



MH Civil Judge (Main) Examination-2020

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 Allowed: 3 Hours

Maximum Marks: 100

Note:

- (1) All questions are compulsory.
- (2) Question No. 1 carries 20 marks. All other questions carry equal marks i.e., 16 marks each.
- (3) Your answers must be to the point, wherever possible quoting the specific provision of law.
- (4) Do not reproduce any question. Write only question's number against the answer.
- (5) Wherever option has been given only the required number of responses in the serial order attempted shall be assessed. Excess responses shall be ignored.
- (6) "Other than cited cases, candidate should not write roll number, any names (including their own), signature, address or any indication of their identity anywhere inside the answer book otherwise he will be penalised".
- (7) English version of the question shall be authentic in case of any type of ambiguity.
- (8) All questions can be attempted only in one language either in English or in Marathi as per the option given in the application form.
- (9) Candidates are expected to answer all the subquestions of a question together. If subquestion of a question is attempted elsewhere (after leaving a few pages or after attempting another question) the later subquestion shall be overlooked.

1. Write a Judgement on the basis of facts given below :

You must pay attention to following points :

- (a) Judgement should be in proper format;
- (b) Frame issues properly and give findings on them;
- (c) Conclude the judgement with operative order.

Facts for Judgment :

Plaintiff's Case is as follows:

Ram is the owner of a shop admeasuring 6 × 22 feet. Ram has let out the shop to Digambar at monthly rent of ₹ 5,000. Digambar started his shop by obtaining licence from Municipal authority. In the month of January 2002 Digambar converted the shop into two shops admeasuring 3 × 22 feet each, by constructing a brick-masonry wall. The shops have separate shutters and separate licences for doing business from shops.

Ram came to know about the division of shop in the year 2004. According to him Digambar has carried out additions and alterations of permanent nature without his written permission. He therefore issued a notice to Digambar and called upon him to vacate the shop on this ground. Digambar failed to vacate the shop despite receipt of notice by raising defence of total denial. Ram therefore filed the suit for eviction of his tenant Digambar.





Defence taken in the written statement :

Digambar filed the written statement and denied material facts pleaded by Ram. He has raised two told defence. First defence is that his landlord Ram had granted him oral permission to divide the shop into two shops. He is therefore estopped from making the grievance. He has accepted the rent for two years, despite knowing the division of shop. His second defence is that the construction of dividing wall does not amount to erection of structure of permanent nature. His act is not violative of the provisions of rent act. He has not caused damage to the original shop.

Parties have adduced evidence. Imagine the evidence and record finding.

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

- Amendment of Pleadings
- Necessary Party and Proper Party
- Decree, Preliminary Decree and Final Decree
- Unpaid sellers lien
- Rejection of Complaint
- Gift and Onerous gift

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

- Set-off and Counter-claim
- Amendment of decree, judgment and order and limitations on the powers of the court to amend it
- Cost and Compensatory Cost
- Effect of sub-sale or pledge by buyer
- Determination of lease
- Void agreements

4. Answer any two of the following:

- Whether registration of Partnership firm is necessary? What are the consequences of non-registration of Partnership firm.
- When Court Receiver can be appointed? What are the duties of Court Receiver?
- "Doctrine of Part - Performance of Contract." Explain in detail.

5. Answer any two of the following:

- 'All contracts are agreements but all agreements are not contracts.' Elaborate in detail.
- Permanent injunction and Mandatory injunction. Explain in detail.
- How minor can Sue or be Sued?

