



Previous Year Paper

RAJASTHAN JUDICIAL SERVICE MAINS EXAM 1991

[CIVIL LAW AND PROCEEDURE]

Part 'A'

- Q. 1. What is novation of a contract?
- Q. 2. What do you understand by coercion?
- Q. 3. Distinguish between condition and warranty.
- Q. 4. Who are natural guardians of a son in Hindu Law?
- Q. 5. Decline Mutawalli.
- Q. 6. Is a contract valid without free consent ?
- Q. 7. Who is a Hindu?
- Q. 8. What is pecuniary jurisdiction of Munsif?
- Q. 9. Whether probate of a will is necessary?
- Q. 10. Whether oral Hibba of immovable property can be done?
- Q. 11. Which Court has jurisdiction to hear revision of civil cases?
- Q. 12. What is the meaning of following abbreviations?
(i) AIR or WLN
(ii) RRD or SLR.
- Q. 13. How a will is proved?
- Q. 14. Who are coparceners?
- Q. 15. Can an aged father claim maintenance?'





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- Q. 16 What is IDDAT?
- Q. 17. What do you understand by Muta?
- Q. 18. Who can give a minor child in adoption?
- Q.19. What is pious obligation?

Part 'B'

- Q.20. Can a suit be filed beyond limitation? If so, under what circumstances?
- Q.21. Who are heirs of class I in Hindu Law?
- Q. 22. How the ancestral property of a deceased Hindu be divided if he leaves a widow two sons and a daughter at the time of his death?
- Q. 23. What is prohibited degree in Hindu Law?
- Q.24. Distinguish between Libel and Slander.
- Q. 25. How a decree for injunction can be executed?
- Q. 26. How a partnership firm can be dissolved?
- Q. 27. What is the difference between examination-in-chief and cross examination?
- Q.28. What is Caveat Emptor?
- Q. 29. Under what circumstances a Muslim woman can seek divorce?
- Q. 30. Give the main sources of Hindu Law.
- Q. 31. Can a contract be made without consideration? If so, when? .





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Part 'C'

- Q. 32. Describe the facts and circumstances of any one of the following cases
Kanu Sanyal vs. State of West Bengal, AIR 1974 SC 1361; State of Rajasthan vs.
Union of India, AIR 1977 SC 1361.
- Q. 33. Define malicious prosecution and distinguish it from false imprisonment
- Q. 34. A borrowed Rs. 3000/- from B against a promissory note. He acknowledged the debt
within three years. He refused to pay his debt. B wants to sue. A. Draft a plaint
and written statement taking all possible defences.
- Q. 35. Write a judgment on the facts of the above case.
- Q. 36. What are the facts of any one of the following cases? What law has been laid
down in it? Garib Das vs. Munshi Abdul Hamid, AIR 1970 SC-1035; Maina Bibi vs.
Choudhry Vakil Ahmad, 52 AI 145.
- Q.37. Write short notes on any two of the following
(i) Powers and position of Karta
(ii) Right of Muslim woman to claim maintenance
(iii) Right of a minor in ancestral property.
- Q.38. What are easementary rights? How are they acquired?

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(CRIMINAL LAW AND PROCEDURE)

- Q. 1. What is the limit of the term for which the Court may direct the offender to be imprisoned in default of payment of fine, if the offence be punishable with imprisonment as well as fine?
- Q.2. A gives Z ten strokes with a stick. Whether A can be punished for each blow separately.
- Q. 3. What are the Chapters in the IPC which describe the offences for which enhanced punishment can be awarded after previous conviction?
- Q. 4. Z. under the influence of madness attempts to kill A. Has A the same right of private defence which he would have if Z were sane?
- Q. 5. A, a public servant, is authorised by a warrant from a Court of Justice to apprehend Z B knowing that fact and also that C is not Z, wilfully presents to A that C is Z and thereby intentionally causes A to apprehend C. What offence, if any, has been committed by B?
- Q. 6. A instigates B. a child, to put poison into the food of Z and gives him poison for the purpose. B, the child, in consequence of the instigation by mistake puts the poison into the food of Y which is by the side of that of Z. Y dies of poisoning. What offence, if any, has been committed by A and B?
- Q.7. A is a public servant. B, who is wife of A, receives a present as a motive for Soliciting A to give an office to a particular person. What offence, if any, has been committed by B?
- Q. 8. A puts jewels into a box belonging to Z with the intention that they may be found in box and that this circumstance may cause Z to be convicted of theft. What offence, if any, has been committed by A?
- Q. 9. A gives counterfeit rupees to B for goods. B receives them not knowing them to be counterfeit. B afterwards discovers that they are counterfeit and pays them away as if they were good. What offence, if any, has been committed by B?
- Q. 10. A a police officer, tortures B to induce him to point out where certain stolen property is deposited. What offence, if any, has been committed by A?





