



JSM—23/1

GENERAL ENGLISH

Time : 2½ Hours

Full Marks : 150

The figures in the right-hand margin indicate marks.

*Answer **all** questions.*

1. Translate the following into **English**. 25

ସେଇ ସ୍କୁଲ ଆଗକୁ ଖଣ୍ଡେ ଛୋଟ ପଢ଼ିଆ ଥାଏ। ସେଠିକି ଅନେକ ଗାଈ ଘାସ ଚରିବାକୁ ଆସନ୍ତି। ସ୍କୁଲ ଛୁଟି ପରେ ମୁଁ ସେମାନଙ୍କୁ ଅନେଇ ରହେ । ବଡ଼ ନିର୍ବୋଧ ପ୍ରାଣୀ । ତାଙ୍କ ଦୃଷ୍ଟିରୁ ମୁଁ କିଛି ବୁଝିପାରେନି । ଏକଥା ନିଶ୍ଚିତ ଯେ, ସେମାନେ ସ୍ଵାଧୀନ ଭାବରେ ଘାସ ଖାଉଛନ୍ତି ଏବଂ କୁଅର ମାଛପରି ଭୋକିଲା ନୁହଁନ୍ତି । ତେଣୁ ତାଙ୍କୁ କୌଣସି ରକମ୍ ଖାଦ୍ୟ ଦବାର ଆବଶ୍ୟକତା ନାହିଁ । ଦିନେ ମୁଁ କେତେଟା ପଇସା ନେଇ ପୁରି ତରକାରୀ କିଣି ଖାଉଥିଲି । ଗୋଟେ ପୁରି ଖାଇ ସାରିଲାପରେ ମୋ ପେଟ ପୁରିଗଲା । ଆଉ ଗୋଟେ ପୁରିକୁ କ'ଣ କରିବି ବୋଲି ଭାବୁଛି ଗାଈଟିଏ ଆସି ମୁହଁ ବଢେଇଲା ।



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2. Translate the following into **Odia** : 25

The woman came from a village near Helong. Earlier that day, finding her consumptive husband in a critical condition, she had decided to bring him to the nearest town for treatment. As he was frail and emaciated, she was able to carry him on her back for several miles, until she reached the motor road. Then, at some expense, she engaged a passing taxi and brought him to Pipalkoti. But he was already dead when she reached the small hospital. There was no morgue; so she sat beside the body in the courtyard, waiting for dawn and the arrival of others from the village. A few men arrived next morning and we saw them wending their way down to the cremation ground, we did not see the woman again. Her children were hungry and she had to hurry home to look after them.

3. Write a short essay in about **150** (one hundred and fifty) words on any **one** of the following : 50

- (a) Economic Development and Social Justice
- (b) Extremist Violence in Modern Era



(3)

(c) Injustice anywhere is a threat to justice everywhere

(d) When we heal the earth, we heal ourselves

4. Make a précis of the following passage in about **100** (one hundred) words. 25

Psychologically there are two dangers to be guarded against in old age. One of these is undue absorption in the past. It does not do to live in memories, in regrets for the good old days, or in sadness about friends who are dead. One's thoughts must be directed to the future and to things about which there is something to be done. This is not always easy; one's own past is a gradually increasing weight. It is easy to think to oneself that one's emotions used to be more vivid than that are, and one's mind more keen. If this is true it should be forgotten, and if it is forgotten it will probably not be true. The other thing to be avoided is clinging to youth in the hope of sucking vigour from its vitality. When your children are grown up they want to live their own lives, and if you continue to be as interested in them as you were when they were young, you are likely to become a burden to them, unless they are unusually

/152

(Turn Over)



(4)

callous. I do not mean that one should be without interest in them, but one's interest should be contemplative and, if possible, philanthropic, but not unduly emotional. Animals become indifferent to their young as soon as their young can look after themselves, but human beings, owing to the length of infancy, find this difficult.

I think that a successful old age is easiest for those who have strong impersonal interests involving appropriate activities. It is in this sphere that long experience is really fruitful, and it is in this sphere that the wisdom born of experience can be exercised without being oppressive. It is no use telling grownup children not to make mistakes, both because they will not believe you, and because mistakes are an essential part of education. But if you are one of those who are incapable of impersonal interests, you may find that your life will be empty unless you concern yourself with your children and grandchildren. In that case you must realise that while you can still render them material services, such as making them an allowance or knitting them jumpers, you must not expect that they will enjoy your company.



(5)

5. Read the following passage and answer the questions that follow : 5×5

National Characteristics are not easy to pin down, and when pinned down they often turn out to be trivialities or seem to have no connexion with one another. Spaniards are cruel to animals, Italians can do nothing without making a deafening noise, the Chinese are addicted to gambling. Obviously such things don't matter in themselves. Nevertheless, nothing is causeless, and even the fact that Englishmen have bad teeth can tell something about the realities of English life.

