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JUDICIARY EXAMS QUESTION PAPER

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Kerala Judicial Service

Mains Examination, 2009

Question Paper

KERALA JUDICIAL SERVICE EXAMINATION – 2009

P A P E R – I (GENERAL ENGLISH)

Total Marks : 100
Duration : 3 Hours

P A R T - I

Rewrite the following sentences in active voice:

1. Computer is used for teaching the students.
2. He was refused attendance by the guard.
3. By whom were you taught violin?
4. She was offered the post of Manager.
5. I was kept waiting.

(5 x 1 = 5 Marks)

Rewrite the following sentences in positive degree without changing the meaning:

6. Socrates was one of the wisest of men.
7. You do not know him better than I do.

(2 x 1 = 2 Marks)

Frame questions to get the underlined word or clause as answer.

8. To err is human to forgive divine.
9. Cleanliness is next to godliness.
10. Time and tide waits for no one.

(3 x 1 = 3 Marks)

Report the following dialogue in reported speech:

11. The principal addressing the striking students said "you have brought disgrace to a famous institution".

(1 x 2 = 2 Marks)

Rewrite the sentences after making corrections, if any.

12. Last week Hari and Gopi do the work which was pending.
13. He does not fail to came to my help whenever I am in trouble.
14. I prefer tea than coffee.
15. Though Laxmi is young, she enjoys listening old songs.
16. He climbed from the ladder to reach the ceiling.

(5 x 1 = 5 Marks)

Fill in the blanks with the appropriate word from the bracket.

17. He ran because he (is/was) in a hurry.
18. Would you like (any/some) biscuits.
19. It has been raining (for/since) two hours.
20. I brought two (dozen/dozens) bananas.

21. He gave me (an/some) advice.
22. Bread and butter (is/are) his only food.
23. The house, with its contents, (was/were) insured.
24. The news (is/are) true. (8 x 1 = 8 Marks)

Frame sentences using the following words:

25. Beck and call.
26. Nook and cranny.
27. Jeopardize.
28. Gift of the gab.
29. Washout. (5 x 1 = 5 Marks)

Insert articles where necessary.

30. Advocate says it is hopeless case.
31. From where did you buy goat?
32. Dancer was old man.
33. He is honourable man.
34. Uneasy lies head that wears clown. (5 x 1 = 5 Marks)

Rewrite the following sentences using correct prepositions.

35. He lives New Delhi. He lives No.21, Chanakyapuri road.
36. The portrait was painted a famous artist who lived the 14th century.
37. The child has been missing yesterday.
38. the meal, we had dessert.
39. You should always help poor. (5 X 1 = 5 Marks)

PART - II

40. Write a precis of the passage given below:-

About 20 percent of us have angry personalities. 20 percent are fairly easy going and the rest of us fall somewhere in the middle. How do you know if you are a waling pressure cooker? The chronically angry have traits in common: negative feelings, aggressiveness and cynicism - a general distrust of other people and their motives.

One of the ways in which you can keep a tab on your hostility levels is by keeping a daily 'hostility log' recording angry feelings, aggressive actions like repeatedly honking and negative thoughts like what a dope your boss is. If you make

three or more entries a day, your hostility may be at an unhealthy level. But no one knows the precise point at which anger becomes dangerous.

To play it safe, then, all of us need to learn to deal with rage. But if blowing your top is bad, stewing silently is no better. What is the healthy alternative?

Managing the emotion neither buying it nor giving into it. A recent Swedish study of 5700 men and women aged 15 to 64 found that workers who dealt openly with unfair treatment - protesting directly or speaking up later when they were calmer - were less likely to have a high blood pressure than those who directed anger at themselves by getting headaches and slipping into foul moods.

The classic way to manage your anger has been to back off, count to ten, or go for a walk. This gives you a few minutes to calm down and regain perspective. But new techniques shift your anger from heart to head - from an emotional level to an intellectual one. (1 x 15 = 15 Marks)

41. Translate the attached passage into English. (1 x 15 = 15 Marks)

PART – III

42. Write an essay of about 300 words on any two of the following:

1. Cyber crimes and how to tackle them.
2. Your vision about the future of India.
3. Politics in campus.
4. How has deforestation affected global warming.

