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JUDICIARY EXAMS QUESTION PAPER

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Haryana Judicial Service

Mains Examination, 1984

Question Paper

HARYANA CIVIL SERVICE JUDICIAL EXAMINATION, 1984

Paper I Civil Law

Time: 3 hrs.

Max. Marks: 200

Note: Attempt any eight questions

Q. 1. (a) Discuss fully the inherent powers of the Court under Civil Procedure Code.

(b) C files a suit against D for property X and court passes a decree for property Y. The time for appeal had elapsed, in execution the mistake is detected. Advise C.

(c) A files a suit against B. On the date of hearing, A remains absent and the suit is dismissed for default. Advise A.

Q. 2. (a) What do you understand by a representative suit? By whom and under what circumstances can such a suit be brought?

(b) A resides at Simla, B at Calcutta and C at Delhi. A, B and C being together at Benaras, B and C make a joint promissory note payable on demand, and delivered it to A. Advise A, for the place to institute the suit.

(c) A sues B for a declaration of title to land and obtains a decree. A then sues C for possession. C contends that B is owner and that he is in possession as B's tenant. Decide giving reasons.

Q. 3. (a) 'An agreement in restraint of trade is void'. Discuss, are there any exceptions to this rule?

(b) A pays B Rs. 5,000 in consideration of B promising to marry A's daughter C. C is dead at the time of the promise. Whether B is liable to refund the amount to A?

Q. 4. (a) A agrees with C to print libellous matter against C and B consideration pays Rs. 500 as advance, and promises to pay Rs. 10,000 more after the matter is printed. B claims back the advance paid. Give correct response

(b) A finds B's purse and gives it to him. B promises to give A Rs. 500. Can A institute the suit to acquire B money from.

(c) A promises to paint a picture for B by a certain day at a certain price. A died before the day. Whether the contract can be enforced against A's representatives?

Q. 5. (a) Define consideration. Discuss that consideration and objects are unlawful under the Indian Contract Act, 1872?

(b) A accepts the proposal of B by a letter and puts it in post. But the letter is lost in post transit. Whether the acceptance is communicated?

(c) A engaged a Vakil to conduct his case for specified fees. Subsequently A promised to pay an additional remuneration if the case was to succeed. The case succeeds and the Vakil sues A for additional remuneration. What according to you will be the result of this suit?

Q. 6. (a) State the various modes of dissolution of partnership firm. Explain how long the other partners are liable to third persons for acts done by a partner after dissolution.

(b) What do you understand by unpaid seller? What are his rights?

Q. 7. (a) Explain the essentials of partnership and distinguish it from joint Hindu family business.

(b) A sells 500 tins of kerosene oil to B and receives part payment of Rs. 3,000. A endorses the Rail Receipt in favour of B and delivers the same to B. While the goods are in transit, the goods are destroyed by fire. Who is responsible for the loss?

(c) A, B and C enter into an agreement to purchase goods in the name of A and then to divide the goods among themselves. Whether A, B and C are partners?

Q. 8. (a) Discuss the provisions of the Code of Civil Procedure regarding appointment of receiver.

(b) What do you understand by inter pleader suit? When can it be filed?

Q. 9. (a) Mention the contracts which can be specifically enforced.

(b) Distinguish between temporary and perpetual injunctions. When can the court grant them?

Q. 10. (a) Ram an accused of an offence of murder stated before a police officer that, 'The knife by which I have killed Sohan has been hidden by me in the field, which I can show'. On this information the police officer discovers the said knife from the field, on which human blood is detected. Is the whole statement given by the accused admissible in evidence? If not, what part or parts are admissible in evidence? Give reasons clearly.

(b) A intentionally and falsely leads B 'to believe that certain land belongs to A, and thereby induces B to buy and pay for it.

The land afterwards becomes the property of A, and A seeks to set aside the sale on the ground that at the time of the sale, he has no title. Can A prove his want of title? Give reasons.

Q. 11. (a) What confessions are relevant in evidence? Refer to relevant provisions of the Evidence Act and give suitable illustrations.

(b) A is charged with travelling on a Railway without ticket. He denies this on whom does the burden lie?

(c) The question whether A robbed B, whether the facts that shortly before the robbery, B went to a fair with money in his possession and that he stored it or mentioned the fact that he had it to third persons are relevant?

Q. 12. (a) Can additional evidence be taken by appellate court?

(b) Can appellate court send a case to trial court for recording additional evidence?

(c) What persons are exempted from arrest under civil process?

