



Previous Year Paper

RAJASTHAN JUDICIAL SERVICE MAINS EXAM 1986

PAPER I CIVIL LAW

- Q.1. Define "mesne profits"
- Q. 2. What is a decree?
- Q.3. On what grounds and in which Court second appeal shall-lie?
- Q.4. What is a preliminary issue?
- Q. 5. When the property passes to the buyer in case of goods sent on approval?
- Q.6. Define "Contingent Contract":
- Q. 7. Define "Partnership".
- Q. 8. What is "probate"?
- Q.9. What is intestate succession"?
- Q. 10. Who is a testamentary guardian?
- Q. 11. When a Governor can promulgate ordinances?
- Q. 12. Name any two of the Fundamental Duties under the Constitution of India,
- Q. 13. What remedies can be enforced under Article 32 of the Constitution of India?
- Q. 14. What is Writ of Certiorari?
- Q. 15. Wife burnt husband's thesis of Ph.D. Whether amounts to cruelly?
- Q. 16. Whether the principle of res judicata applies between two stages in the same litigation?





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- Q.17. Can a Hindu adopt a son when he has no non, but his son's son is living?
- Q. 18. To which class For II of the Schedule to the Hindu Succession Act following de IDE! belong?
(A) Father
(B) Mother.
- Q. 19. Whether any notice under Section 106. Transfer of Property Act is before filing a suit for eviction against a tenant under any State Rent.com
- Q. 20. 'A promises to pay a monthly allowance to a woman kept as a misuse means such consideration is lawful?
- Q.21. A judgment debtor is detained in civil prison in execution of a decree. Whether after release, his liability to pay the debt is discharged?.
- Q. 22. A decree is passed against an unregistered firm. Can an objection be raised in executica proceeding that such decree is inexecutable being in violation of Section 69(2) of the Partnership Act?
- Q. 23. A' is a tradesman in Calcutta. 'B' cantics on business in Delhi. 'B' by his agent in Calcutta, buys goods of 'A' and requests 'A' to deliver them to the Railway. 'A' delivers the goods accordingly in Calcutta. At what place 'A' can sue 'B' for the price of the goods?
- Q.24. Is an infant liable for torts?
- Q.25. 'A' an unmarried woman adopts a daughter 'D'. Subsequently she marries 'H' and has a son 'S' by him. On the death of 'H' his property will devolve upon whom?
- Q.26. What is the term of office of a member of State Legislative Council?
- Q. 27. What is the limit of pecuniary jurisdiction of the following in Rajasthan?
(a) Munsif
(b) District Judge:
- Q. 28. Where an application under Order 9 Rule 7, CPC is dismissed and ex parte decision follows, what remedies are open to the defendant?
- Q.29. On what points an opinion of an expext becomes relevant?
- Q.30. What is a Leading Question?
- Q.31. When communication of a proposal is complete?



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- Q. 32. What is right of pre-emption?
- Q.33. What rights are guaranteed to persons holding civil posts under the Constitution of India?
- Q.34. In what case the Court is bound to refer dispute for arbitration?
- Q.35. What do you understand by Subordinate Legislation?
- Q. 36. Who is a 'Sajjadanashin'?
- Q. 37. Define "Residuaries" under the Mohammedan Law.
- Q.38. What is "Wakf"?
- Q. 39. What is 'holding over' under the Transfer of Property Act?
- Q. 40. What is the ceiling limit of land in Jaipur City under the Urbari Land (Ceiling and Regulation) Act, 1976?

Part 'B'

- Q. 41. What view Supreme Court has taken in its recent decision on 'National Anthem'?
- Q. 42. State the rule regarding presumption of legitimacy during marriage.
- Q.43. State the presumption of 30 years old documents.
- Q.44. What is 'Lok Adalat'? Has it got statutory recognition?
- Q. 45. what ground pleading can be allowed to be amended?
- Q. 46. State up to what stage, in the case of the death of a candidate, proceedings for fresh election can be taken?
- Q. 47. Slate the law on the basis of which standard rent can be determined under The Rajasthan Premises (Control of Rent and Eviction) Act, 1950.
- Q. 48. Who can be appointed as a Judge of Vic Supreme Court?
- Q.49. Name any three Directive Principles of State Policy?
- Q. 50 What is the difference between res judicata and estoppel?
- Q. 51. What protection is guaranteed against arrest and detention under the Constitution





of India?