Here are a couple of generalizations about England that would be accepted by almost all observers. One is that the English are not gifted artistically. They are not as musical as the Germans or Italians, painting and sculpture have never flourished in England as they have in France. Another is that, as Europeans go, the English are not intellectual. They have a horror of abstract thought, they feel no need for any philosophy or systematic 'world-view'. Nor is this because they are 'practical', as they are so fond of claiming for themselves. One has only to look at their methods of town planning and water



(6)

supply, their obstinate clinging to everything that is out of date and a nuisance, a spelling system that defies analysis, and a system of weights and measures that is intelligible only to the compilers of arithmetic books, to see how little they care about mere efficiency. But they have a certain power of acting without taking thought. Their world-famed hypocrisy— their double-faced attitude towards the Empire, for instance – is bound up with this. Also, in moments of supreme crisis, the whole nation can suddenly draw together and act upon a species of instinct, really a code of conduct which is understood by almost everyone, though never formulated. The phrase that Hitler coined for the Germans, “a sleep-walking people”, would have been better applied to the English. Not that there is anything to be proud of in being called a sleep-walker.

But here it is worth noting a minor English trait which is extremely well marked, though not often commented on, and that is a love of flowers. This is one of the first things that one notices when one reaches England from abroad, especially if one is coming from southern Europe. Does it not contradict the English indifference to the arts? Not really,



(7)

because it is found in people who have no aesthetic feelings whatever. What it does link up with, however, is another English characteristic which is so much a part of us that we barely notice it, and that is the addiction to hobbies and spare-time occupations, the *privateness* of English life. We are a nation of flower-lovers, but also a nation of stamp-collectors, pigeon-fanciers, amateur-carpenters, coupon-snippers, darts-players, crossword-puzzle fans. All the culture that is most truly native centres round things which, even when they are communal, are not official – the pub, the football match, the back garden, the fireside and the ‘nice cup of tea’. The liberty of the individual is still believed in, almost as in the nineteenth century. But this has nothing to do with economic liberty, the right to exploit others for profit. It is the liberty to have a home of your own, to do what you like in your spare time, to choose your own amusements instead of having them chosen for you from above.

- (i) What is the author's view on national characteristics?
- (ii) What are the generalisations about the English, the author makes?



(8)

- (iii) What counter-examples are given by the author to prove that the English are not 'practical'?
- (iv) How does the author view the English love for flowers?
- (v) What, according to the author, is the English notion of *privateness*?

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JSM—23/7

**JURISPRUDENCE AND
CONSTITUTION OF INDIA**

Time : 3 hours

Full Marks : 150

The figures in the right-hand margin indicate marks.

*Answer **six** questions, selecting **three** questions
from each Section.*

All questions carry equal marks.

Section—A

1. According to Prof. H. L. A. Hart, “Few questions concerning human society have been asked with such persistence and answered by serious thinkers in so many diverse, strained and even paradoxical ways as to the question ‘what is law’?”

With reference to the above statement, critically examine the meaning, nature and scope of law in modern times. Also, give your own opinion regarding the nature and scope of law in contemporary times in India. Support your answer with relevant juristic views, examples and case laws. 25

/158

(Turn Over)



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2. According to Sir Henry Maine, “the unit of ancient society was the family while that of the modern society was the individual”. Explain this statement with reference to the development of the law of property and the law of contract. 25
3. Elaborate Pound’s classification of interests. What is the program devised by Pound to balance the competing interests in any society? Critically examine its applicability and relevance with the help of suitable examples. 25
4. “A custom to be legally recognizable and enforceable must fulfil several requisites such as certainty, reasonableness, antiquity etc.” Critically analyse the statement by exploring the importance of customs in different personal laws of India. 25
5. What do you understand by ‘Feminist Legal Theory’? Elucidate with the help of legal provisions and judicial pronouncements. Also provide your view on whether law has contributed towards women’s empowerment or has helped women come at par with men. 25
6. As per Salmond, “A person is any being whom the law regards as capable of rights or duties.”



(3)

With reference to the above statement, critically examine the meaning of 'Person' and discuss the legal status of Idols, Gods, Mosques and Holy Books in the present times. Support your answer with relevant examples and case laws. 25

Section—B

7. "The word 'law' in the expression procedure established by law in Article 21 of the Indian Constitution has been interpreted to mean in *Maneka Gandhi vs. Union of India*, AIR 1978 SC 597 that the law must be right, just and fair and not arbitrary, fanciful or oppressive." Explain the above statement with the help of judicial pronouncements. 25
8. Critically examine the judicial pronouncements on Articles 29 and 30 regarding right to establish and administer educational institutions and the extent of state control in both aided and non-aided including minority run educational institutions. 25
9. Explain 'freedom of conscience'. Does this freedom include a person's right not to be converted into a religion not his own, or to be an atheist? Discuss in the light of decisions of the Supreme Court of India. 25



(4)

- 10.** When can the President of India issue a proclamation of emergency? Can such a proclamation be challenged in the court of law? What are the effects of proclamation of emergency on Fundamental Rights? 25
- 11.** Discuss the ambit of the advisory jurisdiction of the Supreme Court of India with the help of constitutional provisions and decided cases. Can the Supreme Court refuse to give its advisory opinion? Is the advisory opinion given by the Supreme Court is binding on the President of India? 25
- 12.** A federal Government is a legalistic Government, a characteristic feature of which is the allocation of powers between the Centre and the States. Although the division of legislative powers in a federal Constitution is a complicated and sensitive matter. Explain how this has been carried out in the Constitution of India by examining the provisions of the Indian Constitution. Also substantiate your answer with the help of cases. 25

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JSM—23/6

LAW OF CONTRACT

Time : 3 Hours

Full Marks : 150

The figures in the right-hand margin indicate marks.