Paper II Civil Law

Q. 1. 'Hindu Law strictly so called did not allow divorce except in certain cases where it was permitted by custom.' Critically examine this statement and point out how far, if at all, divorce was permitted under the shastric Hindu law. How far and in what circumstances is statutory divorce permitted in Hindu law?

Q. 2. (a) Discuss the method of devolution of the property of a Hindu female dying intestate.

(b) P, a Hindu woman, embraces Islam and thereafter asks Q, her Hindu husband, also to embrace Islam. On refusal by Q to do so, P files a suit against Q for the dissolution of marriage under the Dissolution of Marriage Act. Can P succeed?

Q. 3. (a) Discuss the requisites of a valid gift under the Muslim Law.

(b) P, a Muslim male while marrying Q, a Muslim female, agreed to pay Q Rs. 25,000 as dower, half of which was prompt and the other half deferred. P died without consummation of marriage or valid retirement. Is Q entitled to dower, if so, how much?

Q. 4. (a) Discuss the effect of apostasy on the subsistence of a Muslim marriage in India.

(b) P, a Hindu female aged 30 years, wants to adopt Q, a Hindu boy aged 12 years. Will the adoption be valid?

Q. 5. Explain the prohibition laid down under Hindu law and Muslim law with regard to valid marriage.

Q. 6. 'Custom and usages that are reasonable, certain and ancient and have been adopted by a body of persons will be enforced.' Comment by giving examples from Hindu and Mohammedan Law.

Q. 7. Explain the provisions of the Limitation Act relating to the computation of the period of limitation.

Q. 8. (a) Discuss the effect of death, fraud, mistake, acknowledgment in writing and substitution or addition of new plaintiffs or defendants in counting the period of limitation.

(b) The limitation period for instituting a suit by P expired when P was still a minor. Can P file the suit when he becomes major, if so, whether immediately after he becomes major or within the prescribed period of limitation after he becomes major.

Q. 9. Enumerate the documents that have to be compulsorily registered. What is the effect of non-registration?

Q. 10. (a) Discuss the grounds of refusal to register a document and the remedy thereof.

(b) Are the following documents to be compulsorily registered:

(i) A Will.

(ii) General Power of Attorney.

(iii) A compromise of a dispute between the parties.

(iv) A lease of an immovable property for two years.

Paper III Criminal Law

Q. 1. Explain any four of the following:—

(a) Unlawful assembly.

(b) Common intention.

(c) Liability of child for criminal act.

(d) Rape and adultery.

(e) Simple hurt and grievous hurt.

(f) Accident.

(g) Forgery.

Q. 2. Discuss fully the right of private defence of body.

Q. 3. When does culpable homicide amount to murder? Give exceptions, if any.

Q. 4. Discuss the following:

(a) Criminal misappropriation.

(b) Sedition.

(c) Cheating.

(d) Elements of Offence.

Q. 5. Explain and discuss the difference in a Summons Case and a Warrant Case.

Q. 6. (a) Persons once convicted or acquitted cannot be tried again for some offence.

(b) Powers of the Court to examine accused in every enquiry or trial.

Q. 7. Explain fully the provisions of Criminal Procedure Code for maintenance of wives, children and parents.

Q. 8. Write notes on any two of the following:—

(a) Classification of different courts established in the State of Haryana;

- (b) 'Charge' and 'Joinder of Charges'
- (c) Anticipatory bail.
- (d) Complaint.

Q. 9. 'Confession made by the accused is inadmissible in evidence'. Discuss the statement in detail, giving exceptions.

Q. 10. Write short, critical notes, on the following:

- (a) 'Proof' and 'Burden of Proof'
- (b) Evidence of Accomplice.
- (c) Primary and Secondary evidence.

Q. 11. (a) What is Cross-examination? What questions can be put to a witness in Cross examination? What questions can be put to a witness to test his veracity?

(b) Discuss fully the relevancy of opinions of third persons.

Q. 12. Write notes on any two of the following:—

- (a) Examination-in-Chief.
- (b) Admission.
- (c) Evidentiary value of dying declaration.
- (d) First Information Report.

English Composition

Time: 3 hrs.

Maximum Marks: 200

Note: The object of this paper is not to ascertain the opinions of candidates but to test their clarity of thought, correctness of expression and organization of ideas. Handwriting and spelling will be taken into account. Quality is more important than quantity.

Write an essay on the following:

- (a) 'You cannot adopt politics as a profession and remain honest'.
- (b) Love of money is the root of all evil.
- (c) Women and jobs.
- (d) Problem of beggary in India.

Hindi

Time: 3 hrs.

