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## JUDICIARY EXAMS QUESTION PAPER

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**Delhi Judicial Service**

**Mains Examination, 1976**

**Question Paper**

### CRIMINAL LAW, 1976

Q. 1. *K* had suspicion that *B* had liaison with his wife. He approached *C* and suggested that *B* should be killed. Thereafter *K* alongwith *D* got knife of unusual dimensions prepared from *Shamu*. *K* armed with the knife and accompanied by *C* and *D* attacked *B* while he was asleep and caused death by inflicting two injuries which were sufficient to cause death in the ordinary course of nature. During investigation *K* made disclosure pursuant to which the knife was recovered. It was found to carry human blood. It was also found that *C* had confessed to *Harnam* about his involvement in commission of murder by the three. *C* became approver and *K* died before trial commenced.

Evidence against *D* comprises of:

- (1) Approver's statement implicating himself and others.
- (2) *Shamu*'s statement regarding preparation of knife.
- (3) Statements of witnesses of disclosure and recovery.
- (4) Previous confessional statement of *C*.
- (5) Medical Evidence.
- (6) Evidence showing motive.

Please write short judgment.

OR

*Veena* was found dead near Delhi Railway Station on 5th January, 1975 at 6 A.M. Autopsy revealed that death was by strangulation. Acting on secret information police apprehended *A*, *B* and *C*, residents of

Colaba, Bombay on 7th March, 1975. During house search Rs. 2100/- were recovered from A, Rs. 1900/- from B, and Rs. 1000/- and gold necklace from C. A described that he along with B and C had left Bombay on 2nd January, 1975, by Frontier Mail and stayed at Hotel Blue, Delhi on 3rd, 4th and 5th and that entry was made in fictitious names and signed by all the three. Hotel register containing signed entry was seized by police. B became approver and his statement was recorded under section 164 Cr.P.C. Besides medical evidence there is evidence of Veena's daughter who identifies the gold necklace to be the same her mother was wearing and says that her mother was carrying Rs. 6,000/- and evidence of handwriting expert that hotel entry is in the hand of A and bears signatures of A, B and C.

Objections raised by defence are: (1) approver's evidence is tainted, (2) house searches are illegal as public witnesses did not belong to Colaba and (3) disclosure statement is inadmissible.

Please write short judgment. 50

Q. 2. Some vacant land was lying to the West of field of A which B had taken possession. Previous to the day of occurrence B encroached upon a portion of the adjoining field of A and constructed a meand which was resented by A. On the day of occurrence A along with his son started demolishing the mend when B along with four companions arrived armed with lathis and started beating up A and his son. Some persons were attracted and they joined the side of A. Both sides sustained injuries. B and his companions were challaned under sections 147, 323 and 149 of Indian Penal Code. They pleaded right of defence of property. On behalf of the complainant it was pleaded that the property damaged did not belong to B and no wrongful loss had accrued.

Argue on both sides and also tell whether it would make any difference in case it is found that the property was under dispute and title of either was not clearly established. 50

OR

(a) Pigs of K were seen damaging the crop of B. B and his young nephew drove them away and went to the house of K to lodge protest. K instead of tendering apology started abusing them and being told that his conduct was wholly unjustified he went inside and took out

lathi. B and his nephew took to their heels. They were chased and at a distance of 100 yards K dealt severe blow on the head of B and as a result he fell unconscious and died after four days. Postmortem examination reveals fracture of left parietal bone and temporal bone besides depression and congestion. In the opinion of the doctor death was due to coma which was due to injury to the brain and skull.

For what offences you would hold K guilty? Justify your answer with reasons. 35

(b) What is the importance of giving suggestions in the course of cross-examination? 15

Q. 3. *S* cultivator of village *M* was found dead near Railway Station on 15th January 1976. *B*, editor and publisher of daily newspaper, acting on telephone call received from a person whom he believed to be a resident of the locality published the news on the following day with the headline "Murder of cultivator through Thakur of *M*". In the matter given below it was mentioned that similar attempts had been made in the past as well. On the following day editorial appeared expressing concern and saying that general opinion that prevailed was that Thakur had hand in the murder. Two days thereafter, contradiction appeared stating that Thakur was in no way concerned and death was due to heart failure.