*Answer **six** questions, selecting **two** questions each from any **two** Sections and **one** each from remaining **two** Sections.*

SECTION—A

1. (a) Explain 'enforceability of agreements'. 10
- (b) What is consideration? 5
- (c) At the time of renewal of contract, X, an employee, was asked to sign a document 'agreement not to compete' and the terms in the agreement specifies that X does not compete with the employer, Y, for 2 years if he leaves Y. X did not receive anything for signing this agreement. Discuss the enforceability of this agreement citing case-laws. 10



(2)

2. (a) What is 'quasi contract'? 5
- (b) Explain the types of contracts mentioned under Contract Act, which fall under 'quasi contracts'. 10
- (c) The State Government asked an empanelled contractor to do some construction work, without signing a formal contract. The contractor completed the work. Can he claim the money for the work he has performed? Discuss. 10
3. (a) Explain "a contract by which one party promises to save the other from loss caused to him by the conduct of the promisor himself or by the conduct of any other person..." with the necessary elements of that contract. 10
- (b) What are the rights of the promisee in such (the above) type of contract? 10
- (c) A contaminated farm was sold. The contract made the buyers renovate the real estate and the contamination incurred medical expenses for their



(3)

manager, who had fallen ill. Once the contract was rescinded, can the buyer claim for the cost of renovation and the medical expenses? 5

SECTION—B

4. (a) What is sale of goods? 5
- (b) How is sale different from hire-purchase? 10
- (c) A sold B a specific cargo of goods, but the goods were lost in transit. What are the consequences of 'destruction of goods' under the Sale of Goods Act, 1930, where the goods have been destroyed after the agreement to sell but before the sale is affected? 10
5. (a) 'Once a condition is always a condition.' What is a 'condition' under Sale of Goods Act? 10
- (b) How does condition differ from warranty under Sale of Goods Act, 1930? Explain with illustrations. 10



(4)

(c) X purchased a second-hand bike from Y. Unknown to the fact that the bike was a stolen one, he used the bike. Later, he was compelled to return the same. Is there a breach of warranty? Explain. 5

6. (a) Who is an 'Unpaid seller'? Explain his rights. 10

(b) Define 'document of title to goods'. 5

(c) The proprietor XYZ Oil Mills, Delhi-Shahdra, entered into a contract with ABC, for sale of one tank wagon of mustard oil with a condition of 1/2 per cent leakage. The plaintiff dispatched one tank wagon. The R/R was sent to the defendants through the Bank and the plaintiff drew a hundi for ₹ xxxx on the defendants on account of price of the oil dispatched. The defendants, repudiating the contract, wrongfully refused to honour the hundi and to receive the R/R from the Bank and to take delivery of the oil. The contract expressly reserves a right of re-sale on buyer's default. Can the unpaid seller claim damages? Decide.

10

/157

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(5)

SECTION—C

7. Explain the following : 25
- (a) Partnership at will
 - (b) Sleeping partner
 - (c) Firm
 - (d) Partnership property
 - (e) Minor as a partner
8. (a) Mutual agency is the conclusive test of a partnership. Explain. 10
- (b) Aman and Aryan bought a property together and then rented it and later the rent that would be generated to be shared together. Is there a partnership? 5
- (c) Explain the grounds for dissolution of a firm. 10
9. (a) Explain the rights and duties of partners under Partnership Act. 15
- (b) A partnership amongst A, B and C and the memorandum of partnership states that A will manage the business and will

/157

(Turn Over)



(6)

be paid ₹ 2,000 per month, but shall have no share in profits of the firm. In a suit for dissolution, A declines any liability for losses as he is not a partner. Decide.

5

(c) Explain 'implied authority of a partner'.

5

SECTION—D

10. (a) Define 'negotiable instruments' under The Negotiable Instruments Act, 1881. Elaborate with illustrations. 20

(b) Who is a 'holder in due course'? 5

11. (a) A draws a bill payable to his own order on B, who accepts. A afterwards endorses the bill to C, C to D and D to E. 15

Examine the relationship :

- (i) Between E and B, what is the position of A, B, C and D?
- (ii) Between E and A, what is the position of A, C and D?
- (iii) Between E and C, what is the position of C and D?



(7)

- (b) A issued a cheque but the account is closed before honouring the cheque. What is the effect of closing the account after the cheque is issued but, before it is presented for encashment? 10
12. (a) Who has to prove the element of consideration for issuing the cheque? 5
- (b) Is the presumption U/S 139 of fact or law? What is the standard of evidence to be adduced to rebut that presumption? 10
- (c) By issuing 'stop payment' instructions before the cheque is presented for payment and by issuing a notice to the payee not to present the cheque, what is the liability of the drawer? If 'stop payment' instructions are issued, can the presumption U/S 139 be raised? 10

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JSM—23/3

**LAW OF CRIME
AND
LAW OF TORTS**

Time : 3 Hours

Full Marks : 150

The figures in the right-hand margin indicate marks.

*Answer **six** questions, selecting **three** questions
from each Section.*

All questions carry equal marks.

SECTION—A

1. Critically examine the maxim *actus non facit reum nisi mens sit rea* and discuss its exceptions. How far do you agree that the concept of *mens rea* is adopted in Indian Criminal Jurisprudence? 25
2. It is often said that “there is a very thin but fine distinction between the offences of ‘culpable homicide amounting to murder’ and ‘culpable homicide not amounting to murder’ because the difference is merely of question of different degree of probability of death ensuing”.

