



HARYANA CIVIL SERVICE JUDICIAL EXAMINATION, 20010

Paper I Civil Law

Time: 3 hrs.

Max. Marks: 200

Notes: (i) Candidates are required to attempt all questions in the same seriatum as they appear.

(ii) All questions carry equal marks. Details are indicated against each question.

(iii) Support your answer with relevant provisions and case law.

(iv) No extra Answer Sheet will be provided.

Q. 1. (a) Explain constructive *res judicata* with aid of suitable illustrations?

(b) In a previous *ex parte* decree against the municipality only. B who had obtained lease of the same land from the municipality prior to the institution of such suit was not, however, made a party to that suit. 'B' brought a subsequent suit against 'A' and the municipality disputing A's right to remain on the land and interfere with the construction works. Will the decree passed in favour of 'A' operate as *res judicata* against 'B' in the subsequent suit?

(c) What do you understand by set-off? Explain equitable set-off distinguish between legal and equitable set-off.

(d) What is the proper place of suing in the following cases?

(i) a suit by a guardian for the custody of his ward;

(ii) a suit for damages for the custody of his ward;

(iii) a suit against a corporation;

(iv) a suit for *mesne* profits;

(v) a suit for specified performance of a contract of sale of immovable property;

(vi) a suit for a tort.

Q. 2. (a) What is the procedure to be adopted in case of execution of decree against the Government or a public officer?

(b) For how much period a person can be detained in the civil prison in execution of a money decree and when he is to be released from such detention? Can he be released from such detention before the expiration of the said period?

(c) Can a Member of either House of Parliament, or a Member of Legislative Assembly or a Member of any Parliamentary Committee be arrested and detained under the civil process. If no, under which contingencies?

(d) On what ground can the sale of immovable property in execution of a decree be set aside? At whose instance such sale can be set aside.

Q. 3. (a) An agreement is unlawful if the Court regards it as opposed to public policy. In the light of this statement discuss (i) meaning of public policy and (ii) when an agreement is said to be against public policy? Whether Courts have evolved any new head of public policy for giving relief to weaker section of society in standard from contract?

(b) Mr. 'A' who lives in Ambala gives his motor-cycle to his friend 'B' for going to Kurukshetra. 'B' instead of going to Kurukshetra drives the motor-cycle for going to Chandigarh. He drives the motor-cycle with reasonable care. While coming back from Chandigarh to Ambala he met with an accident and motor-cycle is totally damaged. Can 'A' claim damages from 'B'. Give reasons.

(c) In a document executed between 'A', 'B', 'C' and 'D', it was provided that 'D' would be incharge of the firm and get Rs. 200/- per month and devote his whole time to it, he would also get 10 per cent of the net profits of the firm, but would get no share in the surplus profits of the firm, which were to be equally divided between 'A', B and C only. Is 'D' a partner of the firm?

(d) How and when may a partner retire? What are the liabilities of a retiring partner and what is the effect of such a retirement on the rights of the parties?

Q. 4. (a) Explain what is preventive relief. What are the provisions governing the grant of perpetual injunction?

(b) Examine whether or not perpetual injunction shall be granted in following cases:—



(i) Where plaintiff prays that his standing crop is likely to be harvested very soon by defendant?

(ii) Where injunction prayed for, is for enforcement of an obligation arising from breach of contract, which cannot be specifically enforced?

(iii) Where alternative efficacious remedy is available?

(iv) Where plaintiff conduct is unconscionable?

(c) Carefully distinguish between a 'condition' and a 'warranty' and enumerate the circumstances in which 'condition' can be treated as 'warranty'.

(d) 'A' contracts to sell a heap of bones to 'B', weighs and delivers them at 100 rupees per ton. 'B' agrees to take and pay for them on a certain day. Part of the bones is weighed and delivered to 'B'. On whose risk does the residue lie?

Q. 5. (a) What do you understand by 'Privileged Communications'? Answer with the aid of suitable illustrations.

(b) A witness is compelled to state a matter, which will expose him to a criminal charge. If he speaks the truth, can he be prosecuted on the basis of his own statement in the Court? If he makes a false statement, can he be prosecuted for giving false evidence?

(c) "The rules of Evidence are in general the same in Civil and Criminal Proceedings". Comment and state if there are any exceptions to this rule.

(d) (i) Can the functions of receiving and registering cases and appeals be assigned to Additional District Judge and if so, by whom?

(ii) Who may define the local limits of Civil Judges (Sr. Division) and Civil Judges (Junior Division)? Give your answers with the aid of illustrations.

Paper II Civil Law

Time: 3 hrs.