Thakur brought complain under section 500 I.P.C. *B* sought shelter under Ninth Exception to section 499 which says "It is not defamation to make an imputation on the character of another, provided that the imputation be made in good faith for the protection of the interest of the person making it, or of any other person, or for the public good."

How would you decide? 50

OR

(a) Dacoity took place at the house of *Pensay* in village *Pitampura* during the night between 6th and 7th February, 1975. Report was lodged in the morning of 7th February. Double-barrelled gun bearing No. 4780 was one of the articles stolen. On 16th August 1975, *B*, resident of neighbouring village *Sahipur* was challenged by patrolling party at a distance of half a mile from village and barrel bearing No. 4780 was recovered from his possession. At the time of trial prosecution produced

evidence regarding commission of dacoity and recovery of barrel. *B* denied recovery and produced no evidence in defence.

Would you hold *B* guilty of any offence? 35

(b) *C*, mother of two infant children, quarrelled with her husband, got much excited and declared that she would kill herself by jumping into the village well. Saying so, she ran towards the well declaring what she intended all the way but was stopped within a distance of two yards by some persons who happened to be at the well.

Argue that she had not committed any offence. 15

Q. 4. Write brief illustrative notes on the following:

- (1) How far previous statements are useable in criminal trial?
- (2) Is further investigation possible after the case is committed to the Court of Sessions? Are there any limitations?
- (3) What happens when a prosecution witness is allowed to be cross-examined by the public prosecutor?

OR

- (1) Burden of proof.
- (2) All confessional statements are not barred.
- (3) Limitations on the power of Magistrate in summoning witnesses at the instance of the party and otherwise. 50

### CIVIL LAW-I, 1976

**Q. 1. (a)** *A*, the owner of a double storey house, let out the first floor to *B* at a rent of Rs. 500/- p.m. The ground floor with similar accommodation was let out to *C* at monthly rent of Rs. 600/- *C* got the standard rent fixed at Rs. 300/- p.m. On the eve of his retirement, *A* filed an application for recovery of possession of the ground floor against *C*, under proviso (e) to Section 14(1) of the Delhi Rent Control Act, 1958. (Section Reproduced). *C* contended that the application against him had been filed because of the fixation of the standard Rent and was malafide and that *A* could evict *B*.

During the pendency of the application *B* vacated the first floor which was let out to *D* on the same day and at the same rent.

Write a judgment deciding the case.

**Q. 1. (b)** The landlord recovered possession of the suit premises in pursuance of an order under proviso (e) to Section 14(1) of the Delhi Rent Control Act, 1958 and occupied the same but immediately converted the premises into commercial use. The tenant made an application for possession of the premises under section 19(2) which empowered the Controller to direct the landlord to put the tenant in possession of the premises if the landlord after obtaining possession under proviso (e) to Section 14(1) fails to occupy the same.

Decide giving reasons.

OR

**Q. 2. (a)** Suit premises comprising of three rooms, kitchen, *W. C* were let out to *M* for residential purposes in the year 1957. In 1972 *M* took on lease one room in the adjoining building for the residence of his married son as three room accommodation was not sufficient for his requirements.

Landlord claimed eviction under proviso (b) to Section 14(1) of the Delhi Rent Control Act, 1958 (Section reproduced). *M* contended that one room taken on rent was meant for his son, that there were no amenities there and that it was impossible for him and all the members of his family to live in one room.

Decide giving reasons.

**Q. 2. (b)** The suit premises had been let out to *A*. He was doing business there under the name and style of A.B. Agencies of which he was the sole proprietor. After 4 years, *A* formed a limited company styled as A.B. Agencies (P) Ltd. of which he was the chief executive and managing director. The company thereafter exclusively occupied the said premises and carried on business there.

