



 **Previous Year Paper**

U.P. Judicial Service Civil Judge Main Examination, 1988
PAPER – I {LANGUAGE}

Notes:

- All Questions are compulsory.
- Marks are allotted against each question.
- Word limit in questions, wherever specified, should be adhered to.

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

The learned counsel for the appellant has urged that as the alleged extra judicial confession was handed over to the police along with the appellant it must be deemed to be a confession made to a police officer and as such inadmissible in evidence. Alternatively it is submitted that in all probability the confession of the various process of circumstantial evidence in order to lend assurance to their story. It is there fore neither true nor voluntary and cannot be taken into account against the appellant.

There is no substance in those contentions. If the police had already laid their hands on the various links of the chain of the incriminating circumstances there was no point in their trying to obtain an extra judicial confession by force from the appellant. The links already discovered were enough to prove his guilt. A a matter of fact it was the extra judicial confession made by the appellant giving the various details of the commission of the crime which led the police on the right track and enabled them to discover the various links of the chain. This confession was made by the appellant not to the police, but to the witnesses at Agra and simply because a record of his statement was handed over to the police will not make it inadmissible in evidence.

The evidence of Ram Charan and Sita Ram shows that the confession was made by the appellant voluntarily in response to question by Ram Charan as to what he had done with the diceased and his goods and that no pressure was exercised on his for obtaining that confession. The confessional statement of the appellant finds corroboration from the various recoveries made at his instance. It is therefore obvious that the extra judicial confession is not only voluntary but also represents truth.





U.P. Judicial Service Civil Judge Main Examination, 1988
PAPER – II {GENERAL KNOWLEDGE}

Notes:

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

- 1.** Whether the Governor's post is dependent on the pleasure of the President? What rule given by the Supreme Court on the constitutional position on this question in A.I.R. 1979 SC 1109 (Hargovind v. Raghukul Tilak)
- 2.**
 - (a)** Is there any difference between "Right to information" and "Right to be informed". Does Act 21 of the Constitution contain any provision in this regard?
 - (b)** Whether Official Secrets Act should be repealed?
- 3.**
 - (a)** What has been the impact of Gorbachev's perestroika on East European countries in general and East Germany and Lithuania in particular?
 - (b)** Has it been able to end the cold war in the world?
- 4.**
 - (a)** "Art. 370 of the Constitution is not a hindrance to the emotional integration of SKashmir with the rest of India." Comment.
 - (b)** Is Shimla Accord till an answer to the Kashmir problem in the present scenario?
- 5.** Narrate briefly the facts and principles laid down in the following cases:
 - (a)** "Gaurav Jain v. Union of India" A.I.R. 1990 SC 292.
 - (b)** "Saheli a Women's Resource Centre v. Commr. of Police Delhi", A.I.R. 1990 SC 513.





U.P. Judicial Service Civil Judge Main Examination, 1988
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. The defendant Ram Charan Ram Gopal entered into 5 contracts with the plaintiff under which it undertook to supply to the plaintiff 184 bales of specified cloth manufactured by the New Victoria Mills Kanpur and Raza Textile Mills Kanpur as soon as prepared by the Mills. There was no clause in the agreements that the supply would depend on the delivery of the goods from the Mills. When the remaining 61 bales were not supplied, the plaintiff gave notice but the defendant failed to reply and did not even supply the goods. The main plea in the suit was that the goods were not delivered by the Mills and the performance of the contract was not possible due to circumstances beyond its control.
 - (a) Write down your doctrine giving reasons.
 - (b) Explain 'the doctrine of frustration' according to the contract Act giving two proper illustrations.
2. Define the terms "bailment", "bailor" and "bailee" giving illustrations. What is the kind of care expected from the bailee according to Section 151 of the Contract Act. The defendant Ram Sarup betel-seller to the plaintiff Sunder Lal's wooden shop on rent and despite the tenant's prudent care, the rioters set fire to the shop and destroyed it and the defendant, according to the terms of the agreement failed to "return the same in the same condition," Whether the defendant as its bailee is liable to make good the loss and pay damages to the plaintiff?
3. "He who seeks equity must do equity." Comment giving illustrations with reference to the Contract Act, Specific Relief Act, Transfer of Property Act and Trust Act.
4.
 - (a) What is customary easement? It is easier to assert but difficult to prove the same. Write down the main ingredients to establish such an easement.
 - (b) Distinguish between easement of necessity and quasi easements.
5. "Let a damsel wait for 3 years from the appearance of her first menstruation and after that time let her choose for herself and marry a husband equal to herself in qualifications i.e., suitable to her" (Manu Smriti). The Indian society and our Parliament in order to prevent early marriages, infantile mortality and weaklings from premature death, prescribed the age for the bride and the groom. Give the age prescribed for marriage under the Hindu Marriage Act and the other changes affected by the Hindu Marriage Act.



