



## Previous Year Paper

### RAJASTHAN JUDICIAL SERVICE MAINS EXAM 2001

#### CIVIL LAW AND PROCEDURE I LAW-I

#### Part 'A'

- Q. 1. Whether rejection of a plaint comes within the ambit of a decree? Whether after such rejection, the plaintiff can file a new plaint?
- Q. 2. When an objection relating to the jurisdiction of the Court may be raised?
- Q. 3. What is meant by 'mesne profits'?
- Q. 4. When a Court should allow amendment of the pleadings?
- Q. 5. According to the Civil Procedure Code, who is 'indigent person'? Note : For the word 'pauper', now the word 'indigent' has been substituted by the Act of 1976.
- Q. 6. Define "set-off"?
- Q. 7. Generally a married Hindu husband. But, narrate the circumstances in adoption a son or a daughter?
- Q. 8. Under the Hindu Marriage Act, 1955, when a marriage is declared null and void?
- Q. 9. What do you mean by "Wakf-Alal-Aulad"?
- Q. 10. Whether a Muslim wife is entitled to donate her Mehar?
- Q. 11. Which facts need not be proved in a legal proceedings before a competent Court?
- Q. 12. On whom burden of proof lies in a suit or a legal proceeding?





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- Q. 13. Under the Arbitration and Conciliation Act, 1996, which of the acts an arbitrator is not bound to follow?
- Q. 14. Define "continuing guarantee". When can such guaranty be revoked:
- Q. 15. What do you understand by "partnership I will"?

## Part 'B'

- Q. 16. What is meant by "interpleader suit"? By whom and under what circumstances such suits can be filed?
- Q. 17. What do you understand by "judgment"? What are its subject-matters and when it is passed?
- Q. 18. What do you mean by "Sapinda relationship and how it is determined? Whether the marriage in the Sapinda relationship is valid?
- Q. 19. Who are the natural guardians of the person and property of a Hindu minor? Whether it will make any difference if the minor is illegitimate or minor?
- Q. 20. Under the Hindu Succession Act, 1956, in case of simultaneous deaths of two persons, what is the presumption for the purpose of succession of the property?
- Q. 21. To covert a proposal into a promise, it should be accepted in to and unqualified", their it is necessary that the acceptance should be expressly communicated? Whether i proposer can accede to an acceptance, which was made by a mode otherwise than a prescribed manner?
- Q. 22. What do you understand by "partnership by holding out"? What is the liability of such partner? Whether the fact of partnership by holding out must reach to the creditor who had advanced a loan to the partnership firm?
- Q. 23. What is the object of Iddat after dissolution of marriage of a Muslim Woman? What is the difference between Sunni and Shia law relating to the rules of marriage during the period of Iddat?
- Q. 24. Whether improper admission or rejection of evidence can be ground for a new trial?





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- Q. 25. A car is property of 'C' and its price is Rs. 70,000/-. 'A' promises to transfer this property to 'B' by gift and by an instrument of gift gives Rs. 1,00,000/- to 'C'. 'C' elects to retain this car with him. Determine the rights of the parties,

## Part 'C'

- Q. 26. (a) What description should be given in a plaint?  
(b) Make a draft of a (i) plaint; and (ii) written statement for malicious prosecution.
- Q. 27. (a) On the basis of pleadings of malicious prosecution, frame the issues.  
(b) Draft a judgment relating to malicious prosecution on the basis of facts enumerated in questionnaire 26(b) and the issues framed in questionnaire 27(a).
- Q. 28. (a) What do you understand by set-off and counter-claim and what is difference between them?  
(b) Narrate the properties which are not liable to attachment and sale in execution of
- Q. 29. What is meant by "burden of proof"? When burden of proof can be shifted from one party to another?
- Q. 31. (a) What are the implied conditions of a contract relating to sale of goods?  
(b) Describe the law relating to sale of goods by description or by sample.
- Q. 32. Under the Limitation Act, on what grounds a suit may be instituted after the period of limitation?

