



HJS Civil Judge (Main) Examination, 2019

CIVIL LAW-I

Time: Three Hours Notes:

Maximum Marks: 200

1. Attempt all questions in the same order in which they appear in the question paper.
2. Marks for individual questions are indicated against each question.
3. Support your answers with relevant provisions and case law.
4. No extra answer sheet will be provided

1.
 - (a) Explain the concept of Precept under the Code of Civil Procedure and also the circumstances under which an order for attachment before judgment, is passed by a civil court.
 - (b) Explain the difference between implications of rejection of plaint and return of plaint.
 - (c) Explain the concept of Remand and Partial remand under the Code of Civil Procedure.
2.
 - (a) Explain different methods by which a contract can be discharged under the Indian Contract Act.
 - (b) Differentiate the consequences of mistake of law and mistake of fact with illustrations.
 - (c) What are reciprocal promises? Discuss the provisions in Indian Contract Act relating to performance of reciprocal promises.
 - (d) Explain the essentials of a valid tender.
3.
 - (a) X entered into contract to sell a piece of land to Y for Rs. 50 lakhs. Y's elder brother Z paid half of the consideration to Y in a belief that he (Z) would be entitled to half portion of that particular land. Sale deed was made in favour of Y only. Z claimed that land was jointly owned by Y and Z therefore, his name was also to be included in that particular sale deed. Is Z entitled to any remedy according to Specific Relief Act, 1963? Decide by citing relevant judicial pronouncements.
 - (b) What are the fundamental rules of pleadings? What are the circumstances in which court can order amendment of pleadings? Explain by citing appropriate statutory provisions and judicial decisions.
 - (c) Discuss the conditions when the court may grant the remedy in the form of cancellation of instruments. Draw the distinction between cancellation and rectification of instruments.
4.
 - (a)
 - (i) Whether it is mandatory for court to frame issue regarding maintainability of suit? Explain by citing relevant legal provisions and judicial decisions.
 - (ii) Whether party can be permitted to file documents which were not filed along with written statement? Explain by citing relevant legal provisions and judicial decisions.
 - (b) Explain implications of limited liability partnership under the Indian Partnership Act.
 - (c) The doctrine of caveat emptor is an integral part of the Sale of Goods Act. Explain the significance of the same.
 - (d) Explain the implications of admission and Confession under the Evidence Act.
5.
 - (a) Explain the concept of Res Gestae under the Evidence Act citing prominent cases on the point.
 - (b) Explain the significance of presumptions of law under the Evidence Act with illustrations for each.
 - (c) Explain the salient features of the Haryana Urban (Control of Rent and Eviction) Act, 1973.
 - (d) Short notes on the followings:
 - (i) Expert Evidence
 - (ii) Cross Appeal
 - (iii) Consequence of Article 18 of the Limitation Act
 - (iv) Caveat
 - (v) Restitution Application





CIVIL LAW - II

Time: Three Hours

Maximum Marks: 200

Notes:

1. Attempt all questions in the same order in which they appear in the question paper. 2. Marks for individual questions are indicated against each question.
 3. Support your answers with relevant provisions and case law.
 4. No extra answer sheet will be provided.
1.
 - (a) Critically analyze the theory of divorce by mutual consent as has evolved and presently practiced in the Hindu and Muslim laws. Elaborate with the help of relevant provisions, principles and case law.
 - (b) Rajesh used to assault his wife Swati whenever he returned home drunk. Swati, on not being able to bear the torture left her matrimonial home and went to her parental home. In the meantime, Rajesh developed illicit relations with a woman who he started to visit frequently. Rajesh did not make any attempt to bring Swati back and after a period of 3 years filed for divorce on ground of Swati's desertion. Is Rajesh's petition maintainable? Also enlist the remedies, if any, that Swati has under the Hindu personal law. Analyze with the help of relevant principles, provisions and judicial decisions.
 - (c) Critically examine the law of divorce is Islam and elaborate upon Talaq-ul-Biddat analyzing the judicial interpretation pertaining to the validity of Triple Talaq.
 2.
 - (a) Examine the essential features of the law of adoption amongst the Hindus as laid down in the Hindu Adoptions and Maintenance Act, 1956 and also throw light upon the gradual legislative attempts to make adoptions among Hindus more gender equal.
 - (b) "In a decree of restitution mere non-compliance or noninclination to restore conjugality is not a wrong so as to deny relief on that ground."
Explain the statement and critically evaluate the concept of restitution of conjugal rights in the light of ascertainment of matrimonial home where both the spouses are working. Also, highlight the consequences of non-resumption of cohabitation in proceedings under Section 13 of the Hindu Marriage Act, after a decree of restitution with the celebrated principle of "no one can take advantage of their own wrong".
 - (c) Explain the different categories of Guardians under the Hindu Minority & Guardianship Act, 1956 and examine the situations when a guardian loses his or her guardianship rights.
 3.
 - (a) Discuss the legality of the following factual situations stating correct reasons for the same.
 - (i) A document registered by Sub Registrar dealing with an immovable property not situated within his jurisdiction.
 - (ii) Plea relating to jurisdictional fraud in registration of sale deed not raised in the written statement.
 - (iii) Cancellation of deed of sale unilaterally.
 - (iv) Registering authority retaining possession of instrument for want of stamp duty.
 - (b) Explain the maintainability of the suits filed in the context of Limitation Act citing reasons:
 - (i) Suit relating to declaration that an adoption is invalid after five years from the date on which the alleged adoption becomes known to plaintiff.
 - (ii) Suit by mortgagor to recover possession of immovable property mortgaged within thirty years starting from the date on which right to redemption starts.
 - (c) Explain what is deemed partition under the Hindu Succession Act.
 4.
 - (a) Trace the development of law on Mitakshara coparcenary and state as to how has the Hindu Succession Act, effected the Mitakshara Coparcenary in 2005?
 - (b) Critically evaluate the concept of Streedhan and trace the legislative developments towards making the Hindu women absolute owners of the property. Elucidate and illustrate the law on widow's right to her husband's estate in light of Section 14 of the Hindu Succession Act, 1956.



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- (c) "The superior position of a Karta is saddled with superior responsibilities." Elucidate the above mentioned statement in the context of Karta's powers of management of family affairs and highlight the position of women in this regard.
- 5.
- (a) A father made a gift inter-vivos to his minor son. Critically examine the validity of the said gift in the light of essentials of hiba under Mohammadan law.
- (b) Examine the significance of customary law in India and the way it has traversed into its present stage of custom being recognized as valid and legal?
- (c) Write short notes on the following:
- Doctrine of antecedent debt
 - Right to maintenance under Section 125 Cr.P.C.
 - Right of re-conveyance under Registration Act
 - Effect of Legal Disability under Limitation Act
 - Hasan Talaq

CRIMINAL LAW

Time: Three Hours

Maximum Marks: 200

Notes:

- Attempt all questions in the same order in which they appear in the question paper.
- Marks for individual questions are indicated against each question.
- Support your answers with relevant provisions and case law.
- No extra answer sheet will be provided.

- (a) Right to private defence is essentially a right of defence and not offence. Discuss if there is any limitation on exercise of right of private defence.

(b) Is incitement to violence essential to constitute sedition under Section 124A of IPC. Substantiate with the help of decided cases.

(c) The scope of common object as contemplated by Section 149 of IPC is much broader than the concept of common intention enshrined under Section 34 of IPC. Substantiate this statement.
- (a) Discuss the legality of the issue given below:
If an accused is charged of a major offence but is not found guilty there under, can he be convicted of minor offence, if the facts established indicate that such minor offence has been committed. Substantiate the same citing relevant provisions of the Code of Criminal Procedure.

(b) How is the power of a Magistrate to order a police investigation under Section 156(3) of the Code of Criminal Procedure, 1973 different from the power to direct investigation conferred by Section 202(1) of the Code of Criminal Procedure, 1973?