6. The real brothers Hukum Singh and Sukhram and Sukhhram's son Chhida constituted a joint Hindu family governed by the Benares school of Mitaksnara law under which a coparcener without obtaining the consent of the other coparceners was not competent to sell his undivided shares for his own benefit. Hukum Singh died in the year 1952 and his wodon Shrimati Kishan Devi on 15.11.1956 sold 1/2 share in the family house and shop of Gauri Shanker Sukhram and Chhida filed a suit which was contested up to the Supreme Court of India (Appeal No. 21 of 1965).
- Whether the Sale Deed is liable to be cancelled.
 - Whether the Hindu widow's right in the property of the joint Hindu family became larger than her deceased husband.
 - Whether Krishan Devi continue to have only a limited interest.
 - Whether the Hindu widow Kirshan Devi had already become absolute owner.
7. The plaintiff Allahabad Khan failed to establish his paternity from Mr. Gulam Ghaus Khan though it was his alternative assertion that Mr. Ghulam Ghasu Khan used to call him his son and treat him as such and the Full Bench of the Allahabad High Court in 1888 propounded the rule of the acknowledgement of legitimacy, Throw light on the conditions of valid acknowledgement.
- Or
- "Marriage (in Islam is not regarded as a mere civil contract, but a religious sacrament (too)" - Mr. Justice Shah Sulaiman. Learned Abdur Rahim has also thrown light and now please comment giving the legal effects of a valid marriage.
8. Two brothers Lalmani and Kailashmani constituted a partnership in which Kailashmani alone used to do work, execute contracts and transact loans and he borrowed money on promote from Gopal Sah.--(a) whether decree can also be passed in the suit based on the promote against Lalmani also because promote money was utilised in the partnership, (b) State those acts of a Partner which bind he firm ?
- 9.
- Explain the rule of nemo dat quod non habet, no person can convey a better title than he himself has in the property and discuss the various exceptions to the rule adding illustrations.
 - B buys from A, a Carpenter, a table for Rs. 200 and pays the amount. He informs A that he will take it after ten days. A thereafter sells the table to C who received the same in good faith and pays for the same without having any knowledge of the previous sale to B. B files a suit against A and C. Decide.
10. Explain and illustrate any three of the following-
- Joint tort feasons and contributions between them
 - Estoppel
 - Profit a pendre
 - Partnership at will
 - Doctrine of cypres



U.P. Judicial Service Civil Judge Main Examination, 1988
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 in a suit in which a demand has been made by the landlord against a tenant for arrears of rent in respect of residential house and for the tenant's ejection therefrom on the ground that the tenancy which was from month to month has been terminated by a notice for ejection given by the landlord.
- (b) Draft a written statement in reply to the suit mentioned in question No. 1(a).
- (c) Frame issues on the aforesaid pleadings in question No. 1 (a) and (b).

Or

- (a) Write a judgement convicting accused A and B under section 302/34 IPC. '
- (b) Draft a charge of the above offence.

GROUP - A

2.

- (a) When a witness is cross-examined what other questions can be asked in addition to the questions relating to the incident.
- (b) How would the court decide that a particular question is proper or improper.
- (c) A woman prosecutes a man for picking her pocket. Can this question that she had given birth to an illegitimate child ten years before be asked.

3.

- (a) When does a confession become irrelevant.
- (b) A and B are jointly tried for the murder of C. It is proved that A said "B and I murdered C". Can the court consider the effect of this confession as against B.
- (c) A prosecute B for Adultery with C. A's wife. B denies that C is A's wife but the court convicts B of Adultery.
Afterwards, C is prosecuted for bigamy in marrying B during A's life time. C says that she never was A's wife.
Is the judgement against B irrelevant as against C.