(2 x 15 = 30 Marks)

Qn. No. 41

1968 ആഗസ്റ്റ് മാസം 30ന് തൃപ്പൂണിത്തുറ വില്ലേജ് ടി. ദേശത്ത് കണ്ണാടിപറമ്പിൽ രാധാകൃഷ്ണൻ മകൻ 77 വയസ്സ് സർക്കാർ പെൻഷണർ രാജനും, ടി ദേശത്ത് വാളൂരൻ ജോൺസൻ മകൻ 32 വയസ്സ് കച്ചവടം ബെന്നിയും പരസ്പരം സമ്മതിച്ച് ഒപ്പിട്ട സമ്മതപത്രം.

താഴെ പട്ടികയിൽ പറയുന്ന വസ്തുവകകൾ 1101 ൽ 214-ാം നംബരാധാരപ്രകാരം ഒന്നാം നമ്പറുകാരന് നടത്തി കൈവശം കിട്ടിയതനുസരിച്ച് കൈവശം വച്ച് അനുഭവിച്ചു നടന്നു വരുന്നതാകുന്നു. ടി വസ്തുവകകളുടെ കിഴക്കും പടിഞ്ഞാറും ഉള്ള രണ്ടു പീടികകെട്ടിടങ്ങൾ രണ്ടാം നമ്പറുകാരന്റേതുമാകുന്നു. താഴെ പട്ടികകളുടെ പടിഞ്ഞാറു ഭാഗത്ത് പുതുക്കി പണിതിട്ടുള്ള കെട്ടിട വകകളുടെ പിൻഭാഗ സ്ഥലത്തേക്ക് ടി പട്ടികവസ്തുവിൽ കൂടിയല്ലാതെ പ്രവേശിക്കുവാൻ വേറെ മാർഗ്ഗം ഇല്ല. ഒന്നാം നമ്പറുകാരൻ വഴിയായി ഉപയോഗിക്കുന്ന പൊതുവഴിയിൽ ചെന്നുചേരുന്നതുമായ ടി വഴിയിൽക്കൂടി എനിക്കും പിൻഗാമികൾക്കും രണ്ടാം നമ്പറുകാരന്റെ അതിരിൽ ഒരു പടി വച്ച് നാം ഇരുകക്ഷികൾക്കും ഒന്നാം നമ്പറുകാരന്റെ വകകൾക്ക് അവകാശിയായി വരുന്നവർക്കും മാത്രം എന്ന നിലയിൽ ഗതാഗത സൗകര്യം അനുവദിച്ച് തരണമെന്ന് രണ്ടാം നമ്പറുകാരൻ ഒന്നാം നമ്പറുകാരനോട് ആവശ്യപ്പെട്ടപ്രകാരം ഇപ്പോൾ നാം ഇരുകക്ഷികളും ഇതേനിലയിൽ യോജിച്ച് പൊതു ഗതാഗത സൗകര്യം ചെയ്ത് വരുന്നതിനെ അടിസ്ഥാനമാക്കി ഒന്നാം നമ്പറുകാരൻ പൂർണ്ണസമ്മതത്തോടെ വഴിയവകാശം അനുവദിച്ച് തന്നിട്ടുള്ളതു് അതിന് സംഭാവനയായി തന്ന ലഘുവായ സംഖ്യ സ്വീകരിച്ചിട്ടുള്ളതുമാകുന്നു. മേൽ സമ്മതിച്ച വ്യവസ്ഥകൾക്ക് വിപരീതമായി പ്രവർത്തിക്കുവാനോ വ്യവസ്ഥകൾ റദ്ദാക്കുവാനോ ഇപ്പോഴുള്ള പരസ്പര സൗഹൃദത്തിന് ഹാനി തട്ടുംവിധം യാതൊന്നും പ്രവർത്തിക്കുവാനോ ഒരു കക്ഷിക്കും അധികാരഅവകാശമില്ലാത്തതാണെന്നും നാം ഇരുവരും സമ്മതിച്ചിരിക്കുന്നു.