(c) How. a 'victim' as defined in the Code of Criminal Procedure has a right of appeal in view of the proviso to Section 372 of the Code ; against an order of acquittal in a case where the alleged offence took place prior to 31.12.2009 but the order of acquittal was passed by the trial Court after 31.12.2009? If yes, whether the 'victim' must apply for leave to appeal against the order of acquittal?

(d) An accused was charged for having committed the offences of voluntarily causing hurt and wrongfully restraining a person. The trial commenced as a summons case during the course of which the Magistrate converted it into a warrant case. Was the action of the Magistrate legal? Explain.
- (a) Can a dying declaration be acted upon without corroboration? Explain the law and the principles on the appreciation of dying declaration as laid down by the Supreme Court of India.

'A' causes the death of his wife and subsequently is arrested by police. During interrogation, he confesses the crime and states, "it taken to my house, I will show the place where I have hidden the knife used to kill my wife". The





Investigating Officer (IO) subsequently takes 'A' to the house from where 'A' takes out the concealed knife from the attic and hands it over to the IO. What is the fact discovered in this case? Explain what are the conditions that must co-exist for a statement to fall within the scope of Section 27 of the Indian Evidence Act, 1872.

- (c) Write comprehensive notes on the following
- Victim compensation
 - Approver
 - Corpus delicti
 - Rigor mortis
 - autrefois acquit and autrefois convict.
- 4.
- (a) Polygraph, Narco Analysis and Brain Mapping techniques are essentially confirmatory in nature and are used for improving investigation in criminal cases. Substantiate this statement in view of the law laid down by the Apex Court in *Selvi & Others v. State of Karnataka*.
- (b) Who is an accomplice? Can a court base the conviction of an accused solely on the basis of the testimony of an accomplice. Substantiate with case law.
- (c) Examine the criminal liability that can be attached in the following situation with the legal reasoning:
A wrote a letter to a widow asking her to pay balance amount for the work he did during the lifetime of her husband. He wrote that in case she failed to deliver money than her husband would face divine displeasure. Can A be charged with the offence of extortion.
- 5.
- (a) "Under the new Code of Criminal Procedure, 1973, the unmistakable shift in legislative emphasis is on life imprisonment for murder as the rule and capital sentence an exception to be resorted to for reasons to be stated." Justify the statement by explaining the judicial trend and the provisions in the Code of Criminal Procedure, 1973 that refer to "special reasons" and "pre-sentence hearing".
- (b) What are the options before the Magistrate when a final report is filed? During the course of trial, the evidence revealed that the investigation officer was not truthful with the investigation and the real offender was not brought before the court. The Magistrate suo motu ordered further investigation. State the legality of the action by the Magistrate.
- (c) Examine the criminal liability that can be attached in the following situations:
- A steals B's gold watch from B's safe and on seeing some persons pursuing him throws the gold watch and starts throwing stones on the pursuers to deter them from continuing the pursuit.
 - A removes a pen-drive containing important information from B's pocket and takes it in his possession. B objects to it. A pulls out a knife from his pocket and says I will kill you if you move a step.





HINDI

Time: Three Hours

Maximum Marks: 100

नोट:

1. सभी प्रश्न अनिवार्य हैं।
2. सभी प्रश्नों का उत्तर उसी क्रम में दें, जिस क्रम में प्रश्नपत्र दिए गए हैं।
3. कोई अतिरिक्त उत्तर पुस्तिका प्रदान नहीं की जाएगी।

1. निम्नलिखित गद्यांश का हिन्दी में अनुवाद कीजिए:

The men who make history have no time to write it. When a man is buffeting the waves in the sea, he has no time to contemplate. His mind is set on reaching the shore. It is only when he reaches there that he can look back and review what has happened. This opportunity, however, comes to a few. Those who have shaped the course of human history, devoted every ounce of their energy to action, to the struggle ahead and before they could accomplish their task, death snatched them away. Alexander led his campaign of conquest through different lands, but before he could return to his country, death called a halt. Caesar, Napoleon, Hitler were all great conquerors but they did not get the time to write about what they had done.

