



 **Previous Year Paper**

U.P. Judicial Service Civil Judge Main Examination, 1985
PAPER – I {LANGUAGE}

1. Translate into simple language spoken in courts, in Devanagari Script.

On 11th of November 1983, at about 4 P.M. Sri Dharam Singh, aged 35 years, a well-to-do businessman died in a road accident. He was crushed under the wheels of a U.P. Roadways Bus on the crossing of Stanley Road and Muir Vandana filed a claim before the Claims Tribunal for Rs. two lakhs as compensation for the loss suffered by them. The allegation made by them in the claim petition, briefly stated. Was that the accident took place as a result of the rash and negligent driving by the bus-driver. Who was driving the vehicle at the (time of the accident. Besides the bus-driver, the Regional Manager, Roadways, Allahabad and the General Manager Roadways, U.P. were impleaded as opposite parties.

The petition was opposed on behalf of the opposite parties. In the written statement filed by them it was not denied that the accident culminating in the death of Dharam Singh took place with the Roadways bus driven by the driver. It was however, pleaded that the accident took place as the result of the negligence of the deceased himself, and not on account of the negligence of the driver. It was also pleaded that petition was not maintainable against the General Manager, Roadways U.P., because the vehicle did not belong to him and, as such he was not liable to pay any compensation. Moreover, the bus-driver was taking the vehicle on its daily scheduled route and had slowed down the bus on the crossing and had blown the horn twice before actually reaching the crossing. If in spite of, all this precaution on the part of the driver, the accident took place, he could not be held responsible. It was also pleaded that the accident took place as the deceased ignored all the warnings given by the driver, dashed against the rear wheel of the vehicle, and was himself negligent.



U.P. Judicial Service Civil Judge Main Examination, 1985
PAPER – II {GENERAL KNOWLEDGE}

Notes:

- Candidates should attempt all questions.
- Marks carried by each question are indicated at its end.

1.

- (a) What latest steps have been taken by the Indian Parliament to check political defections? Discuss with reference to the relevant legislation as to how far the steps will be effective in checking defections? 10
- (b) Which States of India comprise if bicameral legislature? In which State this year the legislative council has been abolished? What steps were taken by the legislative assembly of the State and the parliament in this regard? 8
- (c) What law the parliament had made for the early disposal of service matters of public servants? How the cases of the public servants pending before various courts will be disposed off after the enforcement of the law? 7

2.

- (a) What are the main features of 'Punjab Accord? How far has it succeeded in restoring peace and order in the State? 10
- (b) On what basis the electoral rools for the forthcoming election in Assam have been prepared? What steps are being taken by the Government of India to check infiltration of foreigners? How can this infiltration be stopped in you opinion? 8
- (c) Is it desirable to have the government of one party both at the Centre and the States for sound and healthy democracy? Discuss with reasons. 7

3.

- (a) "The Tamil problem of Sri Lanka has become a head ache for India." Expressing you views on the remarked well upon the steps taken by the Government of India to solve the problem? Will the advocacy by India to protect the Tamil interest in Sri Lanka amount to interference in the internal affairs of the country? Discuss with reasons. 10
- (b) What do you understand by Third World'? How far the non-aligned movement has presently affected the world politics? Express you views. 8
- (c) "The apartheid policy of South Africa is posing a Challenge of the very existence of the United Nations Organisation". How far do you agree with the view? Discuss with reasons. 7



4.

- (a) It is said that the present system of administration of justice in India being costly and complicated is getting beyond the reach of common man. What reforms do you suggest to achieve cheap and speedy justice? 10
- (b) "Public interest litigation" is a new experiment in the Indian Courts. How the Courts have enforced it? Discuss with examples. 8
- (c) What is the jurisdiction of Nyay Panchayats' in Uttar Pradesh? Are these Panchayats playing their effective roles? What are your proposals for making them more effective? 7

5.