Max. Marks: 200

Notes: (i) Candidates are required to attempt all questions in the same seriatum as they appear.

(ii) All questions carry equal marks. Details are indicated against each question.

(iii) Support your answer with relevant provisions and case law.

(iv) No extra Answer Sheet will be provided.

Q. 1. (a) Define and explain the following terms as referred to in the Hindu Marriage Act:

(i) "full blood" and "half blood"

(ii) "uterine blood"

(iii) "Sapinda relationship"

(b) Critically examine the special grounds of divorce available to a Hindu wife under the Hindu Marriage Act, 1955.

(c) How would the separate property of the deceased be distributed under Mitakshara law in the following cases? Explain by giving reasons.

(i) A Hindu dies, leaving behind a widow, an adopted son and an after born natural son.

(ii) A Hindu dies, leaving behind a widow and a son of a predeceased son.

(iii) A Hindu dies, leaving behind a mother's sister's and a father's half-sister's son.

(d) Explain what is deemed partition under the Hindu Succession Act, 1956.

Q. 2. (a)(i) In what cases may an adopted son impeach alienations made by the widow of his adoptive father prior to his adoption?

(ii) 'G' an unmarried girl of 20 years adopts a boy of 7 years. Is the adoption valid?

(iii) 'A' with the consent of his wife validly adopts 'B'. Later on 'B' started misbehaving and beating 'A' and his wife. 'A' wants to cancel the adoption of 'B'. Comment.

(b) What is the law regarding the maintenance of a widowed daughter-in-law?

(c) Discuss the law relating to the custody of a child by the mother, under the Hindu Minority and Guardianship Act, 1956, in the light of the latest development in law.

(d) 'X' is acting as *defacto* guardian of a Hindu child aged 12 years. 'X' intends to dispose of the property of such child. Can he do so? Refer to the provisions of the Hindu Minority and Guardianship Act.

Q. 3. (a) Define *wakf*. What are the legal incidents of a valid *wakf*.

(b) 'B' a Muslim wife seeks dissolution of her marriage with 'A' on the grounds that 'A' neglected to maintain her for a period of 2 years. In fact, 'B' had voluntarily left 'A', when 'A', brought a second wife. Decide the claim of 'B'.

(c) Marriage amongst Muslims is 'not a sacrament but a civil contract'. Flucidate.

(d) What do you understand by Punjab Customary Law. How much is this relevant with regard to marriage and divorce after the codification of Hindu Law?

Q. 4. (a) Discuss the law relating to the computation of the period of limitation prescribed for any suit, appeal or application and exclusion of time bona fide spent in pursuing proceedings in a Court having no jurisdiction.

(b) 'A' advanced Rs. 10,000/- to 'B' on simple mortgage of his property on 1.1.1977. The period of repayment was one year from the date of the mortgage. In December 1980, 'A' died leaving 'C', a minor son aged one year. In 1998, 'C' filed a suit for sale of the mortgaged property. Is the suit within time? If so, explain.

(c) 'A' borrowed a sum of money from 'B'. The last date for filing the suit fell on Sunday. On next day i.e. Monday 'A' gave a written acknowledgement to 'B'. Should 'B' file the suit immediately on Monday or he can file it after some time? Advice.

(d) Enumerate the nature and category of documents whose registration is optional.

Q. 5. (a) State with reasons whether registration of following documents is compulsory:

(i) Sale certificate given by court.

(ii) General Power of Attorney.

(b) How do you distinguish between divorce and judicial separation?

(c) How does the Hindu Marriage Act provide for the legitimacy of children of voidable marriage?

(d) 'X' a Hindu male aged 18 years married 'Y' a female aged 14 years. The marriage was consummated when 'Y' was 17 years. Will she be entitled to get decree of divorce under the Hindu Marriage Act?

Paper III Criminal Law

Time: 3 hrs.

Max. Marks: 200

Notes: (i) Candidates are required to attempt all questions in the same seriatum as they appear.

(ii) All questions carry equal marks. Details are indicated against each question.

(iii) Support your answer with relevant provisions and case law.

(iv) No extra Answer Sheet will be provided.

Q. 1. (a) Examine as to whether a person who causes the death of a pregnant woman is guilty of committing one homicide or two.

(b) "Whereas in criminal conspiracy an agreement between two or more persons is needed in abetment by conspiracy an engagement between them is enough." Examine.

(c) In order to pick the pocket of 'B', 'A' inserted his hand into the pocket of 'B', which touched the trigger of the loaded pistol kept in B's pocket. The pistol went off, killing B. Discuss criminal liability of 'A'.