2. निम्नलिखित गद्यांश की व्याख्या सरल हिन्दी भाषा में कीजिए:

राजनैतिक पराधीनता बड़ी बुरी वस्तु है। वह मनुष्य की जीवन यात्रा में अग्रसर होने वाली सुविधाओं से वंचित कर देती है। हमने उस पराधीनता की जंजीरें तोड़ दी हैं। लेकिन सुविधा का पा लेना ही बड़ी बात नहीं है, प्राप्त सुविधाओं को मनुष्य मात्र के मंगल के लिए नियोजित कर सकना ही बड़ी बात है। हमारी राजनीति, हमारी अर्थनीति और हमारी नव-निर्माण की योजनाएँ तभी सर्वमंगलमयी-विधायिनी बन सकेंगी जब हमारा हृदय उदार और संवेदनशील होगा, बुद्धि सूक्ष्म और सारग्राहिणी होगी और संकल्प महान और शुभ होगा। यह काम केवल उपयोगी और व्यवहारिक साहित्य के निर्माण से ही नहीं अपितु ऐसे साहित्य से होगा, जो मनुष्य को मनुष्य के सुख-दुख के प्रति संवेदनशील बनाता है। साहित्य केवल भोगविलास का साधन नहीं होना चाहिए। उसे मनुष्यता का उन्नायक होना चाहिए। जब तक साहित्य बहुजन हिताय और मानव कल्याण हेतु नहीं रचा जाता, तब तक सार्थकता व उपयोगी व्यर्थ है।

3. (अ) निम्नलिखित गद्यांश की व्याख्या कीजिए।

ओ मेरे आदर्शवादी मन
ओ मेरे सिद्धांतवादी मन
अब तक क्या किया
जीवन क्या जिया
जिया बहुत-बहुत ज्यादा
दिया बहुत-बहुत कम
मर गया देश
अरे जीवित रह गए तुम

(आ) सॉप!
तुम सभ्य तो हुए नहीं
नगर में बसना भी तुम्हें न आया।
एक बात पूछ - (उत्तर दोगे)?
तब कैसे सीखा डसना - विष कहां से पाया?

4. (अ) निम्नलिखित अशुद्ध शब्दों को शुद्ध करके लिखिए -

- | | | | |
|-----------|------------|--------------|------------|
| (क) बाहमण | (ख) मरयादा | (ग) लच्छन | (घ) दाइत्व |
| (ङ) रचयता | (च) भरिशट | (छ) नयायउचित | (ज) सनाटा |
| (झ) ऊरजा | (ण) धवनी | | |

(आ) निम्नलिखित अशुद्ध वाक्यों को शुद्ध करके लिखिए
मीरा भक्तीकाल की कवि थी।
तेरे को कहा जाना है।
वे परस्पर एक-दूसरे से झगड़ने लगे।
उसके पास अनेकों पुस्तकें हैं।
कल घोर घना अंधेरा छा गया।