- (a) Where is the seat of High Court in Uttar Pradesh? Is there any bench also? Whether more benches should be established in view of the size, population and other circumstances of the State? Discuss with reason. 10
- (b) What is the present sanctioned strength of Supreme Court Judges? Whether any increase is proposed in it? Discuss with reasons whether it should have other benches also? 8
- (c) The demand for establishing the courts at the Tehsil headquarters after decentralisation of district courts is being often made. What will be its advantages? What will be the difficulties in implementing it? Express your views.

6. Describe the facts and law laid down in the following Supreme Court cases-

- (a) Mohammad Ahmad Khan vs. Shat Bano and others, A.I.R. 1985 SC 945. 13
- (b) Pratibha Rani vs. Suraj Kumar and another A.I.R. 1985 SC 628. 12



U.P. Judicial Service Civil Judge Main Examination, 1985
LAW PAPER – I {SUBSTANTIVE LAW}

Note:

- Candidates should attempt question Nos. 1 and 6 not more than four of remaining questions.
- Marks carried by each question are given at its end.

- 1.**
- (a) "When an act is a tort, the defter dart must be held responsible for all consequences of the act, whether he could have reasonably anticipated them or not." Comment. 15
- (b) To what extent is a Muslim husband bound to maintain his wife? Explain. 15
- (c) What constitute coparcenary property? Explain. 10
- 2.**
- (a) Define constructive trust and explain how creation of it is recognised under Indian Trusts Act. 15
- (b) "The remedies for non-performance of duties are either compensatory or specific." Explain the statements briefly in the context of specific reliefs available under the Specific Relief Act. 15
- (c) Explain with illustrations 'constructive notice' under Transfer of Property Act. 10
- 3.** Define proper dower, prompt dower and deferred dower. Discuss the nature of the right of dower and explain when a widow can retain possession of her husband's property in lieu of dower. 30
- 4.** Analyse meanings of 'cruelty' and 'desertion' under the Hindu Marriage Act. 30
- 5.**
- (a) How are heirs classified under Hanafi Law and Shia Law in case of intestate succession. 15
- (b) What are the grounds of exclusion from inheritance under the Hindu Succession Act? Can a lunatic inherit property. 15
- 6.**
- (a) Discuss the doctrine of 'consideration' under the Indian Contract Act. 15



(b) A made a contract in the month of June 1985 with B for supplying a machine for Twenty Thousand Rupees by December 1985. The company which manufactured such machines temporarily stopped the production in the month of November 1985, but the machine is available in black market for Sixty Thousand Rupees. Can A resend this contract? Explain.

15

7.
(a) Define the principle of 'negligence' and 'strict liability.'

15

(b) Explain the importance of the case *Donoghue v. Stevenson* in making extension of the tort of negligence.

15

8.
(a) Explain the effect of mistake, misrepresentation and undue influence respectively on the validity of an agreement.

15

(b) A and B manufacture a cloth from an artificial yarn made only by C in India D also starts manufacturing cloth from this artificial yarn of C. With the object of stopping such manufacture by D, a contract is made by A and B with C under which they will purchase all the artificial yarn made by C during next five years. Can D sue A, B and C for any tort committed by them?

15

9.
(a) What is equity of redemption? Can' this right be validly curtailed under the Transfer of Property Act?

15

(b) Discuss the legal rights of mortgagee who makes improve-mints in the mortgaged property.

15

10.
(a) A transfers his property to B for thirty years and the property which will remain thereafter to the eldest son of C, unborn at the time transfer. Is the transfer in favour of the said son of C legal?

15

(b) Write a note on 'the right of following the trust fund.'

15





U.P. Judicial Service Civil Judge Main Examination, 1985
LAW PAPER – II {PROCEDURE & EVIDENCE}

Note:

- Attempt five questions only. Question number 1 is compulsory.
- Candidates should attempt four more questions from Groups A, B and C of which at least one question should be attempted from each group.
- Marks carried by each question or part thereof are indicated.

1.

