



 **Previous Year Paper**

U.P. Judicial Service Civil Judge Main Examination, 1987
PAPER - I {LANGUAGE}

1. Translate into simple court language and record it in Devanagari Script.

In a suit for accounts, the plaintiff has, to a certain. Extent been given the liberty to pay court fee on the amount at which he valued the relief in the plaint, but this discretion is not absolute. He is required to value the suit according the approximate sum due to him.

It is not open to him to arbitrarily value the relief claimed by him and to pay court fee only on such amount. If the court can discover from the plaint or material furnished by the plaintiff that the valuation given by him is unacceptable, being inaccurate and arbitrary, the court has the power to direct the plaintiff to amend his plaint or take the risk of its being rejected in the event of non-compliance.

The principle is that, ordinarily, the valuation given by the plaintiff has to be accepted and it is not open to the court to enter into a detailed enquiry at the intial stage on the basis of the pleas of the parties. It is the function of the suit is correct or incorrect not only on the basis of allegations contained in the plaint, but, also taking into account other materials furnished by the plaintiff himself at the stage when the preliminary question, comes up for consideration as to whether the suit is under-valued or not and whether the court fee paid is sufficient of insufficient. If the court arrives at the conclusion that the valuation disclosed in the plaint is incorrect and arbitrary, it becomes the duty to hold so and direct the plaintiff to amend the plaint accordingly.





U.P. Judicial Service Civil Judge Main Examination, 1987
PAPER – II {GENERAL KNOWLEDGE}

Notes:

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

1.

- (a) Write the preamble of the Constitution of India. What amendments has been carried out by the 42nd Constitution Amendment Act. 15
- (b) Write 10 (ten) Directive Principle of State Policy given in the Constitution of India. 15

2.

- (a) Write in brief about the role of Indian Peace Keeping Force in Sri Lanka. 15
- (b) Write in brief about the Indo-Sri Lanka Agreement relating to the problem to Tamil origin inhabitants of Sri Lanka. 15

3.

- (a) How could the State Government of Rajasthan check glorification of the incident of Sati by Smt. Roopkunwar in Deorala (Rajasthan)? 15
- (b) What legal steps to prevent Sati in future have been taken by the government? Are 15 the same Sufficient? In your opinion. What? 15

4.

- (a) Describe in brief about the coup in Fiji by Col. Robuka and Subsequent events thereafter. 15
- (b) What new taxes have been imposed by the Union Government to finance flood and drought relief operations. 15

5. Please narrate briefly the facts and principles laid down if following decisions:

- (a) "Mohammed Mumtaj v. Smt. Nandini Satpathi" (A.I.R., 1987, Supreme Court 863) 10
- (b) "Dr. Smt. Vijay Manohar Arbat v. Kashirao Rajaram Sawai" (A.I.R., 1981, Supreme Court 1100) 10
- (c) "Daya Shanker v. The High Cour of Allahabad" (A. I. R. 1987, Supreme Court 1469) 10





U.P. Judicial Service Civil Judge Main Examination, 1987
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) "The Distinction between 'void' and 'illegal'. Agreements under Indian Contract Act is clear and logical." Explain referring to the provisions of the Act. 15
- (b) "It will not be just to hold a person responsible for all kinds of consequences resulting from a tort committed by him." Explain referring to leading decided cases. 15
- (c) Specify the status of a Hindu woman in regard to her rights in Hindu joint family properties at present. 10

2.

- (a) "Protection of the interest of beneficiary is the prime concern of the law of trust." Discuss. 15
- (b) "Justice demands that a person wrongfully dispossessed of property should recover it." Explain how Specific Relief Act is operating for this purpose. 15
- (c) Examine the conditions for which a Muslim woman 'prejudiced by marriage' can get divorce from her husband. 10

3.

Discuss the liabilities of joint tort-feasors and explain if a right mutual contribution or indemnity is available to them. Refer to the difference between English and Indian law of the subject, if any. 30

4.