6. Write short note on any four :

- Appointment of Court Commissioner
- Unpaid sellers rights
- Mode of execution of decree for specific performance of contract and restitution of conjugal rights
- Mode of execution of decree for specific movable property
- Dissolution of Partnership firm by the Court
- Retirement of a partner





Paper – II
Criminal Law

**Indian Penal Code, Evidence Act, Code of Criminal Procedure,
SC & ST (Prevention of Atrocities) Act, 1989 and Protection of Civil Rights
Act, 1955, Essay on Current Legal Topic**

Time Allowed: 3 Hours

Maximum Marks: 100

Note:

- (1) Question Nos. 9 and 10 are compulsory.
- (2) Answer any six from the remaining questions.
- (3) Marks to each question are indicated by a figure in the margin on the right hand side.
- (4) Wherever option has been given only the required number of responses in the serial order attempted shall be assessed. Excess responses shall be ignored.
- (5) Do not reproduce any question. Write only question's number against the answer.
- (6) "Other than cited cases, candidate should not write roll number, any names (including their own), signature, address or any indication of their identity anywhere inside the answer book otherwise he will be penalised."
- (7) English version of the question shall be authentic in case of any type of ambiguity.
- (8) All questions can be attempted only in one language either in English or in Marathi as per the option given in the application form.
- (9) Candidates are expected to answer all the subquestions of a question together. If subquestion of a question is attempted elsewhere (after leaving a few pages or after attempting another question) the later subquestion shall be overlooked.

1. Distinguish the given below : (Any four) [10]
 - (a) Complaint and Information in cognizable cases
 - (b) Wrongful restraint and Wrongful confinement
 - (c) Cheating and Cheating by personation
 - (d) Proved, disproved and not proved
 - (e) Primary evidence and Secondary evidence
 - (f) Abetment of a thing and Criminal conspiracy
2. State the trial of warrant cases instituted otherwise than on Police report. [10]
3. Write notes on any two: [10]
 - (a) Rules as to notice to produce
 - (b) Dying declaration
 - (c) Child witness
 - (d) Order for custody and disposal of property pending trial in certain cases
4. What is meant by burden of proof? On whom does it lie? Does the burden of proof shifts? [10]