- Q. 52. What are the powers of Appellate Court?
- Q.53. What is the view of Rajasthan High Court on the question whether an insurer is liable to indemnify the owner of the goods, when he received bodily injury while accompanying the goods in a goods vehicle which he hires from the owner of the vehicle?
- Q. 54. A member of Hindu undivided family solemnizes a marriage under the Special Marriage Act, 1954. What is the effect of such marriage on his status as a member of the joint or undivided family?
- Q.55. State the law relating to divorce by mutual consent under the Hindu Marriage Act
- Q. 56. What relations are prohibited from marrying on the ground of consanguinity, by a Mohamed an male?
- Q.57. Certain terms of a deed inadmissible for want of registration are incorporated by reference in a subsequent deed which is registered. State whether the terms in the former deed incorporated in the subsequent deed can be read as part of it?
- Q.58. A female Hindu dies intestate. State on whom the property would devolve?
- Q. 59. 'A': promises to obtain for 'B' an employment into he public service, and 'B' promises to pay 1,000 rupees 10 'A'. Can such contract be enforced?
- Q. 60. Can a landlord remove the telephone connection of the tenant obtained without the consent of landlord?

Part 'C'

- Q. 61. Write short notes on any three of the following
- Easement by necessity
 - Interpleader suit
 - Rejection of plaint
 - Unpaid sellers lien
 - Restitution.
- Q. 62. (a) Explain the role of obligation of person enjoying benefit of non-gratuitous act.
(b) A contractor constructed additional god owns, beyond the original contract, on the oral instruction of the Assistant Director. In a suit filed by the contractor the Government took the defence that there was no contract binding the Government as such oral instructions contravened the provision of Article 299 of-the Constitution which required a contract to be expressed to be made by the Governor. How will you decide?





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- Q. 63. (a) Explain the rule that plaintiff is not entitled to relinquish part of his claim (b) A suit is brought for partition on the ground of legitimate son of the deceased. Can a second suit lie on the ground of illegitimate son of the deceased?
- Q. 64. Draft a petition for divorce by the husband against the wife on the basis of decree for judicial separation under The Hindu Marriage Act.
- OR**
- Draft a plaint for dissolution of marriage by a Muslim wife under the Dissolution of, Muslim Marriages Act, 1939.
- Q. 65. Explain mortgage by conditional sale. How do you distinguish it with sale with a condition of retransfer?
- Q. 66. Who are the natural guardians of a Hindu minor? If there is a dispute for the custody of a minor between father and another, how the Court should decide?

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(CRIMINAL LAW AND PROCEDURE)

- Q. 1. 'A', who is an editor of a leading daily newspaper, published an editorial article by which he attempted to excite disaffection towards the Government of India. What offence did 'A' commit?
- Q. 2. 'C', a minister, had received an appointment-letter for his son-in-law 'D' from the firm of a contractor E, which was as a reward for accepting the contract of one crore rupees. What offence was committed by 'C'?
- Q. 3. In the mid-night, 'A' enters the house of 'B' armed with deadly weapons and by inflicting a grievous injury to 'B' attempts to commit his murder, at that time 'B' inflicts an injury on the head of 'A' with an axe, by which death of 'A' is caused. During the trial, 'B' takes a plea of alibi. In spite of it, all the aforesaid facts are proved by the evidence of the prosecution-side. Whether, 'B' can be acquitted? If yes, why?
- Q. 4. 'A' and 'B' agreed that by administering the poison, death of 'C' be caused. Both of them carried him to take the meals in a hotel. Doubt was created to 'C' that he has been brought there for counting offence. He silently moves from there and is saved. What offence was committed by 'A' and 'B'?
- Q. 5. 'A' and 'B' were going on a scooter. They saw that 'C' was coming on foot with an automatic clock. They stopped the scooter, captivated 'C' and demanded the clock from him. What offence was committed by 'A' and 'B'?
- Q. 6. 'A' is a member of legislative assembly. While delivering a lecture in the legislative assembly, he makes false imputations of bribery on a minister harming his reputation. What offence did 'A' commit?
- Q. 7. 'A' is a college-going girl of about 17 years. She voluntarily comes leaving the guardianship of her parents and compels her young friend to take her to another city and marry her. He takes her away but refuses to marry her without consent of the parents. What offence was committed by the youth?
- Q. 8. 'A', a minor girl, was sent by her mother to bring vegetables from the neighbouring market. 'B' and 'C' took and carried her with an intention that she will be compelled to marry with 'X' against her will. What offence was committed by 'B' and 'C'?
- Q. 9. 'A', while taking advantage of the crowd in a fair, intentionally pressed the breast of a woman. Which offence did 'A' commit?
- Q. 10. 'A' knowing well that there is no brake, but in spite of that, he drives a car. He meets with an accident. Whether the act of 'A' is of rashness or negligence?
- Q. 11. There was enmity between 'A' and 'B'. When 'B' went for morning-walk then 'A'