- (a) Draft a plaint, giving details, in suit for recovery of damages for injuries caused by negligent driving of car. 20
- (b) Draft a written statement in the suit mentioned in above. 20
- (c) Frame issues on the pleading a forementioned. 20

Or

Write judgment convicting the accused for offence under Section 304-A Indian Penal Code (causing death of a person by rash or negligent driving of his car his act not amounting to culpable homicide) after framing appropriate charge for the offence.

56

GROUP-A

2.

- (a) What facts are essential in a notice under Section 80 Civil Procedure Code? What will be the effect upon the suits against the Central Government, the State Government or their officers, if the said notice is not given? 12
- (b) When can auction sale of immovable property in execution of a decree be set aside? Who can get in set aside. 12
- (c) What is representative suit? By whom and under what circumstances can such a suit be filed? 12

3.

- (a) Discuss the provisions of the Civil Procedure Code regarding the issue of Commission. Illustrate your answer. 24
- (b) What is a foreign judgment? Under what circumstances is it conclusive? 12

4.

- (a) What is an interpleader suit? When and by whom can it be filed? 24
- (b) What are the modes of effecting service of summons on the defendants? 12



- (c) What errors in a judgement, decree or order can be corrected by the court after signing and pronouncing the same with our there being an application made for review? 12

GROUP-B

5. Give a brief account of the procedure to be adopted under Section 145 Code of Criminal Procedure regarding the disputes relating to immovable property. 36

6. (a) Give a brief account of the procedure to be observe by the Magistrate in the trial of summons case. 12

- (b) Who can withdraw the complaint and what is its effect? 12

- (c) In the trial of warrant case proceedings have been instituted upon complaint. On the date fixed for the hearing, the complainant remains absent. What order can be passed by the Magistrate? 12

GROUP-C

7. (a) Discuss fully the evidentiary value of retracted confession. Illustrate your answer. 24

- (b) Stolen or looted goods are recovered from the possession of the accused just after a few days of the theft / dacoity. What presumptions, if any, can be made against him? 12

8. (a) What are the powers of the court to put questions to a witness? Is there any limitation on the use of these answers? 12

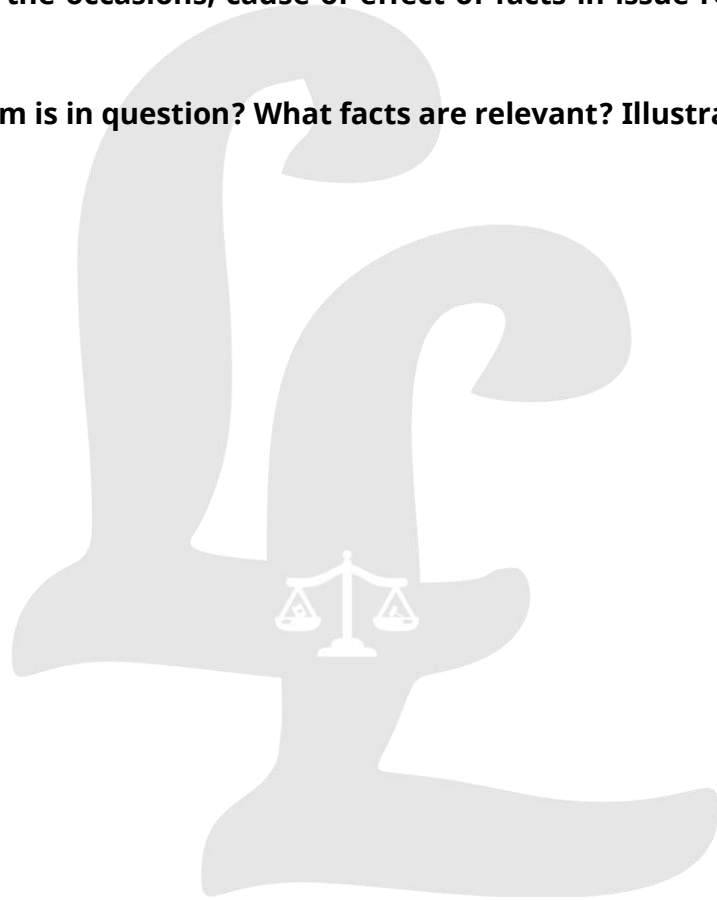
- (b) A intentionally and falsely leads B to believe that certain land belongs to A and there by induces B to buy and pay for it. The land after wards becomes the property of A. A seeks to set aside the sale on the ground that at the time of sale he had no title. Can he do so? Give reasons for your answer. 12

