

HARYANA CIVIL SERVICE JUDICIAL EXAMINATION, 2001

Paper I Civil Law

Time: 3 hrs.

Max. Marks: 200

Note: All questions are compulsory. Answer all of them.

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 at Lucknow, Jaipur and Patna. A dispute arises between X and the company in respect of a 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?

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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.

(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, where 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 that 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?

Paper II Civil Law

Time: 3 hrs.

Max. Marks: 200

Note: All questions are compulsory. Answer all of them.

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 Hind male died intestate leaving behind widow, father, a son who has converted to 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-Sufa (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.

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.

Paper III Criminal Law

Time: 3 hrs.

Max. Marks: 200

Note: All questions are compulsory. Answer all of them.

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 that act?

(c) What is the law in the Indian Penal Code as to illegal omissions?

Q. 2. (a) He who preserve 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?

(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 witnesses before a court?

English Composition

Time: 3 hrs.

Max. Marks: 200

Note: Write an essay on any one of the following:

1. How far has the "Judicial Activism" been able to bring the stream of justice to the door steps of the people at the grass root level?
2. Men of Letters mould, inspire, and lead the world. Comment on this statement with reference to the Indian context in general and the period of freedom struggle in particular.
3. The Three Cs-Cash, Corruption and Criminality-and the conspicuous features of Indian Democracy, observes a famous personality, In spite of its confounding contradictions, we are still the biggest democracy in the world. Elucidate.

Hindi

Time: 3 hrs

Max. Marks: 100

1. इस अंग्रेजी का हिन्दी में अनुवाद कीजिए:-

Contemporary western views of nature are fraught with the dichotomy or duality between man and woman, and person and nature. In Indian cosmology, by contrast, person and nature (Pumsha-Prakriti) are a duality in unity. They are inseparable complements of one another in nature, in woman, in man. Every form of creation bears the sign of this dialectical unity, of diversity within a unifying principle, and this dialectical harmony between the male and female principles and between nature and man, becomes the basis of ecological thought and action in India. Since ontologically there is no dualism between man

and nature and because nature as Prakriti sustains life, nature has been treated as integral and inviolable, Prakriti, far from being an esoteric abstraction, is an everyday concept which organises daily life. There is no separation here between the popular and elite imagery or between the sacred and secular traditions.

2. नीचे दिए पद्यांश और गद्यांश की सरल हिन्दी में व्याख्या कीजिए:-

(क) देवि, यह वल्लरी जो झरने के समीप पहाड़ी पर गई है उसकी नन्हीं-नन्हीं पत्तियों को ध्यान से देखने पर आप समझ जायेंगी कि वह काई की जाति की है। प्राणों की क्षमता बढ़ा लेने पर वही काई जो बिछलन बनकर गिरा सकती थी, अब दूसरों के ऊपर चढ़ने की अवलम्बन बन गयी है।

(ख) विश्व की दुर्बलता बल बने

पराजय का बढ़ता व्यापार।

हँसता रहे उसे सविलास

शक्ति का क्रीडामय संचार।।

(ग) दृग उरझत, टूटत कुटुम जुरत चतुर चित प्रीति।

परति गाँठ दुर्जन हिये दई नई सयह रीति।

बतरस लालच लाल की मुरली दई लुकइ।

सौह करे, भौहन हँसे, दैन कहैं नटि जाइ।।

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3. निम्नलिखित मुहावरों एवं लोकोक्तियों के अर्थ लिखकर वाक्यों में प्रयोग कीजिए-

(क) गूलर का फूल होना

(ख) आँखें सेंकना

(ग) पेट में दाढ़ी होना

(घ) दमड़ी के तीन होना

(ङ) हाथ कंगन को आरसी क्या

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4. निम्नलिखित शब्दों के विशेषण लिखिए:-

1. आदि

2. आघात

3. तोष

4. देहली

5. खेद

6. गंगा

7. बन

8. मोक्ष

9. श्याम

10. श्रम

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5. निम्नलिखित युग्मों में दिए गए शब्दों का इस प्रकार वाक्यों में प्रयोग कीजिए की युग्म शब्दों का अन्तर यथासंभव स्पष्ट हो जाए-

(क) परिणत - परिणीत

(ख) अनुमति - अनुमिति

(ग) सकल - शकल

(घ) सबल - सम्बल

(ङ) उपेक्षा - अपेक्षा

6. निम्नलिखित शब्दों के विपरीतार्थक शब्द लिखिए:-

1. अभिज्ञ

2. दीघार्यु

3. प्राचीन

4. आवृत

5. कृतज्ञ

6. गिरि

7. खल

8. नख

9. सर्वज्ञ

10. सदय

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7. निम्नलिखित वाक्यांशों के लिए समानार्थक एक-एक शब्द लिखिए-

(क) वह जिसका कोई शत्रु न हो।

(ख) आरम्भ से अन्त तक।

(ग) जिसको मोक्ष की इच्छा हो।

(घ) जंगल में लगने वाली आग।

(ङ) शरण में आया हुआ।

(च) लेख की नकल।

(छ) हाथ की लिखी पुस्तक।

(झ) जिसको थोड़ा ज्ञान हो।

(झ) उपमा से रहित हो।

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8. किसी एक विषय पर तीन सौ शब्दों में निबन्ध लिखिए:-

(क) जीवन में लम्बी आयु का नहीं, उत्तम कर्मों का महत्व है

(ख) भय बिनु होत न प्रीति

(ग) क्या पाश्चात्यीकरण ही आधुनिकीकरण है?

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