HARYANA CIVIL SERVICE JUDICIAL EXAMINATION, 2003

Paper I
Civil Law

Time: 3 hrs. *Max. Marks: 200*

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

Q. 1. (a) Define Counter Claim. Distinguish between counter claim and set-off.

(b) The plaintiff delivered one thousand bags of potatoes to the defendant, the cold storage proprietor on certain conditions for preservation. The defendant did not fulfil all those conditions and thereby committed breach of contract. The plaintiff filed a suit for damages. The defendant filed counter claim.

Discuss the effect of the counter claim in the light of statutory provision and decided cases.

Q. 2. (a) What should a court do when plaintiff is present and the defendant is absent? What remedies are available to defendant in such case? When can an ex-parte decree be passed and when it be set-aside?

(b) What are the consequences of plaintiffs failure to appear when the defendant is present? What remedy is available to plaintiff?

Q. 3. (a) Explain in detail the different modes of execution of a decree under Civil Procedure Code.

(b) 'A' obtains a decree against 'B' for Rs. 10,000. Subsequently, 'A' agrees to accept Rs. 7,000 in full satisfaction of the decree and 'B1 pays Rs. 7,000 out of court, but neighter the payment nor the adjustment is certified by the court. 'A' applies for execution of the full amount of the decree notwithstanding receipt by him of Rs. 7,000. 'B' objects to the execution on the ground that the decree has been adjusted and the payment has been made. Discuss.

Q. 4. (a) Admissions cannot be proved by the persons making them. What are the exceptions to this general rule?

(b) A is accused of receiving stolen goods knowing them to be stolen. He offers to prove that he refused to sell them below their market price. Is this evidence admissible? Give reasons for your answer.

Q. 5. Section 133 of the Indian Evidence Act says that 'An accomplice shall be a competent witness against an accused person and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of the accomplice whereas section 114 Illustration (b) says: The court may presume that an accomplice is unworthy of credit, unless he is corroborated in material particulars.'

How would you reconcile the above two statements? Refer to decided cases.

Q. 6. (a) How far is it true that an agreement without consideration is void?

(b) The plaintiff, a minor, mortgaged his house in favour of the defendant, a money-lender, to secure a loan of Rs. 80,000. A sum of Rs. 20,000 was actually advanced to him. While considering the proposed advance the legal adviser, who was acting for the money-lender, received information that the plaintiff was still a minor. Subsequently, the minor commenced this action stating that he was under age when he executed the mortgage and the same should, therefore, be cancelled. Decide and refer to decided cases. What would be your answer if the plaintiff was a major and mortgaged his house in favour of the defendant, a minor, to secure a loan and a part of the amount was actually paid in advance?

Q. 7. (a) Discuss the principles on which the court would award damages for breach of contract.

(b) 'P' carried on an extensive business as millers. His mill was stopped by a breakage of the Crankshaft by which the mill was worked. 'D' was engaged to carry the shaft to the manufacturers. P's servant told 'D' that the mill was stopped and that the shaft must be sent immediately. But 'D' delayed delivery resulting into heavy loss to 'P'. The action was brought for the loss of profits which would have been made during the period of delay. Decide and refer to relevant judicial pronouncements.

Q. 8. (a) Distinguish between sellers' right of lien and stoppage of goods in Transit.

www.LinkingLaws.com

(b). 'X', left his motor car with a mercantile agent and authorised him only to receive offers and not to sell. The agent obtained the possession of the registration book without X's consent and quickly sold the car to the defendant, 'Z', Can 'Z' acquire a good title to it? Discuss.

Paper II
Civil Law

Time: 3 hrs. *Max. Marks: 200*

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

Q. 1. (a) Discuss the concept and characteristics of Joint Hindu Family and Coparcenary.

(b) Hari, his brothers Shyam and Kailash were joint in business and property. Hari has wife, two sons, their wife and four grandsons (two from each) and married daughter. Shyam has wife and one son. Kailash has wife and two daughters. Kailash demanded partition and his share both in business and property. Make complete partition.

Q. 2. (a) A Hindu male died intestate leaving behind an adopted son, an illegitimate son, a married daughter, mother and father. How and to whom his property will devolve?

(b) A Hindu male bequeathed his property to his wife for life in lieu of maintenance. He died in 1954. His widow gifted the property to his brother's daughter in 1961 and died in 1965. After her death, husband's nephew challenged the transfer on the ground that the property was given only to enjoy for lifetime and after her death it would revert back to her husband's heir. Decide. Refer to latest cases of the Supreme Court in this respect.