KERALA JUDICIAL SERVICE EXAMINATION – 2009

PAPER – II

Total Marks : 100
Duration : 3 Hours

PART - I

(Answer all the questions in one or two sentences. Each carries one mark)

1. In a suit for injunction the defendant denied title of the plaintiff. Court framed an issue regarding plaintiff's title. What is the provision under which the court fee has to be paid? How it has to be computed?
2. 'A' filed a suit for partition alleging that 'B' & 'C', who are co-owners, have excluded him from possession of the property.
 - (i) What is the provision for paying court fee?
 - (ii) How the court fee has to be computed?
3. What is the maximum period of limitation available under the Limitation Act 1963? What was the maximum period of limitation that was available under the Limitation Act 1908?
4. What are the essential differences between a 'bond' and an 'agreement' in the context of the Kerala Stamp Act?
5. A case involving a non-compoundable offence was referred to the Lok Adalath and it was settled. An award was also passed. Is there any illegality? If yes, state reasons.
6. 'A' wanted to file a prohibitory injunction suit against a municipality, from granting licence to 'B' for running a factory, apprehending that it would cause nuisance to him. Can the suit be instituted without the statutory notice? State reasons.
7. Is there any presumption regarding the date shown on a cheque? If so, which is the provision and what is the presumption?
8. A person files an application for permission to sue as an indigent person on 10.1.2009. His application was allowed only on 10th June 2009. The last date for filing the suit was 15th March 2009. Is the suit barred by limitation?
9. 'A' executed a sale deed in favour of 'B' while he was of sound mind. It is established by evidence that 'A' usually was of unsound mind before and after the execution of the document. Is the sale deed executed by 'A' valid? State reasons.
10. 'A' lost a gold chain weighing 10 sovereigns. 'B' found out the chain and returned it to 'A'. At that time 'A' promised to pay Rs.10,000/- to 'B'. Thereafter 'A' refused to pay. Can be enforce the contract? Explain with statutory provisions.
11. Whether a Will, properly executed, will come within the definition of "instrument" in Transfer of Property Act, 1882? If not why?

12. Plaintiff filed a suit to recover a time barred debt. The defendant did not raise the contention that the suit was barred by law of limitation. Can the court consider that issue? State reasons.
13. What is meant by "*nec vi nec clam nec precario*"?
14. Suit for specific performance was decreed. Can the defendant thereafter rescind the contract? If yes, how it can be done?
15. Whether a licence under the Easements Act can be transferred? Is there any exception to the general rule?

PART - II

(Answer any 15 questions in not exceeding 120 words. Each carries 3 marks)

1. A suit was filed, praying for cancellation of a sale deed pertaining to 10 cents of immovable property situated in Ernakulam city. The consideration shown in the document is Rs.1000/- per cent. At the time of execution of the document, the actual market value was Rs.1,00,000/- per cent.
 - (i) What is the provision under which the court fee is payable for cancellation of the document?
 - (ii) What is the basis of calculation of court fee?
 - (iii) What is the amount of court fee payable in the given case?
2. An insufficiently stamped document was produced in evidence in a civil case. What is the procedure for admitting the document in evidence? Discuss with the provisions of law.
3. 'A' drew and issued an undated cheque to 'B' on 1-1-2010 for discharging a debt and the former authorized the latter to put a date, beyond a period of 2 months from the date of its issue. 'B' put date as 15.2.2010 on the cheque and presented it. It was dishonoured. 'B' filed a suit for compensation against 'A'. 'A' set up a defence of material alteration of the cheque. Is that contention sustainable? If so, state reasons with statutory provision.
4. 'A' executed a mortgage deed in favour of 'B'. The mortgage money was Rs.1,000/-. The deed was not registered. It was produced by 'B' in evidence in a suit. Whether it is admissible in evidence? Explain with statutory provision.
5. What is the nature of liability of a surety? If the terms of the contract between the principal debtor and the creditor were varied without surety's consent, what is the legal effect?
6. When can a declaratory decree be granted and what is the effect of the declaration?
7. 'A' executed a sale deed in the name of 'B'. A stipulation in the deed shows that in the event of sale of the property by 'B', it can be made only to the family members of 'A'. What is the effect of that clause? Explain with statutory provisions.
8. Explain the terms "period of limitation" and "prescribed period" in the context of the Limitation Act, 1963.