/154

(Turn Over)

(2)

Examine the correctness of the above statement with the help of legal provisions and decided cases. 25

3. What do you understand by 'criminal attempt'? What are various theories to distinguish between 'preparation' and 'attempt'? Explain with the help of decided cases. 25

4. A Delhi bound train met with an accident near Tatanagar railway station in which several passengers died. X died in that accident. While X's dead body was lying on the side of railway track, Y with dishonest intention removed three gold rings, a wrist watch and money bag from that dead body. Has Y committed theft? Discuss the liability of Y with justification. 25

5. Explain the principles of 'group liability' in criminal law. Discuss whether several persons engaged in the commission of a criminal act may be guilty of different offences by means of that act. Refer to decided cases. 25



(3)

6. "Only involuntary act of intoxication is a defence." Critically examine this statement in the light of relevant statutory provisions and decided cases. 25

SECTION—B

7. "Act of God is an accident due to a natural cause, directly and exclusively without human intervention." In light of this statement, discuss what is 'act of God' and to what extent it provides protection of defendant and differentiate 'act of God' from 'inevitable accident'. 25
8. Discuss the rule *ubi remedium ibi jus* as the origin of the law of torts. Explain in this regard, the basic dominance and subsequent abolition of the forms of action in the development of the law of torts. 25
9. What are the tests for determining remoteness of damages? Why is the 'foreseeability test' considered more rational? Explain with the help of case-laws. 25



(4)

10. Discuss Rylands vs Fletcher rule and state its exceptions. How far absolute liability principle is different from strict liability rule? Explain and refer to landmark decisions. 25
11. What are the essential elements of 'negligence'? Explain with the help of decided relevant cases. 25
12. "*Qui facit per alium facit per se.*" Explain this maxim with the help of decided cases. 25

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JSM—23/5

LAW OF PROPERTY

Time : 3 Hours

Full Marks : 150

The figures in the right-hand margin indicate marks.

*Answer **six** questions, selecting **two** questions from each Section.*

All questions carry equal marks.

SECTION—A

1. (a) During the pendency of a property dispute in a court of law, Mr. A purchases property from one of the parties involved in the litigation by knowing the fact that the said land is in dispute and the related case is pending in the court of law. The other party, Mr. B, objects to Mr. A's purchase, arguing that the doctrine of *lis pendens* prevents any new purchaser from having any rights until the suit is resolved. Mr. A, however, believes that as a new purchaser, he has a legitimate interest in the property and seeks to be impleaded in the ongoing suit to protect his rights. Based on the principles of the doctrine of *lis pendens* under Section 52

/156

(Turn Over)



(2)

of the Transfer of Property Act, 1882, is Mr. A's request to be impleaded in the ongoing suit legally tenable? Can the doctrine of *lis pendens* bar him from being added as a party to the suit? Substantiate your answer by quoting the relevant legal principles, provisions and case-laws. 10

- (b) A mother, fully aware of the implications, transferred a significant portion of her property to her stepson, through a gift deed. This transfer was executed with a complete understanding of its impact on her financial stability and the interests of her other heirs, particularly her biological son. The biological son challenged the validity of the transfer, alleging that the mother was unduly influenced or lacked the capacity to make such a decision, and he is the sole heir of the property as a biological son. Discuss the relevant Sections of the Transfer of Property Act, 1882, and related legal principles that would apply to determine whether the gift deed is valid or voidable. Also explain the validity of mother's 'intelligent' transfer of property to her stepson with full appreciation of its effect over her interests. 10



(3)

(c) What are the different types of mortgages recognized under the Transfer of Property Act, 1882? Briefly explain the key characteristics of each type. 5

2. (a) Mr. A (landlord) and Mr. B (tenant) entered into a lease agreement which contained clauses concerning the maintenance of the leased property, but the specifics regarding the repair obligations and sub-letting were ambiguous. After the lease commenced, the property began to deteriorate, requiring substantial repairs. Additionally, Mr. B sought to sub-let a portion of the property to a third party to offset his costs. Further Mr. B constructed an unauthorized structure outside the tenanted portion of the property. Under Section 108 of the Transfer of Property Act, 1882, who is responsible for carrying out substantial repairs when the leased property begins to deteriorate, and what are the legal implications if the tenant, Mr. B, decides to sub-let a portion of the property without clear provisions in the lease agreement? If a tenant constructs an unauthorized structure outside the tenanted portion of the property, can the landlord seek eviction under Section 108 of the Transfer of Property Act, 1882, on the grounds of

/156

(Turn Over)



(4)

this unauthorized construction? Substantiate your answer by explaining the rights and liabilities of lessor and lessee under Section 108 of the Transfer of Property Act, 1882 and also by quoting the relevant case-laws. 15

- (b) A transfers a house to B with the condition that he will only gain ownership if he secures 90% in his engineering degree. If B does not secure 90% in his engineering degree, the property will revert back to A. Under Section 21 of the Transfer of Property Act, 1882, discuss the validity of the condition imposed by A and explain whether B's interest in the property is vested or contingent. How would the scenario change if B secures 90% in his engineering degree, but before A takes any action to reclaim the property? Additionally, explain the characteristics of contingent contract and the differences between vested and contingent interest. Which Section of the Indian Succession Act, 1925 lays down the exceptions for contingent contracts and what are those exceptions? Substantiate your answer by explaining the relevant provisions, legal principles and quoting the relevant case-laws. 10