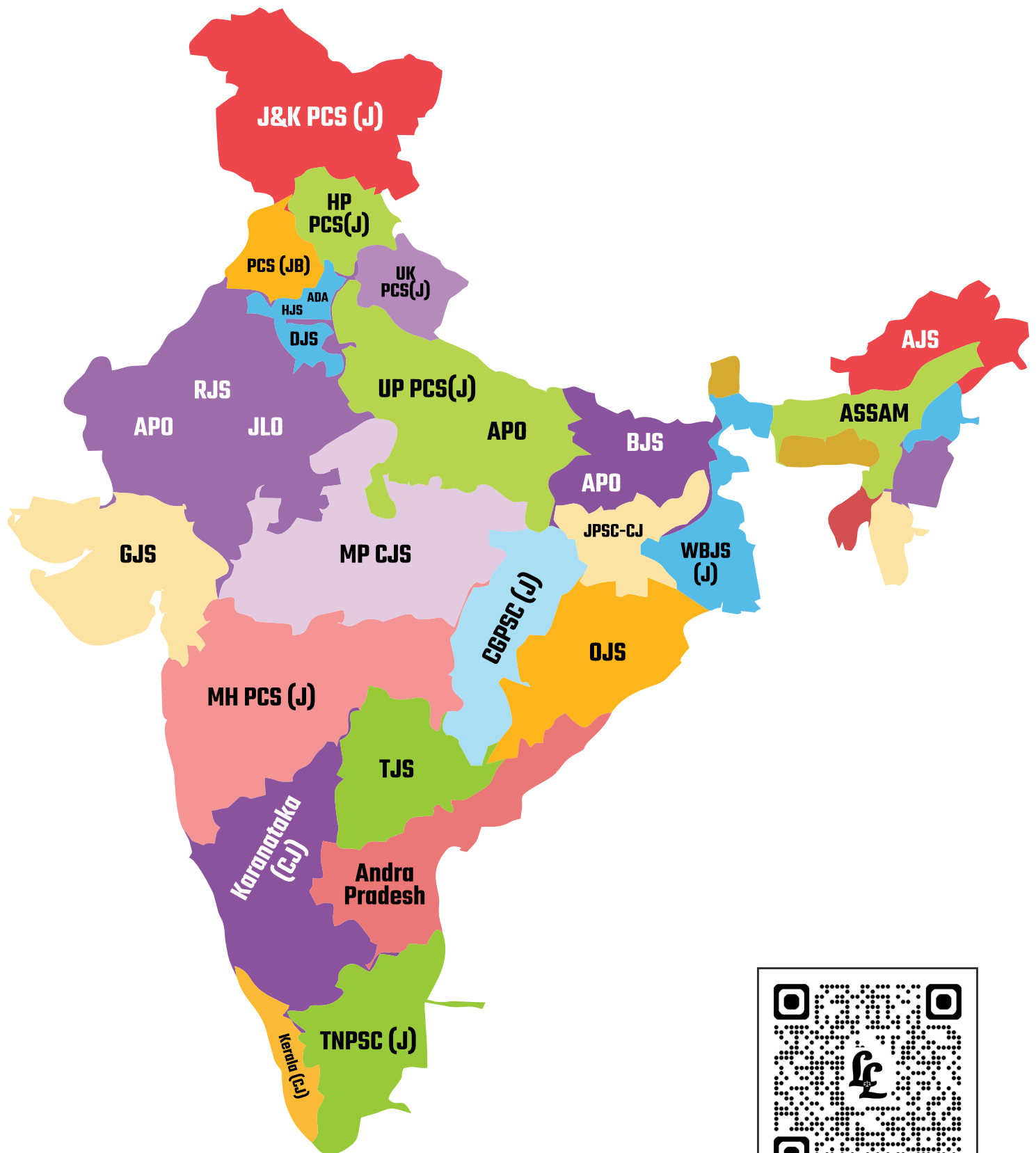


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
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5. निम्नलिखित मुहावरों का अर्थ लिखकर वाक्यों में प्रयोग कीजिए

- (क) ऊट के मुँह में जीरा
- (ख) जहाँ न पहुँचे रवि वहाँ पहुँचे कवि
- (ग) खूटे के बल बछड़ा नाचे
- (घ) आधा तीतर आधा बटेर
- (ङ) तिल के ताड़ बनाना
- (च) शेर का दाँत गिनना
- (छ) काठ की हाँडी बार बार नहीं चढ़ती
- (ज) कलम तोड़ना
- (झ) वही ढाक के तीन पात
- (ण) छाती पर साँप लोटना

6. निम्नलिखित विषयों में से किसी एक पर निबंध लिखिए

- (क) भारतीय लोकतंत्र दशा और दिशा
- (ख) सेंसर बोर्ड की भूमिका
- (ग) वरिष्ठ नागरिकों की समस्या
- (घ) सांप्रदायिकता एक अभिशाप
- (ङ) समरथ को नहीं दोष गोसाई

ENGLISH

Time: Three Hours

Maximum Marks: 200

Notes:

1. Attempt all questions in the same order in which they appear in the question paper.
2. Marks for individual questions are indicated against each question.
3. No extra answer sheet will be provided.