Landlord claimed eviction on the ground that *A* had sub let, assigned or otherwise parted with the possession of premises in favour of the company without obtaining his consent in writing.

Decide giving reasons.

**Q. 3. (a)** *A* purchased property from *B*. The sale however was fictitious. *A* paid Rs. 5000/- to save the said property from being sold in execution of decree obtained by *C* against *B*. *A* then filed a suit for the recovery of Rs. 5000/- against *B*.

How will you decide the case? Give reasons.

**Q. 3. (b)** *A* is entitled to some land under his father's will on condition that, if he sells it within twenty five years, half the purchase money shall go to *B*. *A* forgetting the condition, contracted, before the expiration of twenty five years, to sell the land to *C*. *A* committed breach of the contract. *C* filed a suit for specific performance of the contract.

Decide giving reasons.

**Q. 4. (a)** *M* was the owner of a certain area of land. He agreed to purchase another area of land from *N*. The two parcels together would have exceeded the ceiling prescribed under an Act of the Legislature. This Act placed no restrictions on transfer and only the acquisition of an area in excess of the ceiling was involved resulting in its vesting in the State Government.

*N* refused to complete the transaction. *M* sued for specific performance. *N* resisted on the ground that if permitted it would defeat the provisions of the law.

How will you decide the case? Give reasons.

**Q. 4. (b)** *A* agreed to sell two plots of land in the same colony and equal area to *B* for Rs. 50,000/-. *A* could not make title as to one of the

plots. *B* filed a suit for specific performance as to the other plot on payment of Rs. 25,000/-

Decide giving reasons.

**Q. 5. (a)** *S*, a Hindu, was owner of 150 bighas of land. On his death it was inherited by his widow *M*. *M* in the year 1952 alienated 20 bighas of land of value of about 80,000/- for religious and charitable purposes. *R* the next reversioner filed a suit for declaration that the alienation was void and illegal and would not be binding on his reversionary interest.

How will you decide the case. Give reasons.

**Q. 5. (b)** On February 1, 1974, *A* sold 100 bags of wheat out of a bulk in godown to *B*. Delivery was postponed till March 1, 1974. Remaining bags in that godown were sold to *C* on February 3, 1974 and *C* took delivery on the same day. The goods in the godown were destroyed in a fire on February 20, 1974.

*A* filed a suit against *B* for the recovery of the price of wheat sold. *B* resisted on the plea that the goods were unascertained and property had not passed to him.

Decide giving reasons.

OR

**Q. 6. (a)** *R*, a Hindu widow, inherited suit property from her husband. *N*, the next reversioner, filed a suit for possession on the ground of unchastity. The suit was compromised in 1950. *R* agreed to continue to have limited estate as a widow with no right to alienate the property. She however sold the same to *M* in 1972. On her death in 1972 *N* filed a suit for possession. *M* resisted on the plea that *R* had become full owner under section 14 of the Hindu Succession Act, (Section reproduced).

Write a judgment deciding the case.

**Q. 6. (b)** *A* sold four buses to *B*. The buses were specific and in deliverable state. The delivery however was to be made in two instalments, each instalment to be paid for on delivery. The buses were destroyed in fire before the delivery date.

*A* filed a suit for the price of the buses. *B* raised on the plea that the delivery having been postponed, the property in the buses did not pass to him.

Decide giving reasons.

Q. 7. (a) *A* partnership consisted of two partners. It was agreed that one of the partners will retire.

Does it amount to dissolution of the partnership? Give reasons.