(5)

3. (a) A wealthy landowner, X, gifts a piece of land to his nephew, Y, through a registered deed. However, X continues to retain possession of the land, stating that he will hand over possession only after Y fulfils certain familial obligations, such as taking care of X in his old age. After a few years, Y fails to fulfil these obligations, and X revokes the gift, claiming that Y has no right to the property as the conditions were not met. Y challenges this revocation in court, arguing that the gift was complete upon registration, and X cannot impose conditions after the gift has been made. Whether the gift made in the given scenario is valid under the Transfer of Property Act, 1882? Discuss the legal implications of X retaining possession of the property after the gift deed is executed. Additionally, examine whether X can legally revoke the gift based on Y's failure to fulfil the familial obligations. Substantiate your analysis by explaining the essential conditions for a valid gift under the Transfer of Property Act, and how they apply to this scenario, and also quote the relevant case-laws. 10

(6)

- (b) A, a landowner, mistakenly believes he owns a piece of land and transfers it to B through a sale. At the time of the transfer, A does not possess any legal title to the land. However, two years later, A acquires the legal title to the land. Can B claim ownership of the land based on the original sale deed? Explain the Doctrine of Feeding the Grant by the Estoppel by referring to the relevant provisions of the Transfer of Property Act, and substantiate your answer by citing pertinent case laws. 8
- (c) A, a debtor, owns a piece of land worth ₹ 50 lakhs. A, who owes a substantial amount of money to multiple creditors, enters into a sale agreement to transfer this land to his friend B for ₹ 10 lakhs, a price significantly below market value. The transfer is completed, and B takes possession of the property. The creditors, upon learning of this transaction, claim that the transfer was made to defraud them and seek to have it set aside under Section 53 of the Transfer of Property Act, 1882. Whether the arguments of the creditors is valid under Section 53 of the Transfer of Property Act, 1882? Substantiate your answer by explaining the essential ingredients of Section 53, and by quoting the relevant case laws. 7



(7)

4. (a) A property jointly owned by two brothers, A and B, is the subject of a legal dispute. Brother A decides to sell his undivided share of the property to an outsider, X, without consulting Brother B. After the sale, X demands partition of the property to claim his share. Brother B objects to the sale and the partition, arguing that the sale to X is invalid as he was not given the first right to purchase A's share. X, on the other hand, insists that he has a legal right to demand partition as per the Transfer of Property Act, 1882. Under Section 44 of the Transfer of Property Act, 1882, what legal implications will be there upon A's sale of his undivided share to X? What rights does X have as the transferee of an undivided share in the joint property? Whether B's objections to the sale and the partition are valid? What remedies are available to B to protect his interests in the property? Substantiate your answer by quoting the relevant legal provisions and case laws. 10
- (b) A, the owner of a piece of land, decides to sell his property to B. However, the sale is not genuine and is merely an ostensible sale intended to secure a loan



(8)

that *A* owes to *B*. The sale deed is executed, and the property is transferred to *B*'s name in public records. *A* continues to occupy the property, and both parties agree privately that *A* can reclaim the property upon repaying the loan. Later, *B* sold the property to *C*, who has no knowledge of the agreement between *A* and *B*. *A*, upon learning about the sale, demands the property back from *C*, claiming that the initial sale to *B* was only an ostensible sale and not intended to transfer actual ownership. Analyze the scenario in the light of the relevant provisions under the Transfer of Property Act, 1882, by citing the relevant case laws. 10

- (c) The foundation of 'Doctrine of Election' is that no one can approbate or reprobate at the same time. Explain. 5

SECTION—B

5. (a) *A*, proceeding to settle in a foreign country, leaves his car in charge of *B*, as his agent during his absence. *B*, without *A*'s authority, pledges the car to *C*, and *C* knowing that *B* had no right to pledge the car, advertises it for sale.

/156

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(9)

Whether *C* may be compelled to deliver the furniture to *A*? Whether *C* is holding the car as *A*'s trustee? Explain by quoting the relevant provisions of the Specific Relief Act, 1963, by citing the relevant case laws. 10

- (b) *K*, entered into an agreement with *P* for the purchase of a piece of land. The agreement specified that the sale was to be completed within a stipulated time frame, subject to *K* fulfilling certain obligations, including making the full payment. However, *K* failed to make the payment within the agreed time, leading *P* to cancel the agreement and refuse to transfer the property. *K* filed a suit for specific performance, claiming that he was ready and willing to perform his part of the contract and that the delay in payment was due to unforeseen circumstances. Explain, how *K*'s failure to make the payment within the stipulated time affect his claim for specific performance. What defenses might *P* raise against *K*'s claim for specific performance? Substantiate your answer by quoting the relevant legal provisions, principles and case-laws. 15



(10)

6. (a) A contracts to sell land to B for ₹ 50,000. B takes possession of the land. Afterwards, A sells it to C for ₹ 60,000. C makes no enquiry of B relating to his interest in the land. Whether B's possession is sufficient to affect C with notice of his interest, and whether he may enforce specific performance of the contract against C? Explain by quoting the relevant legal provisions and case-laws. 10

- (b) A, the owner of a patent, assigned the same to B through a contract. After the contract was executed, A failed to perform his obligations under the contract by not completing the assignment of the patent to B. A filed a suit against B for specific performance of the contract. Before the court could hear the suit, the patent in question expired. Can A still seek specific performance of the contract under the Specific Relief Act, 1963? Can the court grant compensation for the non-performance of the contract, and can court, if necessary, amend the plaint for that purpose? Discuss by referring to the relevant legal provisions and case-laws.