9. What is the normal rule in the Limitation Act regarding the effect of substituting or adding new plaintiff or defendant in a pending suit. Can the court, in a given case deviate from the normal rule?
10. Is there any presumption to be drawn while enforcing a contract to transfer movable property by way of specific performance? Is there any exception to this presumption?
11. State six situations when an injunction can be refused u/s.41 of the Specific Relief Act.
12. What are the requisites to constitute easements of necessity u/s.13 of the Easements Act?
13. 'A' constructed a building on a land. After 10 years he filed a suit against 'B', A's neighbour, alleging that he has prescribed right to use light and air to the open plot and to the building after its construction. Is the claim sustainable? State reasons.
14. 'A' has a right of easement of necessity through B's land for ingress and egress. Can 'B' set out the way? How can it be done?
15. For filing a suit, appeal or application, a special or local law prescribes a period of limitation different from the period of limitation prescribed by the Schedule to the Limitation Act. Do the provisions of the Limitation Act applicable to such suit, appeal or application? Explain.
16. A building situated in an area covered by the Kerala Buildings (Lease and Rent Control) Act was let out to a tenant. The term of tenancy agreed upon between the landlord and the tenant was three years. After one year, the landlord required the building bonafide for his son's occupation. Can he file an application for eviction under Sec.11(3) of the Act? State reasons to support your answer.
17. 'A', the landlord filed a petition for eviction of a building tenant, 'B', alleging that the latter had kept rent in arrears for a period of fifteen months. 'B' entered appearance and contested the petition stating that he had paid rent for a period of twelve months and that three months rent fell in arrears due to the recalcitrant attitude of the landlord. Notwithstanding such a contention raised, the tenant did not deposit arrears of rent. What is the remedy available to the landlord? What is the liability of the tenant in such a situation?
18. Whether a daughter born in a Hindu joint family governed by Mithakshara law, can be regarded as a co-parcener? If so, by virtue of which statutory provision? What are her rights, if she can be considered as a co-parcener?
19. What are the conditions to be complied with for execution of an unprivileged Will u/s.63 of the Indian Succession Act?
20. Can a Muslim woman obtain divorce from her husband? If so, state three grounds on which she can claim divorce from her husband?

PART - III

(Answer any 5 questions in not exceeding 250 words. Each carries 8 marks)

1. What are the causes for termination of agency? Is there any difference if the agent has an interest in the subject matter? What are the duties of an agent on termination of agency by principal's death or insanity?
2. Explain the principles regarding adverse possession. As between co-owners, what are the requirements to constitute this plea?
3. Explain the term "Lis Pendens"? Whether the purchaser of an immovable property for value from a party to a suit is bound by the doctrine of lis pendens? Does this doctrine apply to any suit which is collusive in nature? Explain the expression "pendency of the suit" in Sec.52 of Transfer of Property Act.
4. 'A' contracted with 'B' to sell 10 cents of immovable property and 'B' agreed to purchase the same for Rs.1,00,000/-. Rs.50,000/- was paid as advance to 'A'. 'B' was put in possession of the property. The agreement for sale was executed by both parties on stamp paper for sufficient value. Time fixed for performance was 3 months. For a period of four years, none of the parties took initiative to complete the transaction. After four years, 'A' filed a suit for recovery of possession against 'B' on the strength of title. 'B' took up a contention that he is possessing the property in part performance of the contract. In this context the following questions arise:
 - (i) What do you mean by part performance?
 - (ii) What are the essential ingredients required to claim its benefit?
 - (iii) In the given problem, can 'B' claim part performance?
 - (iv) What are the rights and liabilities of 'A' & 'B' in the given problem?
5. What is the meaning of the term 'acknowledgement' in the context of Section 18 of the Limitation Act? How an acknowledgement of liability can be made and what is its effect? What is the distinction between Sec.18 Limitation Act and Sec.25(3) Contract Act?
6. Can a contract be rescinded by one of the parties? If so, what are the legal consequences? Whether the seller of property, against whom a decree for specific performance has been obtained, can claim rescission? If so, how it can be done?
7. What are the ingredients to be established to claim a right of way by prescription? Which are the rights that cannot be acquired by prescription?
8. 'A' the owner of a building let it out to 'B', the tenant. 'A' wanted to file a petition for eviction on the ground of objectionable sublease. What are the essential elements that 'A' will have to establish for claiming eviction? Assume that 'B' was the Managing Partner of a firm to which the lease was made and 'B', in that capacity, executed the lease deed. Subsequently the firm was dissolved and the business continued by 'B' in the room. Can 'B' be evicted on the ground of sub lease?