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- Q. 11. State the circumstances under which a private person may arrest another person.
- Q. 12. Whether a person can be ordered to pay maintenance to an adult son who is physically disabled and unable to maintain himself?
- Q. 13. Whether on an application in writing made by an accused person, he can be tried for more than 3 offences at one trial?
- Q. 14. Whether the offence of voluntarily causing grievous hurt can be compounded?
- Q. 15. A is travelling from Delhi to Bombay by train. During the night his suit-case is stolen. The theft is discovered at Bombay. B is caught with the stolen suit-case at Jaipur. Where B*can be tried for theft?
- Q. 16. A, an accused, while in police custody makes a confession to his relative B. Is the evidence of B admissible?
- Q. 17. B is a merchant in Calcutta. A is a merchant in Bombay. B has written letters addressed to A and receives letters purporting to be written by A. C is B's clerk, whose duty was to examine and file B's correspondence. B and C have never seen A write. Whether the opinion of B and C. On the question whether the letter is in the handwriting of A, is relevant?
- Q. 18. Can a witness be excused from answering any question up to the ground that the answer to such question will criminate such witness?
- Q. 19. When the question is whether a man is alive or dead and it is shown that he was alive within thirty years. On whom the burden lies of proving that the man is dead?
- Q. 20. Whether it is necessary to prove the signatures of a Gazetted Officer by calling him in evidence?

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Part 'B'

- Q. 21. When the right of private desecration of body and of property commences and how long it continues?
- Q.22. Write a brief note on criminal conspiracy.
- Q.23. What do you understand by unlawful assembly?
- Q.24. Whether the following statements are defamatory and whether they are covered by any exception?
(a) A says, "I think Z's evidence on that trial is so contradictory that he must be stupid or dishonest",
(b) A says. "I do not believe what Z stated at the trial because I know him to be a man without veracity".
(c) A, a shopkeeper, says to B who manages his business, "Sell nothing to Z unless he pays you ' ready money for I have no opinion of his honesty."
- Q.25. Write brief notes on the following
(a) Proclaimed offender
(b) Extra judicial confession
- Q. 26. If a Magistrate is of opinion after hearing the evidence for the prosecution and the fact is that the accused is guilty and that he ought to receive a more severe punishment than that which such Magistrate is empowered to inflict, what should be done by the Magistrate?
- Q. 27. Every criminal appeal shall finally abate on the death of the appellant'. Is there any exception to this rule?
- Q. 28. What is the period of limitation for taking cognizance of an offence if it is punishable with imprisonment for a term not exceeding one year? Does this limitation apply to Economic offences also?
- Q. 29. Decide the relevancy giving reasons.
The question is whether A robbed B.
The Facts that after B was robbed. C said in A's presence "The police are coming to look for the man who robbed B and that immediately afterwards A ran away.
- Q. 30. In the Indian Evidence Act what is meant by "refreshing memory"?
- Q.31. A and B are married on 01.01.1990. B gives birth to C on 01.05.1990. Whether





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C will be presumed to be legitimate son of A and B in these circumstances?

- Q. 32. The Manager of a Remand Home induces a woman of 25 years of age who is an intimate of the Remand Home to have sexual intercourse with him. What offence, if any, has been committed by the Manager?

Part 'C'

- Q. 33. In a criminal trial the burden of proof is always on the prosecution. Has this rule any exceptions?
- Q. 34. Hear-say evidence is not admissible. Has this rule any exceptions?
- Q. 35. What are the provisions for the benefit of first offenders and for the benefit of the accused who are below 21 years of age?
- Q. 36. Frame a charge
(a) for an offence under Section 326 read with Section 149 IPC.
(b) for an offence under Section 307 IPC...
- Q. 37. Describe the procedure to take security for keeping the peace and for good behaviour.
- Q. 38. Describe the procedure to be followed by the Magistrate where dispute concerning land or water is likely to cause breach of peace.
- Q. 39. Nothing is an offence which is done with the consent of the person concerned. What are the limitations and exceptions to this rule?

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