1. Write an essay on any one of the following topics in 1000-1100 words.

- (i) Utility of acquiring conventional weapons in current scenario.
- (ii) Pros and cons of cashless economy.
- (iii) Are beauty pageants a way to objectify women?
- (iv) Short spell of mandatory military service—Is it good for the country?
- (v) Is media going overboard to sensationalize news?

2. Make sentences using the following words:

- | | |
|-------------------|------------------|
| (i) Procrastinate | (ii) Garrulous |
| (iii) Panache | (iv) Nadir |
| (v) Epitome | (vi) Innate |
| (vii) Astute | (viii) Sacrilege |
| (ix) Blandish | (x) Mesmerize |

3. Write Precis of the following passage in about onethird of its original length and suggest a suitable title also:

So often these days we hear and read of the Conquest of Nature', 'the taming of the river', 'the war against insects' and so on. Often these phrases are used without consciously attaching any value to them, but they have an underlying attitude of hostility towards Nature and its creatures, a viewpoint which seems to assume Nature as an enemy that needs to be vanquished. Alternatively Nature is seen merely as a resource to be exploited', regardless of what this does to natural processes and to other creatures which depend on these processes. It is this attitude which sees fellow humans too as a resource to be exploited or other human communities as enemies to be conquered.

There is a growing lack of sensitivity and respect for our fellow creatures. This attitude is being drilled into a child by social forces, which can only be countersued by environmental education. Yet, sadly in most cases this is not done. What is done is talk about the food-web and the energy cycles and ecological balance and how removal of any element disrupts the whole system, and how this can affect human beings too. What this approach lacks is the essential interaction with Nature and with other humans. Indeed in many environmental activities, the opposite takes place. A child is encouraged to pluck leaves and flowers or run after butterflies with a net and is part of a large group





of children, similarly marauding a patch of nature within it. Such a child is not likely to develop any strong feeling of respect for Nature, or for individual specimens' pressed in the file or trapped in a jar. A lot of knowledge may be gained but it is gained in a value system which emphasizes exploitation and conquest, not sensitivity and respect. Learning under a tree rather than a classroom is indeed the Indian tradition and far more effective and long lasting. (Total 319 words)

4. Read the following extract and answer the questions that follow:

India must break with much of her past and not allow it to dominate the present. Our lives are encumbered with the dead wood of this past. All that is dead and has served its purpose has to go. Only that which is vital and life-giving in that past should be retained. We can never forget the ideals that have moved our race, the dreams of the Indian people through the ages, the wisdom of the ancients, the buoyant energy and love of life and nature of our forefathers, their spirit of curiosity and mental adventure, the daring of their thought, their splendid achievements in literature, art and culture, their love of truth and beauty and freedom, the basic values that they set up, their understanding of life's mysterious ways, their toleration of other ways than theirs, their capacity to absorb other people and their cultural accomplishments, synthesize them and develop a varied and mixed culture; not can we forget the myriad experiences which have built up our ancient race and lie embedded in our subconscious minds. We will never forget them or cease to take pride in that noble heritage of ours. If India forgets them, she will no longer remain India.

QUESTIONS:

- (a) Why must India break with her past?
 - (b) What can we never forget?
 - (c) How did our forefathers react to other people and their ways of life?
 - (d) What is meant by the "deadwood of the past"?
 - (e) Suggest a suitable title for this passage.
5. Correct the following sentences:
- (1) The doctor saw my pulse.
 - (2) We walked for the end of the street.
 - (3) I differ along with you on this question.
 - (4) He turned a blind ear to his son's fault.
 - (5) I prevailed under him to join our union.
 - (6) I saw him felling a big tree off with an axe.
 - (7) He is devoted to gambling.
 - (8) We should not dabble with politics.
 - (9) He is my fast enemy.
 - (10) The prime minister gave a speech.