KERALA JUDICIAL SERVICE EXAMINATION – 2009

PAPER - III

Total Marks : 100
Duration : 3 Hours

PART - I

(Answer all the questions in one or two sentences. Each carries one mark)

1. In a suit for declaration of paternity of a child born during the continuance of a valid marriage between a man and a woman, DNA test result admitted in evidence in the case shows that the man was not the father of the child. There is no other evidence. How will you decide? State the reasons.
2. What are the defences which are not available to a person accused of having committed the offence of adulteration of an article of food punishable under the P.F.A.Act?
3. An unmarried woman had sexual intercourse with a married man. She is charged with having committed the offence of adultery punishable u/s.497 IPC. Can the Magistrate take cognizance? State the reasons.
4. To prove a contradiction the plaintiff produced a certified copy of the deposition of a witness recorded by Magistrate in a criminal case. It is submitted by the defence counsel that though it has been marked, it cannot be acted upon since it has not been proved through the Magistrate who recorded it. Can it be accepted? State the reason.
5. What is a narcotic drug under the NDPS Act?
6. Who is Local Health Authority under the Prevention of Food Adulteration Act?
7. What are the further orders a court which releases an offender u/s.3 or 4 of Probation of Offenders Act may pass?
8. What is a Domestic Incident Report?
9. Who are the officers empowered to conduct search of a house u/s.31 of the Kerala Abkari Act?
10. In a suit on agreement for sale of an immovable property, the defendant contends that the transaction is only a loan and there has been no agreement for sale. Can the defendant be allowed to adduce evidence to prove it? State the reasons.
11. An accused pleads guilty of the offence. The court refuses to act upon the admission and directs the Prosecutor to adduce evidence. Is it legal? State the reasons.
12. In a suit between A and B, the Munsiff, at the request of the plaintiff, issued a summons to C to produce the title deed of his (C's) property. C failed to produce it. Comment.
13. A witness is summoned to produce a document. Without producing it he appears before the court and objects to its production on the ground of certain privilege. What is the procedure to be adopted by the court? State the reasons.

14. For an offence punishable with simple imprisonment for 4 (four) months and with a fine of Rs.1,000/- a Magistrate sentenced the accused to pay a fine of Rs.500/- and in default of payment of the fine to undergo rigorous imprisonment for 45 days. Is it legal? State the reasons.
15. What is the residence order which may not be passed against a woman?

PART - II

(Answer any 15 questions in not exceeding 120 words. Each carries 3 marks)

1. What is the power of a court to release an accused on bail under the NDPS Act when the offence involves commercial quantity?
2. When is a consent not a consent under IPC?
3. State with illustrations the different between 'wrongful restraint' and 'wrongful confinement'?
4. What are the facts to which examination in chief, cross examination and re examination should relate?
5. What are the orders that may be passed by a Magistrate under the Probation of Offenders Act?
6. What are the purposes for which a former statement of a witness may be used in evidence?
7. What is the relevancy of Test Identification Parade and what is its evidentiary value?
8. What are the protection orders that may be passed by a Magistrate under the Protection of Women from Domestic Violence Act?
9. What are certified copies of public documents?
10. How can be presumption under Sec.139 Negotiable Instruments Act be rebutted?

Write short note:

11. Criminal trespass and house trespass.
12. Extortion.
13. Criminal conspiracy.
14. Abetment of a thing.
15. Criminal breach of trust.
16. Res gestae.
17. Confession to a police officer and confession while in the custody of police.
18. Relevancy of character in criminal cases.
19. Primary evidence.
20. Attempt to commit offence.

PART - III

(Answer any 5 questions in not exceeding 250 words. Each carries 8 marks)

1. Write an essay on unlawful assembly and offences related to it.
(Sections 141 - 149 IPC only)
2. Explain the right of private defence.
3. Explain primary evidence and secondary evidence.
4. When are judgments of courts of justice relevant?
5. What are the presumptions as to negotiable instruments under Sec.118 and 139 Negotiable Instruments Act and how they may be rebutted?
6. Write an essay on consent as a defence in criminal cases.
7. What is hearsay? What is the rule against hearsay? State the exceptions to the rule.
8. Under the P.F.A. Act what is the procedure to be followed by the Food Inspector after a sample of food is taken by him and by the Local Health Authority after the report of public analyst is received by him?

