



Previous Year Paper

MAHARASHTRA JUDICIAL MAINS 2015

PAPER- I Civil Law

Civil Procedure Code, Transfer of Property Act, Specific Relief Act, Law of Contracts, Sale of Goods Act and Partnership Act

Time: 3 Hours

Max. Marks: 100

1. **Write a Judgement on the basis of the facts narrated below :
While writing Judgement :**

- (a) adhere to the contents of Judgement as required under the Code of Civil Procedure.
- (b) frame and answer the issues properly.
- (c) wherever necessary, fill up the details from your imagination.
- (d) give legal, logical and proper reasons for your findings.
- (e) conclude the Judgement with a proper operative order.

Facts:

'A', 'B' and 'C' are real brothers and sons of deceased 'X'. 'X' inherited Agricultural Lands (P1, P2 and P3).

During the lifetime of 'X', Agricultural Land (P4) was purchased.

Averments in plaint:

Written statement of Defendant No. 2 'C' : 'A', 'B' and 'C' are only Agriculturist by occupation. 'B', Plaintiff has contended that Lands (P1 to P4) are Joint family properties of plaintiff and defendants. There is no partition of these properties by metes and bounds. He claims 1/3rd share and separate possession in suit properties.





Written statement of Defendant No. 1 'A':

'A' claims that Land (P4) is his self acquired property and it stands in his name as per revenue records. He further claims that 'B' and 'C' have not challenged revenue entries till date. There is no dispute that Lands (P1 to P3) are joint family properties.

Written statement of Defendant No. 2 'C':

'C' contends that since during long illness of 'X' he has taken good care of 'X', Land (P4) is gifted orally by 'X' to him. Rest of contentions of plaintiff are admitted.

Evidence:

'A', 'B' and 'C' are only Agriculturist by occupation.

Lands (P1 to P3) are being cultivated separately by 'A', 'B' and 'C' after death of 'X' .

Land (P4) is in name of 'A' as per 7x12 extract.

4 Answer any two of the following sub-questions :

(a) Discuss, Rights and Liabilities of Seller and Buyer in the transaction of sale of immovable property.

(b) Rights and Liabilities of Partners inter se and with third parties — Discuss. (c) Discuss essentials of a valid transfer of property. a

3. Write short notes on any four of the following:

(a) Return of plaint and Rejection of plaint

(b) Indemnity and Warranty

(c) Bailment and Pledge

(d) Condition and Warranty

(e) Stay of suit and Bar of further suit

(f) Conclusiveness and Presumptions of Foreign Judgements

4. Answer any two of the following sub-questions :

(a) Discuss Rights and Liabilities of a Mortgagor.

(b) Discuss Rights and Liabilities of Lessor and Lessee in respect of Lease of immovable property.

(c) In which circumstances is Agreement rendered void ?





5. Answer any four of the following sub-questions :

- (a) Doctrine of Election
- (b) Stoppage in Transit
- (c) Fraudulent Transfer
- (d) Compromise of Suit
- (e) Interest, Cost and Compensatory Cost
- (f) Contingent Contract

6. Answer any two of the following sub-questions :

- (a) Suit by or against government or public officer (discuss relevant provisions).
- (b) Determination of Lease of immovable property.
- (c) Explain the difference between set-off and counterclaim.
- (d) Deal with provisions regarding "suit by Indigent Person".

PAPER- II (Criminal Law)

Indian Penal code, Evidence Act, Code of Criminal Procedure,
Essay on Current Legal Topic

Time: 3 Hours

Max. Marks: 100

- 1. Define 'admission', and explain : (10 marks)**
'Admissions are not conclusive proof of the fact admitted, but they may operate as estoppels.'
- 2. When are statements made by a person who is dead relevant and admissible in evidence? (10 marks)**
- 3. Write short notes (any four): (10 marks)**
 - (a) Expert Opinion
 - (b) Presumption as to 30-year-old document
 - (c) Hearsay Evidence
 - (d) Estoppel





(e) Secondary Evidence

(f) Hostile Witness

4. **What do you mean by F.I.R. ? Explain in detail its significance and evidentiary value.**

(10 marks)

(a) Bailable and Non-bailable offence

(b) Cognisable and Non-cognisable offence

(c) Discharge and Acquittal

(d) Release of the accused on admonition and on probation of good behaviour (e) Fine and Compensation

5. **Write difference between (any four) :**

(10 marks)

(a) Bailable and Non-bailable offence

(b) Cognisable and Non-cognisable offence

(c) Discharge and Acquittal

(d) Release of the accused on admonition and on probation of good behaviour

(e) Fine and Compensation

6. **Define and explain the following concepts with illustration :** (10 marks)

(a) Cruelty (U/S 498 A of I.P. Code)

(b) Dowry death

7. **Write short notes (any four):**

(10 marks)

(a) Unlawful assembly

(b) Grievous hurt

(c) Good faith

(d) House trespass

(e) Robbery

(f) Abetment

8. **Define and explain :**

(5+5 marks)

(a) Untouchability

(with reference to Protection of Civil Rights Act)

(b) Atrocity

(with reference to S.C. & S.T. (Prevention of Atrocities) Act]





9. Write an essay on any one subject :

(20 marks)

- (a) Is Uniform Civil Code really necessary?
- (b) Increasing rate of atrocities against women
- (c) Human Rights and their protection

10. Write judgement on the following facts :

(20 marks)

A lady by the name Gita was waiting for a bus near Pune Railway Station. A boy around 18 years came on a motorcycle, snatched Gita's gold necklace of 40 gms and escaped before that lady could see his face. She lodged a report with the Police. On the next day Samir aged about 19 years was arrested by the Police in connection with a similar offence. He gave information to the Police that the day before he had snatched gold necklace of a woman and sold it to Sonare Jeweller. He showed that shop. Police seized gold ingot of 40 gms and sale receipt bearing signature of Samir.

Police did further investigation and filed charge-sheet against Samir.

During trial sufficient evidence is led to connect accused with the theft. Samir denied everything in his statement and alleged that the Police falsely implicated him. Alternatively he claimed benefit of the Probation of Offenders Act.

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