- 4.
- (a) What facts need not be proved.
 - (b) Explain the law relating to leading question
 - (c) Who is competent witness to testify.

GROUP-B

- 5.
- (a) Explain the doctrine of Res-judicata.
 - (b) Explain to distinction of Res-judicata with Res-subjudic and Estoppel.

- 6.
- (a) Who is an indigent person. What is the mode of instituting suit by such person.
 - (b) Discuss "suits of civil nature."

- 7.
- (a) Explain the distinction between Review and Revision. Second Appeal and Revision.
 - (b) Who is a legal representative. Give examples of legal representative.

GROUP-C

- 8.
- (a) Describe the law and procedure for maintenance of wife, children and parents in Cr.P.C.
 - (b) Distinguish between Police Report and First Information Report.
- 9.
- (a) What should be described in a 'charge'?
 - (b) Under what conditions a magistrate can take cognizance of the offence.
 - (c) Explain 'judicial custody'? Is there any period of time fixed for detaining the accused in judicial custody.
- 10.
- (a) No appeal lies in petty offences. What are petty offences according to Cr.P.C.
 - (b) Is the State government entitled to file appeal against the order of acquittal of the accused? What is its procedure?
 - (c) What are the grounds of Revision according to Criminal Procedure Code?





U.P. Judicial Service Civil Judge Main Examination, 1988
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) Writes notes on the following-

- Date of Vesting
- Land Management Committee
- Panel Lawyers
- Government Lessee.

(b) What classes of intermediaries is and cultivators were made bhumidhars under the Act? Were all such bhumidhars given equal rights.

2.

(a) A, a bhumidhar, with transferable right, transfers by way of gift his 10 acres land to one who has his own 5 acres land. Is this transfer void according the Act?

(b) A, a bhumidhar, with non-transferable rights lets out his holding to B. Is the lease valid under the Act. Will it make a difference if A is suffering from a disability with in the meaning of Section 157 of the Act.

3.

(a) Can a bhumidhar with transferable right by will bequeath his holding or any part thereof. If such bhumidhar belongs to a scheduled tribe, what is the position?

(b) Examine the scheme of general order of Successions laid down in Section 171 of the Act. Whether the illegitimate son of a bhumidhar or Asami woman is entitled to succeed her according to the Act.

4.

In what cases is the interest of a bhumidhar with non-transferable right extinguished. Is the Land management Committee empowered to take owner land in such situation and admit any person as bhumidhar with non-transferable rights.

5.

(a) What do you understand by the term 'Asami' on what grounds may and Asami be ejected.

(b) What remedy is available to an Assmi for wrongful ejection.





GROUP-B

6.

- (a) Analyse the definition of 'theft' as given in Section 378 1.P.C.
- (b) Distinguish it from 'robbery' and 'extortion',
- (c) When may a person be said to commit theft of his own property.

7.

- (a) Distinguish between 'common intention' and 'common object' in Sections 34 and 149 respectively of the I.P.C.
- (b) A, B, C, D and E set out for committing dacoity in the house of X. E being dead, drunk could not accompany his companions and fell down under a tree. A, B, C and D entered the house of X and by show of force took away gold ornaments. Thereafter they came to the place where E was lying under the tree and gave him a part of the booty. What offence or offences, If any, has committed State with reasons.

8.

- (a) Distinguish between culpable homicide and murder.
- (b) A intending to kill B inflicts on B a mortal wound and mistakenly thinking him dead throws his body in a lake. A with the result that B dies by drowning. Is A guilty of murder, Answer with reasons.

9.

- Answer any two of the following and state with reasons what offence, if any, been committed,
- (a) A instigates B to instigate C to murder D. In consequence, B writes a letter to C instigating him to murder D. C does not read the letter.
- (b) A enters a house with intention of committing theft But moved by the property of the householder he drops a hundred-rupee note and leaves.
- (c) A, without the knowledge of the guardian takes away B, a girl of 16 years old from her house of her request. He restored her after one week.
- (d) A having lost the receipt for debt which he has paid to B makes out another receipt imcle and when B sues him he puts up the made-up receipt in evidence.

10. Giving illustrations state the ingredients of any two of the following offences:

- (a) Criminal breach of trust
- (b) Criminal misappropriation
- (c) Mischief
- (d) Defamation