- (a) Explain clearly the essentials elements of 'wagering contract.' How is it different from speculative transactions? Explain with illustrations, Are both of these valid under the law of contract? 15
- (b) The workers of a factory go on strike. The manager of the factory announced that additional payments will be made to such workers who will continue to work during strike period. When the strike ended, the manager refused to make additional payments to such workers. If there are any remedies for such workers in the Indian Contract Act, State them clearly. 15



- 5.**
- (a) Discuss the status of a son adopted by a Hindu widow after the enactment of 1956, particularly with reference to ancestral properties of the deceased husband of the widow 29%. 30
- (b) Examine the scope of the benefits conferred on Hindu woman by section 14 of the Hindu Succession Act. Refer to decided cases. 15
- 6.**
- (a) Discuss the position of relictaries (asabat) in Hanafi and Shia laws of Muslim inheritance. 15
- (b) "Where there is no gift but only a direction to transfer from and after a given event, the vesting will be postponed till after that event has happened." Are there any exceptions of this rule? Explain. 15
- 7.**
- (a) Critically examine the relation of partners with third parties. Can a firm be liable for wrongful acts of a partner? Refer to decided cases. 15
- (b) Determine the scope of implied authority of a partner.
A partner of a firm of solicitors borrows rupees five thousand in the name of the firm. Will it be a valid act within his implied authority? 15
- 8.**
- (a) What do you understand by obligations in the nature of a trust? Examine those different methods by which an obligation in the nature of trust may be created. 15
- (b) 'S' bequeaths whole of his property to his wife by will expressing his faith that when she will not require this property she will distribute the property among their children. Has a valid trust been created by the will? 15
- 9.**
- (a) S mortgages two properties K and Kh to A. Subsequently S again mortgage the property K to D. In enforcement of his mortgage D brings the property K to sale and purchase it himself. Discuss the rights of A to realise his money from properties K and KH. 20
- (b) Analyse briefly the law relating to fraudulent transfers. 10
- 10.** Discuss the doctrines of part-performance and equitable. 30





U.P. Judicial Service Civil Judge Main Examination, 1987
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 either claiming damages for malicious prosecution or for specific performance of contract. 20
- (b) Draft a written statement in the suit mentioned in above. 20
- (c) Frame issues on the pleading a forementioned. 16

GROUP - A

2.

- (a) Explain the scope of examination-in-chief, cross examination and re-examination under the Indian Evidence Act. State briefly their objects. 20
- (b) Write short notes on any four of the following: 16
- (i) Hearsay evidence
 - (ii) Hostile witness
 - (iii) Leading question
 - (iv) Set off
 - (v) Confession made in police custody.

3.

- (a) How is the disputed handwriting of a person proved? Examine admissibility of the evidence of a hand-writing expert? 20
- (b) Explain 'Secondary evidence'. Discuss the circumstances in which it is admissible. 16

4.

- (a) Who is an accomplice? Under what circumstances a conviction can be based on the testimony of an accomplice? 20



- (b) 'When the parties have led evidence and relevant facts are before the court and all that remains for decision is what inference is to be drawn from them, the question of burden of proof is not material.' Comment. What do you mean by burden of proof? On whom does the burden of proof lie in civil and criminal cases? 16

GROUP-B

- 5.**
(a) Discuss the provisions of the Civil Procedure Code with regard to: 24
- (i) Suits against the Government and its officials.
 - (ii) Suits relating to public nuisance.

- (b) What is meant by the decree? Distinguish between preliminary decree and final decree? 12

- 6.**
(a) State the provisions which govern the determination of the place of suing. 20

- (b) In the following cases determine the place of the case: 16
- (i) A, B and C jointly take a loan from D at Varanasi on a promissory note. D lives in Lucknow. A, B and C reside in Faizabad, Varanasi and Kanpur respectively.
 - (ii) A residing in Delhi, publishes a defamatory statement about B in Calcutta. B is resident of Patna.