Q. 3. (a) In certain castes in Punjab,'Anandkaraj1 is a customary ceremony for a valid marriage. Kehar Singh married to Anand Kaur by simply garlanding each other and not performed 'Anandkaraj'. What are the consequences of such marriage and position of legitimacy of children of this marriage.

(b) Chadarandaji' is the valid customary ceremony in case of marriage of a widow. The whereabouts of Lakha Singh was not known

for a period of 8 years and therefore family members decided that Phool Singh, his younger brother should marry with Lakha Singh's wife, Preetam Kaur. They performed 'Chadarandaji'. After 5 years Phool Singh deserted Preetam Kaur and solemnized marriage with another woman Labh Kaur. Decide the validity of marriage of Phool Singh with Preetam Kaur and with Labh Kaur. Refer to decided cases.

Q. 4. Discuss the general rule of succession under Islamic law.

In the following cases to whom property will devolve and how much share each heir will get?

(a) A Muslim male died leaving widow, son, daughter and son and daughter of other predeceased son.

(b) A Muslim female died leaving husband, mother, father and two daughters.

(c) A Muslim male died leaving widow and mother.

Q. 5. (a) Discuss different kinds of Talaq under the Islamic Law.

(b) State the nature and kinds of Mahr. Whether a Muslim widow can retain her husband's property in lieu of Mahr? Whether right to receive Mahr and enjoyment of the property is transferable or heritable. Discuss with the help of Maina Bibi's Case?

Q. 6. (a) What are the different documents of which registration is compulsory. Mohd. Yashin gifted his dwelling house to his wife orally. Both were residing in the house. After one year, he executed a deed stating the fact of gift of the house to his wife. The deed was not registered. Whether gift was valid?

(b) What are the effects of non-registration?

Q. 7. (a) "The law of limitation extinguishes remedy but does not extinguish rights." Elucidate. When can plea of limitation be raised?

(b) Examine the effect of fraud or mistake on the period of limitation.

Q. 8. (a) What are legal disabilities? How do they affect the question of limitation prescribed for the institution of suit?

(b) Customary law of Pre-emption in Punjab imposes unreasonable restrictions on the right to dispose off one's own property. Whether a neighbour is entitled to claim right of Pre-emption? Refer to decided cases of the Supreme Court.

www.LinkingLaws.com

Paper III
Criminal Law

Time: 3 hrs. *Max. Marks: 200*

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

Q. 1. (a) What do you mean by Harbour? In what cases is harbouring made an offence under the Indian Penal Code?

(b) A having shot at a rabbit near P's land, followed it to P's land, with the intention of taking away the killed rabbit. A was asked not to enter P's premises. A entered P's premises to take the rabbit and did take it away. He did nothing else on P's land. P then charged A with criminal trespass. Has A committed the offence of 'Criminal trespass by entering P's premises?

Q. 2. (a) What are the different cases under the Indian Penal Code in which a person may be constructively liable for an offence, which he actually did not commit? Explain giving illustrations.

(b) A was a minister and while he was sitting on the treasury benches, B a member of the Assembly called him a 'thief and accused him of taking bribe in a case. B further repeated his allegations outside the Assembly Chamber. A lodged a complaint for defamation against B for both the incidents. Point out what defences, if any, are open to B.

Q. 3. (a) What is Force? Distinguish between Criminal Force and Assault.

(b) A and B exchange secret letters as to how best they can kidnap a minor girl and later give tip the ideas as impossible. Have they committed an offence? If either of them wrote a note to the girl persuading her to meet them at a specified place, what offences, if any, will both or either of them have committed?

Q. 4. (a) Every homicide is not murder. How does the Indian Penal Code give effect to this statement in its treatment of offences affecting human body?

(b) A produces ornaments worn by a murdered woman five days after the murder and gives no explanation as to how he came into possession of the same. State giving reasons, what offence, if any, is committed by A.

Q. 5. (a) Hearsay evidence is not admissible. Has this rule any exceptions?

(b) What is the relevance and credibility of an evidence of an accomplice? Whether its corroboration is necessary?

Q. 6. (a) It is settled law that it is not safe to convict an accused person on the evidence furnished by a dying declaration."

Critically examine the above statement. Whether statement made by signs is equally admissible?

(b) In a criminal trial the burden of proof is always on the prosecution. Has this rule any exceptions?

Q. 7. (a) For every distinct offence of which any person is accused, there shall be separate charge and every such charge shall be tried separately. Explain it by giving suitable illustrations.

(b) State the importance of F.I.R.

Q. 8. (a) Under what circumstances has a wife got a right to get maintenance from her husband? Can this right be exercised by parents or illegitimate children also?