Maximum Marks: 100

1. किसी एक विषय पर तीन सौ शब्दों में निबन्ध लिखिए:—

- (क) राष्ट्र के प्रति हमारा कर्तव्य
- (ख) भारत की तटस्थता-नीति
- (ग) जीवन में त्यौहारों का महत्व
- (घ) पंचशील
- (ङ) पराधीन सपनेहुं सुख नहीं

(च) भारत में आम चुनाव सम्बन्धी समस्याएँ

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2. नीचे दिए गए पद्यांश की हिन्दी में व्याख्या कीजिए:—

(क) सच्चा प्रेम वहाँ है जिसकी—

तृप्ति आत्म-बलि पर हो निर्भर।

त्याग बिना निष्प्राण प्रेम है,

करो प्रेम पर प्राण निछावर।।

देश-प्रेम वह पुष्य-क्षेत्र है,

अमल असीम त्याग से विलसित।

आत्मा के विकास से जिसमें,

मनुष्यता होती है विकसित।।

अथवा

हम सागर के धवल हास हैं,

जल के चूम, गगन की धूल,

अनिल फेन, ऊसा के पल्लव,

वारि-वसन, वसुधा के मूल,

नभ में अवनि, पवनि में अम्बर,

सलिल भस्म मारुत के फूल,

हम ही जल में थल में जल,

विन के तम, पावक के तूल।

(ख) तरुणों के लिए जैसे भविष्य उज्ज्वल होता है वैसे ही वृद्धों के लिए अतीत। वर्तमान से दोनों को असंतोष होता है तरुण भविष्य को वर्तमान में लाना चाहते हैं और वृद्ध अतीत को खींचकर वर्तमान में देखना चाहते हैं। तरुण क्रांति के समर्थक होते हैं और वृद्ध अतीत-गौरव के संरक्षक। इन्हीं दोनों के कारण वर्तमान सदैव क्षुब्ध रहता है। इसी से वर्तमान काल सदैव सुधारों का काल बना रहता है।

अथवा

साहित्य में तर्क और प्रमाण की आवश्यकता नहीं होती। उससे जिस आनन्द की सृष्टि होती है उससे दो व्यक्तियों के बीच का, दो देशों के बीच का पार्थक्य नष्ट हो जाता है। ऐक्य की अनुभूति वैसे भी सुखकर होती है। साहित्यकार जब सबमें अपने को देखता है तो वह अपने जीवन में पूर्णत्व का, संतुलन का अनुभव करता है। संसार में जहां यह पूर्णत्व है, संतुलन है, वहीं सौंदर्य है।

3. इस अंग्रेजी का हिन्दी में अनुवाद कीजिए:-

In democratic countries men are equal before the law and have a voice in deciding how and by whom they shall be governed. But the sharing-out of money—which means the sharing-out of food and clothing and houses and books and so on—is still very unfair. While some few people live in luxury, many have not even enough to eat and drink and wear. Even in the finest of the world's cities thousands of people live in dreadful surroundings. There are many families of five or six persons who live in a single room; in this room they sleep and dress and wash and eat their meals. And they live like this not for fun, but because they are too poor to afford another room. 20

4. इन मुहावरों और कहावतों में से किन्हीं चार के अर्थ लिखिए और उन्हीं का अपने वाक्यों में प्रयोग कीजिए:-

- (क) आंखें चमकाना
- (ख) दांतों पसीना आना
- (ग) अधजल गगरी छलकत जाय
- (घ) जल में रहकर मगर से बैर

(ङ) गांठ बांधना

(च) तीन पांच करना

(छ) खटाई में पड़ना

(ज) टका सा जवाब देना

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5. इन वाक्यों में से किन्हीं पांच को शुद्ध करके लिखिए:-

(क) इनका स्पष्टकीकरण करना आवश्यक है।

(ख) यह काम तेरे से नहीं होगा

(ग) वह बिलाप करके रोने लगा

(घ) सज्जन आदमी का सभी सम्मान करते हैं

(ङ) श्रोतओं में कई श्रेणी के लोग थे

(च) यह किताब तो हम पहले ही पढ़ लिए हैं

(छ) उपशिक्षा मंत्री आज पधारने वाले हैं

(ज) वह अपनी स्वेच्छा से चला गया।

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6. (क) किन्हीं चार शब्दों के विपरीतार्थक शब्द लिखिए:-

1. नैमगिंक 2. चेतन

3. सूक्ष्म 4. स्पष्ट

5. श्याम 6. उत्तीर्ण

7. एकता 8. हित

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(ख) इन वाक्यांशों के लिए समानार्थक एक-एक शब्द लिखिए-

1. ऊपर कहा हुआ।

2. इस संसार का।

3. जो कहा न जा सके।

4. जिसके समान कोई दूसरा न हो।

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