Q. 7. (b) What is meant by MUTA marriage under the Mohammedan Law?

OR

Q. 8. (a) What is meant by "partnership at will"?

Q. 8. (b) What is meant by "specified dower"?

## CIVIL LAW-II, 1976

Q. 1. *A* mortgaged a property at Delhi to one *K*. *A*, *B* and *C* brought a suit for a declaration that each of *B* and *C* were co-shares of the property to the extent of 1/3rd and that therefore mortgage by *A* alone was not binding on any of *A* and *C*. *K* contended that neither *B* nor *C* had any share in the property. That contention was upheld and the suit was dismissed. Subsequently *B* and *C* brought a suit against *A* claiming that each of them had 1/3rd share in the aforesaid property. *A* pleaded that the suit was barred by *res judicata* on account of dismissal of their suit against *K*.

Decide the plea of *A*, giving reasons.

OR

Q. 1. *A*, Hindu male married *B*, a Hindu female, at Delhi on 1st March 1970, according to Hindu rites. *A* married to New York (U.S.A.) on 1st January 1972, leaving behind *B* in India. *A* applied in a court at New York against *B* and obtained an *ex parte* judgment and decree of divorce, without due service of notice on *B*, who all along remained in India. *B* brought a suit at DELHI for maintenance as wife against *A*. *A* pleaded that in view of decree and judgment of divorce, *B* was not his wife for the reasons as under:

- (i) Judgment of divorce being a judgment in rem is binding on *B* under section 41 of Evidence Act.
- (ii) Decree having been based upon a foreign judgment is binding under section 13 of Code of Civil Procedure.

Decide the pleas of *A* giving reasons.

Q. 2. On the basis of a promissory note for Rs. 10,000/- executed by *C* in favour of *A* and his father *B* jointly (without assigning any shares), a suit on that last day of limitation was brought by *A* alone against *C* for recovery of the amount. After about a month of the institution of suit *C* appeared and raised an objection that suit liable to be dismissed due to non-joinder of *B* within limitation period.

- (a) Decide the objection of *C* and what order will you pass? Give reasons.
- (b) If before aforesaid objection is decided, *B* dies leaving *A* as only heir, what will be the fate of objection aforesaid of *C*?

OR

Q. 2. Decide giving reasons, the objection of *A* in any two of the following cases:

- (a) *A* brings a suit for recovery of Rs. 5000/- against *B* on the basis of a cheque. *B* in his written-statement claim set off Rs.

2000/- as damages for house trespass. *A* objects that set off cannot be legally claimed.

- (b) In a suit against *A*, a boy *B* aged about 12 years appears as a witness for plaintiff. *A* objects that boy *B*, being minor, cannot appear as a witness.
- (c) In a suit for recovery of money brought after expiry of period of limitation, by *B* against *A*. *B* urges that *A* is estopped to plead limitation as he (*A*) himself made *B* waste time in oral negotiations (before the filing of the suit) for compromise. *A* objects that plea of estoppel cannot be sustained.

**Q. 3.** *A* obtained a certified copy of a sale-deed dated 3rd January 1934 regarding a house from the office of a Sub Registrar and produced that before a court on 5th July 1976 in support of his case. Original of that sale-deed had been lost. *A* urges that said certified copy is admissible in evidence and that in view of section 90 of Evidence Act execution of sale-deed stands proved.

Decide the contention of *A*, giving reason.

OR

**Q. 3. (a)** *A* brought a suit against *B* and produced *C* as a witness, which was returned by the court to *A* for want of pecuniary jurisdiction. *A* presented the plaint in the court of competent jurisdiction. In the mean-time *C* died. At the trial *A* sought to rely on the statement of *C* already recorded under section 33 Evidence Act. *B* objected. Can already recorded statement of *C* be taken into evidence?

**Q. 3. (b)** When a witness has not deposed some facts truthfully, should whole body of his testimony be rejected on that ground alone?

**Q. 4. (a)** *A*, *B*, *C* and *D* own four houses at DELHI, execute a deed describing it as "Partition Deed" which defines and declares that everyone of them have and had equal share in the said houses, without allotment of any specific house to any one. Is the said deed compulsorily registrable? Give reason in support of your answer.