15



(11)

7. (a) A, a tenant, has been in peaceful possession of a commercial property owned by B for several years. B now claims ownership and attempts to evict A by force, alleging that the tenancy agreement has expired. A filed a suit under the Specific Relief Act, seeking to protect his possession of the property and prevent B from forcibly evicting him without due process. B contended that since he is the rightful owner, he has the right to evict A at will. Whether suit filed by A is maintainable? How does the principle of *juris et de jure* influence the court's decision in this case? Whether B's arguments are valid? Explain by citing the relevant legal provisions and case the laws. 10

(b) X, the owner of a piece of land, discovers that Y, his neighbour, has erected a fence that encroaches upon a portion of his land. Despite repeated requests, Y refuses to remove the fence, claiming that the disputed portion of the land belongs to him. X filed a suit seeking a declaration of his title over the disputed land and permanent injunction to prevent Y from continuing the encroachment and to compel him to



(12)

remove the fence. What are the requirements needed to be fulfilled by X under the Specific Relief Act, 1963, for successfully seeking a declaration of his title? Whether X fulfils the conditions required under the Specific Relief Act, 1963, to get the relief of permanent injunction in his favour to restrain Y from further encroachment and to mandate the removal of the fence? Discuss by referring the relevant legal principles and case-laws. 15

8. (a) A, inherited an estate from his father. A discovered that B, his cousin, has been claiming ownership of a piece of land from the estate based on a forged will. A asserts that the will is invalid and he is the rightful owner of the land. B, however, continued to assert ownership, creating a cloud over A's legal title to the property. A filed for the declaratory decree in the court. Explain what conditions A is required to fulfil for seeking a declaratory decree under the Specific Relief Act, 1963. Substantiate your arguments by quoting the relevant legal provisions and case-laws. 10



(13)

- (b) X, a senior citizen, transferred his residential property to his nephew Y through a gift deed. Later X realized that Y misled him into signing the gift deed by falsely claiming that the property would remain in X's name for life. X now seeks to cancel the gift deed, claiming fraud and undue influence. X filed for the cancellation of the gift deed in the court. Explain the grounds X has to raise to seek the cancellation of the gift deed under the Specific Relief Act, 1963. Substantiate your arguments by quoting the relevant legal provisions and case-laws. 5
- (c) X, a contractor, entered into a contract with Y, a property developer, to construct a residential building within 12 months. Despite repeated reminders from Y, X failed to complete the work within the stipulated time. Y, frustrated by X's delay, decided to hire another contractor Z to complete the remaining work and recover the additional expenses from X. Whether Y can substitute the performance of the contract under the Specific Relief Act, 1963? If the answer is 'Yes', what conditions must Y fulfil before opting for substituted performance of the contract? If answer is 'No', state the reasons. Substantiate your answer by quoting the relevant legal provisions and case-laws. 10



(14)

SECTION—C

9. (a) A, a private contractor, filed an appeal in court against a Government order that cancelled his construction contract. Due to unforeseen personal circumstances, A filed the appeal ten days after the limitation period expired. He pleaded before the court for the condonation of delay under Section 5 of the Limitation Act, 1963, which allows courts to extend the limitation period if sufficient cause is shown. Meanwhile, the Government also filed an appeal related to another similar contract issue twenty-five days after the limitation period. In this case, Government argued that it is entitled to special consideration because of its distinct nature and administrative complexities, and that it should receive different treatments from private individuals like A in the application of Section 5 of the Limitation Act, 1963. Whether Government is valid in its argument, claiming differential treatment? Explain by describing the relevant legal provisions and case-laws.

10



(15)

(b) X sought for cancellation of the sale deed dated 10.11.2016 and on the basis of the said sale deed, Y filed a mutation case. In that mutation proceedings, X appeared and filed objection. The objection was rejected and the mutation proceedings were allowed in favour of Y by order dated 11.02.2018. X filed a suit on 14.05.2024 seeking the relief of cancellation of the sale deed. Explain whether X can seek relief in the given scenario under the Limitation Act, 1963. Substantiate your answer by quoting relevant legal provisions and case-laws. 5

(c) A, the rightful owner of a piece of land, was dispossessed of the property by B on 1st January, 1950. B continued in possession of the land thereafter. On 1st February, 1964, A filed a suit to recover possession of the property from B. Whether A's suit for recovery of possession is within the limitation period under the Limitation Act, 1963? Substantiate your answer by analyzing the time limits prescribed under the different provisions of the Limitation Act, 1963, and relevant legal principles by quoting the case-laws. 10



(16)

10. (a) A, purchased a piece of land from B in 2000. However, due to some personal issues, A did not take possession of the land immediately. In 2022, when A attempted to take possession, B refused, claiming that the statute of limitations had expired. A wants to file a suit for possession of the land. Can A still assert his right to the property, even though the time limit for filing the suit has passed? Explain with reference to the principle that the Limitation Act, 1963, does not extinguish a right but only bars the remedy. Substantiate your answer by quoting the relevant legal principles and case-laws. 13