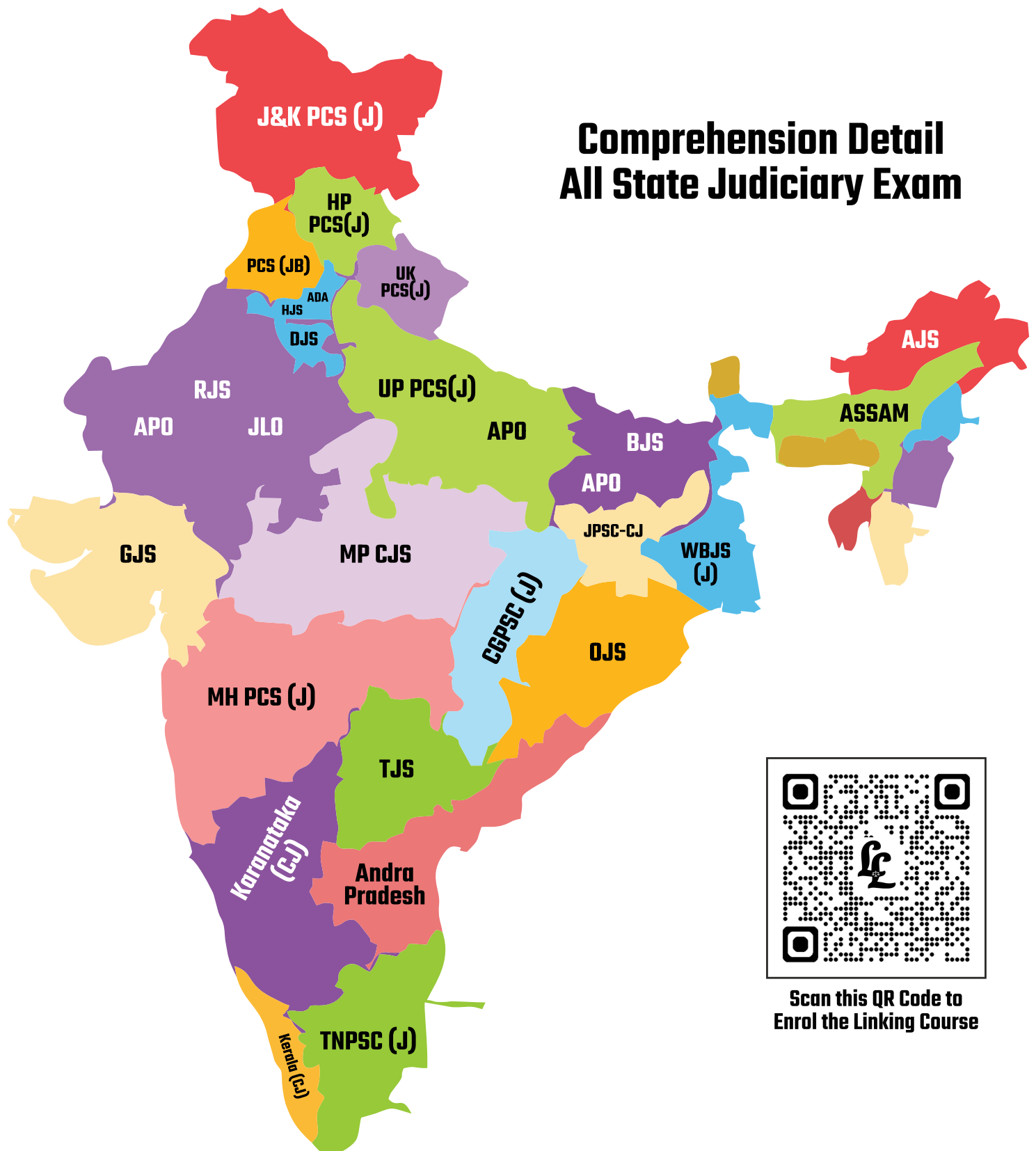


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5. Write notes on any two : [10]
 - (a) Court may alter charge
 - (b) Reports of certain Government Scientific experts and their use
 - (c) Diary of proceedings in investigation
 - (d) Security for keeping the peace on conviction

6. Answer the following: [5+5]
 - (a) What are the presumptions as to offences under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ?
 - (b) What is "enforcing social disabilities" on the ground of untouchability under the Protection of Civil Rights Act, 1955.

7. Discuss in detail the provisions relating to "Unlawful assembly". [10]

8. Write any four from the following:
 - (a) Various requirements of the Section 60 of the Indian Evidence Act
 - (b) Voluntarily
 - (c) Impeaching credit of witness.
 - (d) Stolen property
 - (e) Force
 - (f) Cognizance of offences by Magistrates

9. Write an essay on any one subject: [20]
 - (a) Human Rights and their Protection
 - (b) Public Interest Litigation (PIL)
 - (c) The Virtual Courts and Access to Justice

10. Write a Judgment on following facts : [20]

(Candidates shall write the facts in detail and write judgment based on their imagination power).

On dated 10 January, at 8:30 pm. 'A' closed and locked his shop and went home. On dated 11 January, at 9:00 am. 'A' went to his shop. That time 'A' found that his shop was open, locks were broken and cash ₹ 1,000 were stolen from counter. 'A' lodged report with city Police Station Chandrapur', and crime registered. Investigation Officer prepared spot Panchnama. On the basis of footage of CCTV camera, installed in the shop, accused was arrested. Disclosure statement of accused was recorded. Investigation Officer submitted chargesheet before the JMFC Court at Chandrapur.

On trial 'A' (PW1), spot panch (PW2), Investigation officer (PW3) and another panch on disclosure statement (PW4) supported to prosecution.

Assistant Public Prosecutor argued that accused was seen in the CCTV footage. The accused shown the spot of occurrence before panch. Thus, the charge proved. Defence lawyer submitted that printout of the CCTV footage are not proved legally. There is no eye witness of the occurrence. Rest evidence is insufficient to prove the charge. Therefore accused may be acquitted.