KERALA JUDICIAL SERVICE EXAMINATION – 2009

PAPER - IV

Total Marks : 100

Duration : 3 Hours

PART - I

(Answer all the questions in one or two sentences. Each carries one mark)

1. A plaint presented in a Munsiff's Court was found to be defective. What is the course open to the court?
2. How can facts in an interlocutory proceeding be proved?
3. A warrant of arrest issued from a Munsiff's Court was signed by the chief ministerial officer of the court. Is the warrant valid?
4. A government medical officer is a witness in a criminal case. His address given in the charge sheet has been changed and his present address is not known. What is the procedure for issuing summons to him?
5. An Advocate, who accepted the vakkalath executed by an accused, has himself attested it. Is the vakkalath legal? Explain with the relevant rule.
6. Even a stranger to a proceedings is entitled to get certified copy of the judgment as of right. Elucidate.
7. During trial of a criminal case involving a non-bailable offence, accused applied to summon a witness on his side. He contends that the Government has to pay batta to the witness. Write an order mentioning the relevant rule.
8. The accused in a case is proclaimed absconding. Witnesses are available for tendering evidence. Is the Magistrate empowered to record their evidence?
9. During the trial of an offence, it was revealed that the case before a Magistrate is a counter case to a pending sessions case. What is to be done?
10. A Magistrate, after taking cognizance and after recording statement of the complainant, finds that he has no jurisdiction to try the case. What shall he do?
11. In a private complaint, the accused is shown residing out of jurisdiction of the court. 4 witnesses were cited in the complaint. What is the procedure to be followed?
12. The matter in issue in a suit is also directly and substantially in issue in a suit pending before a foreign court between the same parties. Whether S.10 CPC can be applied to stay the subsequent suit? State reasons.
13. Defendant in a suit raised objection regarding territorial jurisdiction of the court for the first time at the time of evidence. Can it be entertained? State reasons.
14. A obtained a money decree against B, a government employee for Rs.50,000/-. In the execution petition he requested the court to attach the amount lying in the name of J.D. in the Provident Fund account? How will you decide?

15. A suit u/s.92 CPC relating to a public charity was filed before a Munsiff Court. What step will you take?

PART - II

(Answer any fifteen questions in not exceeding 120 words. Each carries 3 marks)

1. Is it permissible to send a summons to a witness through the party to the suit? If yes, state the procedure?
2. In a final decree for partition, plaintiff and two defendants were directed to deposit the amount required for the non-judicial stamp paper for engrossing the decree. The defendants failed to deposit the amount. How can the plaintiff get the final decree engrossed on the non-judicial stamp paper?
3. 'A' & 'B' entered into a contract, by which 'B' had to pay a certain sum to 'A'. No specific rate of interest was mentioned in the contract. 'A' filed a suit against 'B' claiming return of money with interest. How will you decide the rate of interest?
4. 'A' filed a suit against 'B' for realization of money. 'A' obtained attachment before judgment of B's immovable property. Thereafter 'B' sold the property to 'C'. What is the legal effect of that sale? If 'B' and 'C' had executed a contract to sell the property, and if it had been registered before the attachment, does it make any difference?
5. What are the considerations for invoking power u/s.89 CPC? What are the modes of settlement of disputes prescribed u/s.89 CPC?
6. When can an application for restitution be filed? What are the considerations for allowing it?
7. What are the conditions in which a suit under Order 1 Rule 8 CPC can be filed? If the parties wanted to compromise the matter, how can it be done?
8. What is the effect of non-inclusion of one of the claims available to the plaintiff against the defendant in a suit? Plaintiff wanted to file a money suit before a Munsiff court. Going by the valuation of the claim, it may exceed the pecuniary jurisdiction of that court. Can it be instituted before a Munsiff Court? If so, how?
9. What are the considerations for return of plaint? If the return of plaint is to be made after the appearance of the defendant, what shall be the procedure?
10. Compare the terms "set off" and "counter claim".
11. What do you mean by the term 'issues' arising in a suit? What are the kinds of issues? Can a court dispose of a case on a preliminary issue? If so, under what circumstances?
12. What are the modes of execution of a decree for permanent prohibitory injunction? 'A' obtained a decree against 'B' for permanent prohibitory injunction from demolishing a compound wall. After the decree, 'B' demolished the wall. Can 'A' get the wall restored in execution of the prohibitory injunction decree?