(d) 'A', a police officer, made a false entry in the special diary relating to a case which was being investigated by him, but the document in which the alleged false entry was made was not the one which was admissible in evidence. Can he, in the circumstances, be convicted for fabricating false evidence?

Q. 2. (a) "In all robbery, there is either theft or extortion". Explain.

(b) What offences have been committed in the following cases and by whom?

(i) 'A', with a guilty intention, abets a child or a lunatic to commit an act which would be an offence, if committed



by a person capable by law of committing an offence, and having the same intention as 'A'. The act is not committed.

(ii) 'A' knows 'Z' to be behind a bush. 'B' does not know it. 'A' intending to cause or knowing it to be likely to cause 'Z's induces 'B' to fire at the bush. 'B' fires and kills 'Z'.

(iii) 'A' instigates 'B' to set fire to a dwelling house. 'B', in consequence of the unsoundness of his mind, being incapable of knowing the nature of the act, or that he is doing what is wrong or contrary to law, sets fire to the house in consequence of 'A's instigation.

(iv) 'A', intending to cause a theft to be committed, instigates 'B' to believe that the property belongs to 'A'. 'B' takes the property out of 'Z's possession in good faith, believing it to be 'A's property.

(v) 'A' offers a bribe to 'B', a public servant, as a reward for showing 'A' some favour in the exercise of B's official functions. 'B' accepts the bribe.

(vi) 'A' instigates 'B' to give false evidence. 'B', in consequence of the instigation, gives false evidence.

Q. 3. (a) The Right to Private Defence is said to be a limited right. Explain the limitations of the Right to private defence.

'A' was under attack from 'B'. 'A' had ample opportunity to save himself by fleeing away but instead 'A' defended himself and thereby caused harm to 'B'. Is it a valid exercise of the right of private defence?

(b) Is homo-sexual relation between two consenting adults is an offence? Discuss.

(c) Explain the distinction between Acquittal and Discharge.

(d) Explain with illustration the followings:

(i) When can the Court alter or amend charge? What is the consequence of a defect in the framing of charge?

(ii) What charge is to be framed if it is doubtful as to what offence has been made out?

Q. 4. (a) In what circumstances a person can be arrested without warrant? What measures and precautions are required to be taken while arresting a person, as directed by the Supreme Court?

(b) Can a person on being examined by a police officer investigating a case, refuse to answer a question relating to such case asked to him by such police officer?

(c) Determine the place of trial in the following cases:—

- (i) Where an offence is continuing one and continues to be committed in more local areas than one.
- (ii) 'A' boarded the train at Patna. Scuffle between 'A' and 'B' ensued in the compartment somewhere between Lucknow and Moradabad, where 'B' got down. On reaching Delhi, 'A' broke his journey and lodged FIR against 'B'.

(d) Can a bail granted under Section 167(2) of Cr.P.C. be cancelled by the Magistrate *suo motu* on presentation of challan report under Section 173, Cr.P.C. against the accused?

Q. 5. (a) What are the essential conditions of a valid dying declaration. When a dying declaration is considered as not admissible. Give illustration.

(b) What is expert opinion? Explain the evidentiary value of expert opinion.

(c) A witness is asked in cross-examination whether he was dismissed from service for dishonesty. He denies. Evidence is offered to show that he was dismissed for dishonesty. Is the evidence admissible?

(d) Can the following statements be used for corroborating a witness:

- (i) A statement in FIR lodged by the witness about the commission of an offence, based on personal observation.
- (ii) A former statement of the witness before a Magistrate made during police investigation.
- (iii) A statement recorded as dying declaration in a case where the deponent survives and is called as witness in Court.
- (iv) A previous statement of an accomplice before a Magistrate after he has been granted pardon.



English

Time : 3 hrs.

Max. Marks : 200

Notes:

- (i) Candidates are required to attempt all questions in the same seriatum as they appear.
- (ii) Marks are indicated against each question.
- (iii) No extra Answer Sheet will be provided.

Q. 1. Write an essay on any one of the following topics in 1000-1100 words: (100 marks)

- (i) Commonwealth Games in India
- (ii) Global Warming — an empty threat or a reality
- (iii) Violence in Campus Elections
- (iv) Women Empowerment.

Q. 2. Make sentences using the following words:

- | | |
|-------------------|-------------------|
| (i) Comprehensive | (ii) Weary |
| (iii) Mankind | (iv) Disgraceful |
| (v) Abrasive | (vi) Preposterous |
| (vii) Courage | (viii) Guardian |
| (ix) Twilight | (x) Contemporary |
- (25 marks)

Q. 3. Write a precis of the following passage, of about one-third of the original length:

A great part of Arabia is a desert. Here there is nothing but sand and rock. The sand is so hot that you cannot walk over it with your bare feet in the daytime. Here and there in the desert are springs of water that come from deep down under the ground—so deep that the sun cannot dry them up. These springs are few and far apart, but wherever there is one, green grass very soon covers the ground all around it. Soon fig trees and palm trees grow tall and graceful, making a cool, green, shady place around the spring. Such a place is called an oasis.