- (c) A agrees to sell to B for Rs. 1,000/- "my white horse". A has two white horses. Can evidence be given to show which of the horses was meant? 12





- 9.**
- (a) What is dying declaration? Discuss fully its evidentiary value. Can an accused be convicted on the basis of dying declaration alone? Cite case law. 24
- (b) A is tried for the murder of B. Are the facts that A murdered C, that B knew that A had murdered C, that B had tried to extract money from A by threatening to make the knowledge public, relevant? Give reasons of your answer. 12
- 10.**
- (a) When are the opinions of experts relevant? What is their evidentiary value? Discuss. 12
- (b) Are facts which are the occasions, cause of effect of facts in issue relevant? Illustrate your answer. 12
- (c) When right or custom is in question? What facts are relevant? Illustrate your answer. 12





U.P. Judicial Service Civil Judge Main Examination, 1985
LAW PAPER – III {REVENUE & CRIMINAL}

Note:

- Candidates should answer six questions. Question Nos. 1 and 6 are compulsory and three questions must be from each group 'A' and 'B'. Marks carried by each question are indicated at its end.
- In Group 'A', Act means UP. Zamindari Abolition and Land Reforms Act.

- 1.**
- (a) A certain plot lay within the jurisdiction of a Gaon Sbha, which filed a suit for its possession. During appeal notification was issued and that plot become a part of town area. Discuss the respective right of the Gaon Sabha and the town area regarding the transferred plot. 40
- 2.** Write short notes on any five of the following:
- (a) Estate 6
- (b) Fragment 6
- (c) Village 6
- (d) Date of setting 6
- (e) Void transfers 6
- (f) Abandonment 6
- 3.** The concept of 'Birth-right' and 'limited interest' is unknown of the Zamindari law of succession. Amplify. 30
- 4.** Describe the procedure for recovery of arrears of land-revenue and distinguish it from the procedure laid down for a recovery of money which may be recoverable as an arrear land-revenue. 30
- 5.**
- (a) Can a foreign national acquire agricultural land in Uttar-Pradesh? 15
- (b) A registered Co-operative Society has Indian and foreign Nationals as its members. It purchases 15 acres of land. Discuss its validity. 15





GROUP - B

- 6. Distinguish with illustrations between the following:** **40**
- (a) Kidnapping and abduction
- (b) Attempt to murder and attempt of commit culpable homicide.
- (c) House - trespass and house breaking
- (d) Dishonest misappropriation of property and criminal breach of trust.
- 7. Write short notes on any three of the following:**
- (a) "Criminal Conspiracy" **10**
- (b) "Public servant" **10**
- (c) "to counterfeit" **10**
- (d) "Unlawful assembly" **10**
- 8.**
- (a) What is abetment? What are the various methods by which abetments possible? **10**
- (b) A instigates B to burn C's house. B sets fire to the house and at the same time commits theft of property there. What offences have A and B committed? Discuss. **10**
- (c) A instigates B to give false evidence. B does not give false evidence. Has A committed any offence? Discuss. **10**
- 9.**
- (a) Under what circumstances 'theft' and 'extortion' is robbery? **10**
- (b) A obtains property from B, by saying 'Your child is in the hands of my gang, and will be put to death unless you sent us ten thousand rupees.' What offence has been committed by 'A'. **10**
- (c) A finds a ring lying on the highway. A retains the same with him. What offence, if any, has been committed by A? **10**
- 10.**
- (a) Discuss the law relating of 'Rape' as laid down in the Indian Penal Code. **15**
- (b) A Superintendent of Girl's Hostels commits sexual intercourse in the night with an adult inmate of the Hostel. State offence, if any, has been committed by the superintendent of the Hostel? **15**