(b) A Hindu man passed away, leaving behind his widow (D2), two sons (one of whom was a minor), and four daughters. The property left by the deceased was ancestral in nature and governed by Mitakshara law. On 20.01.1992 and 28.11.1998, D2 executed a sale deed for the same ancestral property in favour of purchaser (D1). In 1998, the sons and daughters filed a suit to set aside the sale deed and recover possession of the property, claiming the sale was invalid. D2 and D1 were made defendants in the

/156

(Continued)



(17)

case. The defendants argued that the suit was barred by limitation. The question before the court was, whether the suit was barred by limitation, being hit by Article 60 or Article 109 of the Limitation Act, 1963? And also explain the reckoning date of limitation? Substantiate your answer by describing the relevant legal provisions, principles and case-laws. 12

11. (a) In 1965, X obtained a decree from the court, declaring title and possession over a property. The decree also ordered Y to remove a wooden hut from the property, which was built by him. X, the decree-holder, filed an execution petition in 1977. Upon the death of X in 1985, his legal heirs were impleaded as additional decree holders. The execution petition was dismissed in 08.07.1996. In between, the said suit property was mortgaged in the bank and bank charged towards the satisfaction of the debt sought to be recovered and the family of X suffered another decree passed with regard to the said suit property in 1982. Z purchased the said property in auction. Family of X filed a second execution in 11.09.2001

(18)

and impleaded *Z* therein. *Z* filed an objection in regard to the maintainability of the said execution petition, contending that the same was barred by limitation. The question raised is whether the time spent by the appellants in prosecuting their appeals in wrong forums should be excluded for the purpose of limitation under Section 14 of the Limitation Act, 1963? If the period of limitation has already expired, can *A* seek an extension for filing the suit in the proper court under Section 5 of the Limitation Act, 1963? Substantiate your answer by quoting relevant legal provisions, principles and case-laws. 15

- (b) *X* owns a house in which *Y*, a tenant and a military officer, is residing. When *X* became entitled to file the suit for recovery of possession of the immovable property, *Y* was serving in the military, which prevented *X* from initiating the legal proceedings. After *Y*'s military service ended, *X* filed the suit, but it was beyond the usual limitation period for recovery of possession. Analyze whether *X*'s suit would be barred by the limitation period. Can *X* seek any relief under Section 15 of the Limitation Act, 1963?



(19)

Discuss the provisions of Section 15 of the Limitation Act, 1963, and interpret the given facts in the light of the relevant legal principles and case-laws. 10

12. (a) X owed a sum of ₹ 1,00,000 to Y on a promissory note. Before the expiry of limitation period prescribed under the Limitation Act, 1963, X paid ₹ 40,000 to Y towards the promissory note. What is the effect of this payment on the limitation period? Answer referring to relevant legal provisions and case-laws. 8

(b) S claims a private right of way over a pathway that runs through Mr. Verma's land, which X blocked by constructing a wall in 2015. Despite the obstruction, S continued using alternative routes to access his property and did not file a suit immediately. In 2023, S finally filed a suit claiming a right of way and seeking removal of the obstruction. S argued that the suit is barred by limitation, as it was filed more than three years after the wall was constructed. Analyze whether S's suit is time-barred under the Limitation Act, 1963. Answer by quoting the relevant legal provisions, principles and case-laws. 7



(20)

- (c) *A*, a legally disabled person, was involved in a contract dispute with *B*. Due to her disability, she was unable to manage her legal affairs effectively and did not file a suit for breach of contract within the standard limitation period. The breach occurred on July 1, 2015, and the limitation period under the Limitation Act, 1963, for filing the suit is three years. *A*, with the help of the legal guardian, filed the suit on August 1, 2023. Considering the provisions of the Limitation Act, 1963, and the relevant case law, analyze whether *A*'s suit is within the limitation period. What are the implications of her legal disability on the limitation period? Discuss how the principle of 'legal disability' applies to extend the limitation period and whether her suit is time-barred. 10

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JSM—23/4

PERSONAL LAW

Time : 3 Hours

Full Marks : 150

The figures in the right-hand margin indicate marks.

*Answer **six** questions, selecting **three** questions from each Section.*

All questions carry equal marks.

SECTION—A

1. “A clear proof of usage will outweigh the written text of the law.” Comment. 25
2. Wife has moved the court questioning the constitutional validity of Section 9 of the Hindu Marriage Act, 1955 on the ground of Right of Privacy. Can she succeed? Discuss citing landmark cases. 25
3. Sunil and Sunita were married in 2016 when the later was 14 years old. Later in 2022, Sunil converted to Islam and became Sohail and married his childhood school mate Soha and lived happily. Sunita prosecuted him for bigamy and Sunil took the defence that his

/155

(Turn Over)

(2)

second marriage under Muslim law is not bigamous, he has committed no offence. Decide supporting your answer with landmark case laws. 25

4. What are the significant changes introduced in the Hindu Succession Act, 1956 and Hindu Succession (Amendment) Act, 2005? Explain with some decided cases. 25

5. (a) 'X' died leaving behind his self-acquired property and his wife, unmarried daughter, two sons and mother. Distribute his property. 10

- (b) Examine the general principles of succession of a male under Hindu Succession Act, 1956 referring to landmark cases. 15

6. Discuss the rights of divorced wife to claim maintenance under the Hindu laws and Criminal Procedure Code, 1973. 25



(3)

