908.
- Q.7. (a) "The Law of Limitation is retrospective in its effect". Comment. What are the rules of Limitation in the case of trust?  
(b) "Once period of limitation starts to run no subsequent disability can stop it". Explain.



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- Q.8. (a) Explain the principles regarding the exclusion of the time while computing the period of Limitation for suits and appeals.  
(b) When does the payment of interest or a part payment of principal amount by the debtor extend the period of Limitation.



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## PAPER III CRIMINAL LAW

- Q.1. (a) Under what circumstances may an offence outside India be tried as an offence committed in India?  
(b) If two persons commit the same act, can they be guilty of different offences in respect of the act?  
(c) What is the law in the Indian Penal Code as to illegal omissions?
- Q.2. (a) "He who preserves his own life at the expense of another man's life is excusable through unavoidable necessity." Examine the correctness of this statement explaining how far it is true at the present time.  
(b) A instigates B to murder C but B refuses to do so. Has A committed any offence? If so, what?  
(c) To what extent, if at all, and subject to what limitations, if any, will a mistake of fact afford a valid defence?
- Q.3. (a) A, in support of a just claim which B has against Z for one hundred rupees, falsely swears on a trial that he heard Z admit the justice of B's claim. What offence, if any, is committed by A?  
(b) A knows Z to be behind a bush. B does not know it. A intending to cause Z's death, induces B to fire at the bush. B fires and kill Z. What offence, if any, is committed by A?  
(c) A makes a hole through the wall of Z's house and puts his hand through the aperture. What offence, if any, is committed by A?
- Q.4. (a) A says of a book published by Z—"Z's book is foolish. Z must be a weak man. Z's book is indecent. Z must be a man of impure mind". What offence is committed by A, if any?  
(b) Explain criminal misappropriation. Is a dishonest misappropriation for a time only a misappropriation?  
(c) What factors are essential to constitute theft?
- Q.5. (a) Evidence must be confined to the matter in issue. Explain and state briefly the exceptions to this rule.  
(b) The rules of evidence are in general, the same in civil and criminal proceedings. Mention any three exceptions to this statement.  
(c) What are admissions? Who can make them and when they can be used by or on behalf of persons making them?
- Q.6. (a) A intentionally and falsely leads B to believe that certain land belongs to A and 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 sale, he had no title. Can A be allowed to prove his want of title?





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- (b) A sues B for land, of which B is in possession, and which, as A asserts was left to A by the Will of C, B's father, on whom lies the burden of proof- A or B?
- (c) What are the general provisions regulating the burden of Proof? Illustrate your answer by examples.
- Q.7. (a) A, a client says to B, an attorney- "I wish to obtain possession of property by the use of forged deed on which I request you to sue"? Is this communication protected from disclosure?
- (b) Can a wife be compelled to give evidence against her husband in a civil or criminal case? Answer with reasons.
- (c) What constitutes incompetency to give evidence? Can a lunatic or dumb person be a competent witness?
- Q.8. (a) In what cases a police officer may arrest any person without an order from a Magistrate and without a warrant?
- (b) What are the provisions in the Criminal Procedure Code regarding the search of the arrested person? Does the search become illegal where no grounds of arrest are given to the accused?
- (c) Briefly state the processes to compel appearance of the accused or of witness before a court?

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