The Arabs who are not in the cities in the desert all the year round. They live in tents that can be put up and taken down very easily and quickly, so that they can move from one oasis to another, seeking grass

and water for their sheep, goats, camels and horses. These desert Arabs eat ripe, sweet figs, and also the dates and grow upon the palm trees; they dry them, too, and use them as food all the year round.

These Arabs have the finest horses in the world. As Arab is very proud of his riding a horse, and loves him almost as much as he loves his wife and children. He never puts heavy loads upon his horse, and often lets him stay in the tent with his family.

The camel is much more useful to the Arab than his beautiful horse, for he is much larger and stronger. One camel can carry as much as, or more than two horses. The Arab loads the camel with goods, and rides him, too, for miles and miles across the desert—just as if he were really the “Ship of the Desert,” which he is often called. (25 marks)

Q. 4. Read the following para and answer the questions given below in context thereof:

“Long years ago we made a tryst with destiny, and now the time comes when we shall redeem our pledge, not wholly or in full measure, but very substantially. At the stroke of the midnight hour, when the world sleeps, India will awake to life and freedom. A moment comes, which comes but rarely in history, when he step out from the old to the new, when an age ends, and when the soul of a nation, long suppressed, finds utterance. It is fitting that at this solemn moment we take the pledge of dedication to the service of India and her people and to the still larger cause of humanity. At the dawn of history, India started on her unending quest, and trackless centuries are filled with her striving and the grandeur of her success and her failures. Though, good and ill fortune alike she has never lost sight of that quest or forgotten the ideals which gave her strength. We end today a period of ill fortune, and India discovers herself again. The achievement we celebrate today is but a step, an opening of opportunity, to the greater triumphs and achievements that await us. Are we brave enough and wise enough to grasp this opportunity and accept the challenge of the future? Freedom and power bring responsibility. The responsibility rests upon this Assembly, a sovereign body representing the sovereign people of India. Before the birth of freedom we have endured all the pains of labour and our hearts are heavy with the memory of this sorrow. Some of those pains continue even now. Nevertheless, the past is over and it is



the future that beckons to us now. That future is no one of ease or resting but of incessant striving so that we may fulfil the pledges we have so often taken and the one we shall take today. The service of India means the service of the millions who suffer. It means the ending of poverty and ignorance and disease and inequality of opportunity. The ambition of the greatest man of our generation has been to wipe every tear from every eye. That may be beyond us, but as long as there are tears and suffering, so long our work will not be over.” *Pt. Jawahar Lal Nehru*

- (i) What is the ‘pledge’ that is referred to in the speech.
- (ii) What is meant by “stepping out from the old to the new”.
- (iii) What does the speaker mean when he says “before the birth of freedom we have endured all the pains of labour”.
- (iv) What short of responsibility of the future, does the speaker talk about.
- (v) What does the speaker mean by saying “wiping every tear from every eye”.

Q. 5. Correct the following sentences by using the right word, conjunction, adverb, adjective etc.

1. He spoke _____ me _____ Urdu.
2. They live _____ the same roof.
3. I have not seen him _____ Wednesday last.
4. I have known him _____ a long time.
5. The moon does not shine _____ its own light.
6. You will not succeed _____ you work harder.
7. We arrived _____ you had gone.
8. I waited _____ the train arrived.
9. I cannot give you any money, _____ I have none.
10. We got into the port _____ the storm came on. (25 marks)

Hindi

Time: 3 hrs

Max. Marks: 100

नोट: सभी प्रश्न अनिवार्य हैं। सभी प्रश्नों का उत्तर उसी क्रम में दे जिस क्रम में प्रश्नपत्र में दिए गए हैं।

1. इस गद्यांश का अंग्रेजी से हिन्दी में अनुवाद कीजिए:- 20

The mystery of Napoleon's career was this, that under all difficulties and discouragements, he pressed on. It solves the problem of all heroes; it is the rule by which to weigh rightly all wonderful successes and triumphal marches to fortune and genius. It shall be the motto of all, old and young, high and low, fortunate and unfortunate so called. Never despair; never be discouraged, however stormy the heavens, however dark the way; however great the difficulties and repeated the failures. "Press on"! If fortune has played false with you today, do you pray true to yourself tomorrow? If your riches have taken wings and left you, do not weep your life away but be up and doing and retrieve the loss by new energy and new action. If an unfortunate bargain has deranged your business, don't fold your arms, and give up all as lost; stir yourself and work all the more vigorously. If those whom you have trusted have been betrayed you, do not be discouraged, do not idly weep, but "press on"! Find other or what is better, learn to live within yourself. Let the foolishness of yesterday make you wise today.