SECTION—B

7. (a) Examine the validity of marriage in Muslim Law : 5×2=10
- (i) A Hanafi Muslim who has four wives, contracts fifth wife. Is the fifth marriage valid?
- (ii) A muslim man married a Muslim woman when she is observing *iddat*.
- (b) Discuss absolute and relative impediments to a Muslim Marriage. 15
8. Critically examine the impact of Shariat Act, 1937 with respect to applicability of Islamic Law. 25
9. The *Shamim Ara vs. State of U.P.* (2002) is a landmark case with respect to rights of Muslim women in India. Discuss. 25
10. Aslam and Banu are close friends. They decided to live together without undergoing formalities of marriage. After getting a child their relationships were strained. Now Banu is looking for a remedy. Advise with suitable case laws. 25

/155

(Turn Over)

(4)

11. The Supreme Court's judgement in *Shayara Bano vs. Union of India* [(2017) 9 SCC 1] marked a landmark moment towards gender justice. Discuss the landmark case and suggest reforms in Muslim law. 25
12. Distinguish between the following : 5×5=25
- (a) *Muta* marriage and *Fasid* marriage
 - (b) *Nikah halala* and *Iddat*
 - (c) *Illa* and *Zihar*
 - (d) *Khula* and *Mubara*
 - (e) *Nafaqah* and *Mehr*

★ ★ ★



JSM—23/2

PROCEDURAL LAW

Time : 2½ Hours

Full Marks : 150

The figures in the right-hand margin indicate marks.

*Answer **six** questions, selecting **two** questions from each Section.*

All questions carry equal marks.

SECTION—A

1. (a) Explain the term 'injunctions'. Under what circumstances, court may order temporary injunctions? Discuss. 15
(b) Write a note on inherent powers of the court under CPC. 10
2. (a) Describe in detail, the basic principles of pleadings. Under what circumstances, can a court strike out pleadings? Describe the procedure for amendment of pleadings. 15
(b) Explain the provisions relating to suits by/in case of minors *safeguarding their interests*. 10

/153

(Turn Over)



(2)

3. (a) X filed a suit for possession of certain land alleged to have fallen to his share on partition of joint family property with Y. Defendant raised a plea that family property has not been divided. The suit was dismissed giving findings that partition has not been affected. Later X sued Y for partition of joint family property. Decide the plea of *res judicata* raised by Y. 10
- (b) Husband H filed suit against wife W restraining her from interfering with the possession of house. Plea of ownership to suit house was substantially involved but it was not raised by husband H. Suit was dismissed in view of settlement which had already been arrived before Village Panchayat where H had relinquished his right in house in favour of wife W and her children. Finding was not challenged and attained finality. H then sold house to T who filed a suit for declaration of title and possession against W. Is suit by T barred by principle of *res judicata*? 10
- (c) Point out the differences between *Res Judicata* and *Estoppel*. 5



(3)

4. (a) Discuss the provisions and procedure relating to institution of suit by or against Government under Code of Civil Procedure. 10
- (b) What is 'interpleader' suit? When and by whom can it be instituted? 10
- (c) Who is an 'indigent' person? What is the mode of instituting suit by such persons? 5

SECTION—B

5. (a) What do you understand by 'plea bargaining'? State the procedure for initiating plea-bargaining in the court. 10
- (b) Discuss the constitutional and statutory rights of arrested persons. 15
6. (a) Discuss the provisions relating to bail as contained in the code of Criminal Procedure, 1973. Can bail be claimed as a matter of right even in non-bailable cases? Explain. Also explain, what is 'default bail'. 15

/153

(Turn Over)



(4)

(b) Write a short note on anticipatory bail. 10

7. (a) "Every offence shall ordinarily be inquired into and tried by a court within whose jurisdiction it was committed." Explain. Also discuss exceptions to this rule, if any. 15

(b) A is travelling from Delhi to Bombay by train. During the night his suitcase is stolen. The theft is discovered at Bombay. B is caught with stolen suitcase at Jaipur. Where can B be tried for the theft? Discuss with justification. 10

8. (a) What is FIR and how is it recorded? State its importance and its evidentiary value. What is the effect of delay in lodging FIR? 15

(b) Write a note on preventive action of police. 10

SECTION—C

9. (a) Write a detailed note on privileged communication under the provisions of Indian Evidence Act, 1872. 15



(5)

- (b) A went to a lawyer B and stated that he (A) had committed murder of C and he wanted to engage him as his defence lawyer. B replied he will not defend his case rather he will give evidence against him (A) that he had confessed his crime before him. Can B be allowed to depose against A? 5
- (c) Write a note on interested witness. 5
10. (a) Write a detailed notes on 'Best Evidence Rule' under Indian Evidence Act, 1872. 15
- (b) Write notes on patent and latent ambiguities. 10
11. (a) What is 'dying declaration'? When is it admissible in evidence? Discuss its evidentiary value. 15
- (b) A, who was hit by a bullet stated in the hospital in the presence of Magistrate that B fired at him. A did not die of this injury. Is the statement of A admissible in evidence against B? Can it be of any other use? Discuss. 10



(6)

12. (a) Define motive. How far motive, preparation and conduct of a party are relevant? 10
- (b) What is plea of *alibi*? On whom lies the burden of proof in case of plea of *alibi*? 5
- (c) Point out the differences between judicial confession and extra-judicial confession. 10

★ ★ ★