- 7.**
(a) What do you understand by inherent jurisdiction of Civil Court? 18

- (b) Discuss fully whether in the following cases the court has inherent powers: 18
- (i) To order joint trial of suits
 - (ii) To correct its own mistake
 - (iii) To set aside an exparte decree.

GROUP-C

- 8.**
(a) Narrate in brief the principles regarding grant of bail in criminal cases. Can a bail be claimed as a matter of right? 20

- (b) Under what circumstances a bail can be rejected or cancelled? Illustrate your answer.





16

9.

(a) What do you understand by 'summary trial'. What offences may be tried summarily and by whom?

24

(b) In What circumstances may a police officer arrest a person without an order from a magistrate an other than a police officer in any circumstances? Explain and illustrate.

12

10.

(a) Illustrate and distinguish between:

20

(i) Cognizable offence and non-cognizable offence.

(ii) Bailable and non-bailable offence.

(iii) Summons case and warrant case.

(iv) Enquiry and trial.

(b) Examine the statement "There are some questions which a witness cannot be compelled to answer, there are also questions which a witness cannot be permitted to answer." Illustrate your answer suitably.

16





U.P. Judicial Service Civil Judge Main Examination, 1987
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.

GROUP - A

- 1.**
- (a) State the ground on which a Bhumidhar and an Asami can be ejected from his holding and mention the procedure to be following for and consequence flowing from such ejection. 20
- (b) What procedure is laid down under Z.A. & L.R. Act for the ejection of persons occupying land without title? What will be the consequence of failure to evict such persons? 20
- 2.** Mention the restrictions imposed by the Z. A & L. R. Act on transfer of agricultural land in Uttar Pradesh. What are the consequences if the transfer is made in contravention of the provisions of the above Act? 30
- 3.**
- (a) Discuss the procedure for the recovery of land revenue. What property can be attached for this purpose? 15
- (b) In what manner and by whom is land revenue determined? 15
- 4.** Examine the provision of the Z.A. & L.R. Act relating to succession of agricultural land and suggest in what respect they need modification. 30
- 5.** Write short notes on any three of the following: 50
- (a) Abandonment
- (b) Date of vesting
- (c) Estate
- (d) Land Management Committee
- (e) Rights and liabilities of an Asami



GROUP-B

- 6.**
- (a) What are ingredients of the offence theft? Explain and illustrate. 20
- (b) 'A' intending to commit theft, enters the house of 'B' at night and removes from one of the courtyard where he opens it. He does not find in the box anything worth taking and leaving it there goes away. Did 'A' commit any offence? If yes, what offence? 20
- 7.**
- (a) Discuss liability founded on common intention and that founded on common object under the Indian Penal Code. 15
- (b) On receiving consideration of Rs. 10,000/- 'A' agrees to supply 'B' with tools so that he could derail a Calcutta bound train. 'A' supplied the tools to 'B'. Has 'A' committed any offences? 15
- 8.**
- (a) Explain right of private defence in respect of body stating the circumstances when it extends to causing to death of the aggressor. 15
- (b) 'A' thief enters 'B's house and opens his safe 'B' raise an alarm and the thief beats a retreat. While the thief is still in the house. 'B' fires at him and kills him what offence has been committed by 'B'? 15
- 9.**
- (a) How does abduction differ from kidnapping. Explain with suitable illustrations. 15
- (b) 'A' aims a knife at 'B' and tells 'C' that he will kill 'B' her son, if she does not deliver her gold chain to him 'C' gives away the chain to 'A'. What offence, if any, has 'A' committed? Give reasons for your answer. 15
- 10.**
- (a) Discuss "attempt" to commit an offence and distinguish "attempt" for "preparation" to commit offence. To what extent are the punishable? 15
- (b) Amar drew a loaded revolver completely from his pocket but his arm was seized by Balwant before Amar could take any aim at Balwant before struggling Amar said several times to Balwant, "I will kill you" but he could not press the trigger of the revolver. Can Amar be convicted for attempt to murder? Give reasons for your answer. 15