(b) Discuss in brief the provisions of the Cr.P.C. relating to Sessions's trial

English Composition

Time: 3 hrs. *Max. Marks: 200*

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

1. "Justice delayed is justice denied." Do you think the steps taken so far by the Government of India are adequate enough to the redressal of grievances in a speedy manner?
2. Is euthanasia a necessary evil? Make a moral judgement on the concept,
3. Is public protest against judicial verdicts tantamount to contempt of court?

www.LinkingLaws.com

Hindi

Time: 3 hrs *Max. Marks: 100*

1. इस अंग्रेजी का हिन्दी में अनुवाद कीजिए:-

The world is an illimitable field of solid good wonders. Wonder is the breeding ground of all great discoveries. They have such a hypnotic hold-over mind that under their dumb operations many secrets of nature reveal themselves, their dramatic points, their excitement and resonance, their drowned voices and, of course, the visual velocity of emerging dreams. All too vague yet so real, sculpted and perfect. Out of wonder springs a defining moment which takes the form of a question. The questions fixed up in the matrix of logic and intelligence transform into a precise mould of understanding that we call an answer. These answers, instead correspond to a 'Perennial Philosophy'. In such a philosophy there is always an expectation for something more, a hope that something new and better is just in the offing.

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

(क) पुरुष में वह सामर्थ्य ही नहीं है। वह अपने को मिटाएगा तो शून्य हो जाएगा। वह किसी खोह में जा बैठेगा और सर्वात्मा में मिल जाने का स्वप्न देखेगा। वह तेज-प्रधान जीव है और अहंकार में यह समझकर कि वह ज्ञान का पुतला है, सीधा ईश्वर में लीन होने की कल्पना किया करता है। स्त्री, पृथ्वी की भाँति धैर्यवान है, शन्ति सम्पन्न है, सहिष्णु है। पुरुष में नारी के गुण आ जाते हैं, तो वह महात्मा बन जाता है, नारी में पुरुष के गुण आ जाते हैं तो वह कुलटा हो जाती है।

(ख) नारी! तुम केवल श्रद्धा हो विश्वास रजत नग परतल में,
पीयूष स्त्रोत सी बहा करो जीवन के सुन्दर समतल में।
आँसू से भीगे अंचल पर मन का सब कुछ रखना होगा,
तुमको अपनी स्मित रेखा से यह संधि-पत्र लिखना होगा।

(ग) सतिगुरु की महिमा अनन्त, अनन्त किया उपगार।
लोचन अनँत उघाड़िया अनन्त दिखावण हार।।
कबीर सुमिरन सार है और सकल जंजाल।
आदि अंति सब सोधिया दूजा देखौं काल।। 30

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

(क) कान फूँकना
(ख) मुट्ठी गरम करना
(ग) लीक पीटना
(घ) आये थे हरि भजन को ओटन लगे कपास
(ङ) कलम तोड़ना 5

4. निम्नलिखित शब्दों के विशेषण लिखिए:-

1.	दिन	2.	राष्ट्र
3.	सत्त्व	4.	सौन्दर्य
5.	मूल	6.	मानव
7.	श्रद्धा	8.	भावना
9.	जगत्	10.	आलोचना

5

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

(क) अविराम – अभिराम
(ख) चरण – चारण
(ग) वाद – अपवाद
(घ) परुष – पुरुष
(ङ) प्रसाद – प्रासादा 5

6. निम्नलिखित शब्दों के विपरीतार्थक शब्द लिखिए:-

1.	स्तुति	2.	राष्ट्रप्रेम
3.	अनुज	4.	सगुण
5.	आंदर	6.	अभिमानी
7.	बहुमत	8.	असीम
9.	स्थावर	10.	अर्वाचीन

5

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

(क) सुन्दर ग्रीवा वाला

www.LinkingLaws.com

(ख) जो मृत्यु को जीत ले।
(ग) कठिनाई से जानने योग्य।
(घ) जो कई भाषाओं को जानता हो।
(ङ) समुद्र में लगने वाली आग।
(च) जिसे जाना न जा सके।
(छ) जिसके सिर पर चन्द्र है।
(झ) जो व्याकरण जानता हो।
(झ) जो हमेशा रहने वाला हो।
(ञ) जो शोक करने योग्य न हो। 5

8. किसी एक विषय पर तीन सौ पचास शब्दों में निबन्ध लिखिए:-
(क) महिला शक्ति सम्पन्नता : चुनौतियाँ व सम्भावनाएँ
(ख) कम्प्यूटर युग : एक मौन क्रान्ति
(ग) न्यायिक स्वतंत्रता एवं सामाजिक न्याय
(ग) सब कुछ चमकीला सोना नहीं होता। 25

www.LinkingLaws.com