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collided his car with 'B' with an intention to cause his death, but he escapes. What offence did 'A' commit?

- Q. 12. 'A' after killing 'B', while throwing his dead body in a well disappeared it. Which offences did 'A' commit?
- Q. 13. 'A' purchased 'one revolver and 10 cartridges with intention to cause death of 'B', - but afterwards, he changed his thought. What offence did 'A' commit.
- Q. 14. During arguments, an advocate' intentionally caused insult of a Magistrate. Under which Act, the case will proceed against the advocate, whether under the Contempt of Court Act or Indian Penal Code?
- Q. 15. 'A' with an intention to cause and knowing that it is likely to cause damage to the crop in B's farm, enters the cattle. What offence has been committed by 'A'? .
- Q. 16. 'A', with an intention to cause wrongful harm to 'B' committed house trespass By making a hole in the wall of the house of 'B'. What offence did 'A' commit?
- Q. 17. A furious crowd attacked 'A', a Deputy Superintendent of Police. He fired with his ... gun, which caused injury to a person. What offence did 'A' commit?
- Q. 18. 'A', an advocate, while dishonestly inducing his client' said him to deposit rupees one thousand as costs bcirig ordered by the Court. The client gave him this amount, which 'A' put in his pocket What offence did 'A' commit?
- Q. 19. 'A', a police officer, voluntarily causes hurt for extorting from D' the confession that he has committed the offence. What offence did 'A' commit?
- Q. 20. As a five years old boy, inflicted a blow on the head of 'B', which caused grievous hurt to him. What offence did 'A' commit?
- Q. 21. 'A', in the state of grave and sudden provocation, fires by pistol on 'B' in such circumstances that, if he by that act caused death, he would be guilty of culpable homicide not amounting to murder. For what offence should A' be punished, whether for committing attempt to murder or for attempt to commit culpable homicide?
- Q. 22. In a case, the offence of culpable homicide amounting to murder has been proved. what will be the minimum sentence?
- Q. 23. Whether a Sessions Judge can transfer a case out of his jurisdiction? If not, then Who can?
- Q. 24. What is 'cognizable offence'?





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- Q.25. What is meant by a 'complaint'?
- Q.26. When a complaint will terminate into a police report?
- Q.27. Under Section 433, CrPC, who can do commutation in a sentence?
- Q. 28. For the execution of a sentence, who may issue warrant?
- Q.29. Under Section 482, C-PC, which Court can exercise its inherent powers?
- Q. 30. When a complaint will be dismissed under Section 203. C-PC?
- Q.31. Who can request to withdraw a complaint?
- Q. 32. Whether a Magistrate can convict an accused person under Section 241, CrPC without recording any evidence? When can he do so?
- Q.33. Who can conduct the trial before a Sessions Court on behalf of the prosecution?
- Q. 34. What is the total period exceeding which a Magistrate cannot authorise detention of an accused person during the trial of a case of homicide?
- Q. 35. Whether a Judicial Magistrate can try a case relating to homicide? If not, then what should he do?
- Q. 36. If you are appointed as a Judicial Magistrate, what maximum sentence can you impose?
- Q. 37. When a Court of Session passes a sentence of death, to whom the proceedings shall be submitted for its confirmation?
- Q. 38. For confirmation of a sentence of death, what minimum number of Judges is required?
- Q. 39. In which language, judgments should be written ?
- Q. 40. Which Magistrate should pass an order to remove the nuisance ?