2. (क) निम्नलिखित गद्यांश की व्याख्या हिन्दी भाषा में कीजिए: 15

लोभ चाहे जिस वस्तु का हो, जब बहुत बढ़ जाता है तब उस वस्तु की प्राप्ति, सान्निध्य या उपभोग से जी नहीं भरता। मनुष्य चाहता है कि वह बार-बार मिले या बराबर मिलता रहे। धन का लोभ जब रोग होकर चित्त में घर कर लेता है तब प्राप्ति होने पर भी, और प्राप्ति की इच्छा बराबर जगी रहती है। जितना है उतने से प्रसन्न होने का उसे कभी अवसर ही नहीं मिलता। उसका सारा अन्तःकरण सदा अभावमय रहता है। उसके लिए जो है वह भी नहीं है। असन्तोष अभाव-कल्पना से उत्पन्न दुःख है, अतः जिस किसी में यह अभाव-कल्पना स्वाभाविक हो जाती है, सुख से उसका नाता सब दिनों के

लिए टूट जाता है। न किसी को देखकर वह प्रसन्न होता है और न उसे देखकर कोई प्रसन्न होता है।

2. (ख) निम्नलिखित पद्यांश की व्याख्या कीजिए:- 15

(क) चाह नहीं, मैं सुरबाला के गहनों में गूँथा जाऊँ,
चाह नहीं प्रेमी माला में बिंध प्यारी को ललचाऊँ,
चाह नहीं सम्राटों के शव पर हे हरि डाला जाऊँ,
चाह नहीं देवों के सिर पर चढ़ूँ भाग्य पर इठलाऊँ,
मुझे तोड़ लेना बनमाली
उस पथ में देना तुम फेंक।
मातृ-भूमि पर शीश चढ़ाने,
जिस पथ जावें वीर अनेक।

(ख) ऐसो को उदार जग माही?

बिनु सेवा जो द्रव्य दीन पर, राम-सरिस को नाही॥
जो गति जोग विराग जतनधरि, नहीं पावत मुनि ज्ञानी॥
सौ गति देत गीध सबरी कहूँ, प्रभु न बहुत जिय जानी॥
जो संपत्ति दससीस अरपि करि, रावण सिब पहुँची लीनी॥
सो संपदा विभीषन कहँ अति, सकुच सहित हरि दीनी॥
तुलसीदास सव भाँति सकल सुख, जो चाहसि मन मेरो॥
तौ भजु राम काम सब पूरन, करें कृपानिधि तेरो॥

3. (अ) निम्नलिखित अशुद्ध शब्दों को शुद्ध करके लिखिए:- 5

दारिद्र्यता, उदयान, अशीर्वाद, बुद्धी, कवियत्री, प्रमात्मा, शरीरिक, उज्जवल, अभिशेक, शुन्य।

(ब) निम्नलिखित अशुद्ध वाक्यों को शुद्ध करके लिखिए:- 5

(क) अगले सोमवार मेने दिली जाना है।

(ख) नोकर आटा पिस्वा लाया।

(ग) वह रोता रोता हसने लगा।

(घ) महादेवी बरमा बहुत प्रसिद्ध कवी थी।

(ङ) मैं यह सवीकृत करता हूँ कि मुझसे गलती हुई।

4. निम्नलिखित मुहावरों के अर्थ लिखकर वाक्यों में प्रयोग कीजिए: 10

- (1) अपना उल्लू सीधा करना।
- (2) गहरा हाथ मारना।
- (3) बछिया का ताऊ।
- (4) मन के लड्डू फोड़ना।
- (5) आटे दाल का भाव मालूम होना।
- (6) आकाश पाताल एक करना।
- (7) अपने पाँव पर कुल्हाड़ी मारना।
- (8) अगर मगर करना।
- (9) आँखें खुलना।
- (10) नाच ना जाने आंगन टेढ़ा

5. किसी एक विषय पर तीन सौ शब्दों में निबन्ध लिखिए:- 30

- (क) दहेज-प्रथा : एक गंभीर समस्या।
- (ख) सांप्रदायिकता : एक अभिशाप।
- (ग) आतंकवाद : विश्वव्यापी समस्या।
- (घ) वन और हमारा पर्यावरण।
- (ङ) बेरोजगारी : समस्या और समाधान।