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## LAW-II (CRIMINAL LAW AND PROCEDURE)

### Parts 'A'

- Q. 1. Where and who can file an application for anticipatory bail?
- Q. 2. When a report given by a police officer becomes a complaint?
- Q. 3. What is difference between discharge and acquittal?
- Q. 4. If an accused of a murder case is running in order to evade his arrest, can a police car fire on him to effect his arrest? If yes, whether the police officer is entitled to cause death of the accused?
- Q. 5. Under what circumstances, a private person may arrest any other person?
- Q. 6. When there is any error or omission in stating either the offence or the particulars required to be stated in the charge, then what will be its effect?
- Q. 7. How a "person" has been defined in the Indian Penal Code?
- Q. 8. When any act causes very slight or trifling harm to another person, why such act is not an offence?
- Q. 9. 'A' instigates 'B' to commit murder of 'C', whereas 'B' refuses to do so. Whether A has committed any offence?
- Q. 10. 'A' commits sexual intercourse on his wife 'B', aged 16 years, without her consent. Whether the accused is guilty of rape?
- Q. 11. When robbery becomes a dacoity?
- Q. 12. 'A' enters the residential house of 'B' without his permission for giving invitation card to him. Whether 'a' has committed any offence? If yes, what offence?
- Q. 13. When the previous bad character of accused person in criminal proceedings becomes relevant?
- Q. 14. What is meant by 'leading question'? Whether leading questions can be asked in re-examination?







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- Q. 15. 'A', a husband, makes a confession of having committed murder of 'C' before his wife 'B', relating to which, 'A' is being prosecuted. In the criminal proceeding, 'B' gives evidence regarding the confession made by her husband 'A'. Whether relating to the confession of 'A', evidence of 'B' is admissible?
- Q. 16. When the public is bound to assist Magistrate and Police?
- Q. 17. When a Police Officer can arrest without order or warrant ?
- Q. 18. Except the cases of conviction, under what circumstances, by whom and against [Section 41] whom, order may be passed for keeping peace and executing the bond, with or without sureties?
- Q. 19. In which matters, an accused is entitled to get legal aid at the State-expenses?
- Q. 20. When the right of private defence of property extends to causing death?
- Q. 21. While returning from the office, when 'A and 'B' heard that Smt. Indira Gandhi been killed, they cried. "Khalistan Zindabad" (Slogan). Whether they had committed offence of sedition?
- Q. 22. 'A' allows his friend 'C' to commit sexual intercourse on his (A's) wife 'B' without her consent. What offence has been committed by 'A'?
- Q. 23. 'B' had invited 'A' at his farm-house for dinner. After taking dinner, 'A' removed the spoon of gold from the dining table and kept it under the carpet with such intention that after sometime, while returning, 'A' would carry that spoon with him. For what offence is 'A' liable?
- Q. 24. What is difference between "disproved" and "not proved" according to the Indian Evidence Act?
- Q. 25. Who are competent to give evidence? Whether dumb and blind person comes within the ambit of a competent witness?

## Part 'C

- Q. 26. 'A', a youth, develops his intimacy with a minor girl 'B'. Parents of 'B' send her away. 'B', by a telephonic communication, asks 'A' to reach at the waiting room



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of the railway station and to save her from her parents. 'A' meets 'B' in the aforesaid waiting room. For sometime, they live together. Whether 'A' kidnapped 'B' from the lawful guardianship of her parents? Give answer with reasons.

- Q. 27. 'A' apprehends that 'B' may cause his death by magic. In order to save himself the effect of magic, 'A' causes death of 'B'. Whether 'A' has committed any offence? If yes, which offence? Explain, giving reasons.
- Q. 28. What is meant by cross-examination? What are its objects? Whether a party can cross-examine his own witness? If yes, under what circumstances?
- Q. 29. 'A', who is in custody in a case for causing murder of 'B', writes a letter to his mother. On the request of 'A', a police guard promises 'A' that he will drop letter of 'A' in the post-box. But, he in place of dropping it in the post-box, gives that letter to the Public Prosecutor. The Public Prosecutor presents that letter in the Court, in which confession of 'A' relating to causing murder of 'B' by 'A' was written. Explain, giving reasons, whether this confession is admissible in evidence?
- Q. 30. When and who can withdraw the prosecution of criminal cases? Explain, giving illustrations.
- Q. 31. Charge against 'A' is that on the request of 'D', he had cut the hand of 'D' and caused grievous hurt to him, so that 'D' may get benefit of the aid which is being given to disable person. Keeping in view the above facts and circumstances, prepare a draft of the application for the bail of 'A'.
- Q. 32. 'A' invites 'B' at his residential house and makes him to drink wine, and thereby 'B' is intoxicated. With intention to kill 'B', 'A' attacks 'B' with a sharp-edged weapon, so that 'A' can usurp the property of 'B'. But 'E', 'C' and 'D' come there to save 'B'. 'C' wants to file a first information report before the competent police station. You are asked to prepare its draft.

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