Part 'B'.

- Q. 41. Explain, giving illustration, that nothing is an offence which is done by accident, and without any criminal intention or knowledge in doing of a lawful act in a lawful manner by lawful means and with proper care and caution.





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- Q. 42. 'A', a surgeon, knowing that a particular operation is likely to cause the death of Z', who suffers under a painful complaint, but not intending to cause Z's death, and intending, in good faith Z's benefit, performs the operation on Z', with Z' consent. Why 'A' has not committed any crime?
- Q.43. What is the full meaning of the following:
(a) CIM
(b) FIR
(c) AM and JM
(d) FR.
- Q. 44. 'A' lodged a first information report of a cognizable offence at a Police Station and on the same day in connection with the same case, he also filed a complaint before the Magistrate. Should Magistrate proceed in the complaint case? If not, upto what period?
- Q. 45. When a person has been released on bail under Section 167(2), CrPC, then can a Magistrate send him under custody in a case of heinous murder? If yes, in which situation?"
- Q. 46. Under what circumstances an order of bail may be cancelled?
- Q. 47. What is the requisite eligibility of appointment for the post of a public prosecutor?
- Q. 48. Which Court can try the cases of children whom whose offence is not punishable with death or life imprisonment?
- Q. 49. Can an approver be released on bail, if when he became the approver, he was not free on bail? If yes, under what provisions of CrPC and in what circumstances?
- Q.50. When after trial, the Magistrate is of the view that 'A' had committed an offence under Section 302, IPC against a person, and he (A) is not a previous offender, then what further action should be taken by the Magistrate?
- Q. 51. Under what circumstances, the mother or the father is entitled to get monthly allowance for their maintenance under Section 125, CrPc?
- Q. 52. 'A' was tried for causing death of 'B' and he was acquitted. Whether he can again be tried for the same offence? If not, why?
- Q.53. What is meant by an interlocutory order? Whether a revision can be filed against such order?
- Q.54. How will you know whether certain offence is bailable or non-bailable?





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- Q. 55. After convicting X under Section 325, IPC, the Magistrate sentences him to undergo one year's rigorous imprisonment and a fine of rupees one hundred. In which Court, 'X' can prefer an appeal?
- Q. 56. Even after sentencing for one year's imprisonment, whether a Magistrate may suspend execution of the sentence? If it can be done, then why?
- Q. 57. Mention any two Government Scientists, whose reports can be used as an evidence in an enquiry or trial?
- Q. 58. 'A' had prepared a forged will and presented it in a civil Court, whereas the original will is with 'B'. Whether before the disposal of the civil case, 'B' can file a criminal complaint against 'A'. If not, who can present the complaint?
- Q. 59. What is meant by criminal mis-appropriation of property?
- Q. 60. Define 'criminal intimidation'?

Part 'C'

- Q. 61. Whether a Court can grant permission to an accused, who has been charged under Section 302, IPC, to compound the case, when the complainant has also no objection for compounding the offence? If not, why?
- Q. 62. In which three situations, the High Court can exercise its inherent powers?
- Q. 63. In Rajasthan how many categories of Magistrate are there? In which category the Railway Magistrates and the Magistrates of CBI cases lie?
- Q. 64. When the right of private defence of body extends to causing death? Explain by giving examples?
- Q. 65. We daily read in new papers about the communal riots and most of them happen at the time of religious festivals. Whether in the Indian Penal Code such offences have been included, in which the persons proved guilty, on being prosecuted, can live punished? Write number of the Chapter of IPC or mention its heading or write any one of such offences which has been defined.
- Q. 66. "If no link is Missing from a chain, Then conviction can be based only a the circumstantial evidence." Explain the meaning of this sentence with examples