13. State the procedure to be complied with by a Magistrate before remanding an accused to police custody.
14. An accused in a case was found to be absconding. What are the procedures to be observed before transferring the case to the register of long pending cases?
15. Investigating Officer wanted production of a document in the custody of a public servant. What is the step to be taken? Is there any difference if the document is in the custody of a postal authority?
16. An accused was tried for an offence punishable u/s.379 of the IPC. The Magistrate on finding that an offence u/s.417 of the IPC was proved and the offence u/s.379 was not proved, convicted the accused of the offence u/s.417 IPC. Comment.
17. When can a summons case be converted into a warrant case? What is the procedure to be followed?
18. What are the restrictions in imposing imprisonment in default of fine by a Magistrate?
19. Who are all the authorities competent to issue a search warrant u/s.97 Cr.P.C.? What are the circumstances in which a search warrant can be issued?
20. A Magistrate tried a warrant trial case and posted it for judgment. What are the steps to be taken in the following circumstances? (i) When the accused is in custody? (ii) When the sole accused in the case abstains from court on the day of judgment? (iii) When one of the three accused in the case absconds?

PART - III

(Answer any 5 questions in not exceeding 250 words. Each carries 8 marks)

1. (i) What are the essentials of res judicata?
(ii) What do you mean by the expression 'former suit'?
(iii) What is the difference between res judicata and estoppel?
(iv) Is section 11 CPC exhaustive in the matter of res judicata?
2. (i) What is the general rule regarding filing of suits for recovery of immovable property and partition of immovable property?
(ii) Is there any difference if there are more than one property and they are situated in the jurisdiction of different courts?
(iii) A person has a cause of action against the debtor and the surety for recovery of money. Debtor resides at Thrissur and the surety works for gain at Kottayam. Where the suit can be filed?
(iv) If the borrowal was at Kottayam, what is the effect if the parties agree to file the suit at Thiruvananthapuram?
3. (i) What are the modes in which a decree can be executed? Explain.
(ii) Who are all exempted from arrest and detention in execution of a money decree?

4.
 - (i) What are the considerations for granting a temporary injunction in a suit?
 - (ii) Explain the principles with statutory provision and case law.
 - (iii) In a suit, an ex-parte order of injunction was granted against the defendant. After serving the order of injunction and appearance of the defendant, the suit was dismissed on a technical reason. Before dismissal of the suit, the plaintiff filed an application alleging violation of the order by the defendant. Decide with reference to legal provision and cased law.
5.
 - (i) Who are the persons entitled to claim maintenance u/s.125 Cr.P.C?
 - (ii) Can a Criminal court grant interim maintenance?
 - (iii) What is the method of enforcement of an order passed to pay maintenance u/s.125 Cr.P.C.?
 - (iv) What are the reasons in which an order for maintenance can be altered?
6.
 - (i) What do you mean by the term cognizance of an offence?
 - (ii) What are the circumstances upon which a Magistrate can take cognizance of an offence?
 - (iii) A Magistrate peruses the private complaint filed and examines the complainant on oath. Thereafter, he forwarded the complaint to the officer in charge of a police station for investigation. Is the order correct?
7.
 - (i) What is the purpose of examining an accused u/s.313 Cr.P.C.?
 - (ii) Is it necessary that the court should previously warn the accused when he is questioned under the above section?
 - (iii) Is it mandatory in any case to examine the accused u/s.313 Cr.P.C.?
 - (iv) Is it necessary to administer oath before examining the accused u/s.313 Cr.P.C.?
 - (v) Can the answers given by the accused be taken into consideration to convict him?
8.
 - (i) What are the periods of limitation prescribed under the Code of Criminal Procedure 1973 for different kinds of offence?
 - (ii) When does the period of limitation commence?
 - (iii) Is there any difference if the offence is a continuing offence?

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