**Q. 4. (b)** In case a deed is compulsorily registrable, is there title limit for registration and, if so, how much?

OR

**Q. 4. (a)** *A* sells a piece of land for 99/- to *B* on 4th January, 1973 by means of an unregistered sale-deed. On 5th February 1974 he (*A*) sold the same very land to *C* by means of a registered sale-deed. Who out of *B* and *C* shall be owner of the aforesaid land?

**Q. 4. (b)** In whose office a sale-deed of a house situated at Gurgaon can be got registered? Can it be got registered at Delhi?

Schedule: Section 13 C.P.C., 33, 90 Evidence Act, were reproduced in paper.

## LANGUAGE, 1976

### Q. 1. Translate into Hindi:

One of the most complicated problems that India has been facing since the attainment of freedom is the language problem. India is a land of diversity in every respect. There are more than two hundred languages and dialects in this vast country. The Constitution of India recognises as many as fourteen regional languages. For obvious reasons, it was necessary for our leaders to decide upon a national language for the country. Hindi was the obvious choice for the purpose, and Hindi was accordingly proposed as the national and official language. However, some of the States, notably those of the South, vehemently opposed the imposition of Hindi on them.

The supporters of Hindi and many of them are not only vocal but extremely emphatic and even aggressive, have been demanding the replacement of English by Hindi as the national and official language of the country. The people of the South have been equally vehement in their opposition to such formula. According to this division, Hindi will be the official language of the country but, at the same time the different States of the Country will be free to correspond with the Centre in either Hindi or English, depending upon their own choice. Thus, the Centre has wisely decided not to coerce the State of the South into an acceptance of Hindi, as the only official language of the Country. As for the regional languages, it has been decided to adopt them as media of instruction at all levels in the different States. The regional languages can also serve as the languages of administration in their respective regions. The question really was as to how the emphasis should really be distributed.

### Q. 2. Translate into English:

दिल्ली में जिस बेशुमार गति से आबादी बढ़ रही है और प्रति वर्ष रोजी-रोटी के लिए पड़ोस के राज्यों से एक लाख से भी अधिक व्यक्ति आते रहते हैं, उसे देखते हुए यह जरूरी था कि जहाँ आर्थिक विकास और नागरिक सुविधायें बढ़ाने की योजनाओं को आगे बढ़ाया जाये, वहाँ राष्ट्रीय राजधानी के विकास पर भी जोर दिया जाये, क्योंकि इसके बिना दिल्ली की समस्याओं का स्थायी और सुव्यवस्थित हल असंभव था। राजधानी क्षेत्र के विकास के अन्तर्गत जिन समीपवर्ती राज्यों और दिल्ली में उप-नगरों का विकास किया जायेगा, उन्हें आपस में जोड़ने के लिए सड़कों के विकास के लिए 1.5 करोड़ रुपये तथा उप-नगरों के लिए केन्द्रीय सरकार द्वारा 20 करोड़ रुपये की स्वीकृत फिलहाल पाँचवी पंचवर्षीय योजना में दी गई है। यदि आवश्यक समझा गया तो यह राशि और बढ़ाई जा सकती है।

दिल्ली में समाज-कल्याण से सम्बन्धित 25 संस्थायें काम कर रही हैं जो बच्चों, निराश्रित महिलाओं, असहायों, अपंगों, वृद्धों आदि से सम्बन्धित 10 सेवायें प्रदान करती हैं। इनमें किशोर अपराधी, बच्चों, कैदियों के कल्याण की योजनायें, मार्गदर्शन, निजी घरों में अनाथ बच्चों के पोषण जैसी सेवायें शामिल हैं। इसके अलावा दिल्ली-प्रशासन के 375 केंद्रों में पाँच वर्ष की कम आयु के 75 हजार बच्चों को पोषण आहार दिया जाता है। काम करने वाली महिलाओं के बच्चों की देखभाल के लिए 7 'बाल अनुरक्षण केंद्र' चलाये जा रहे हैं। चिकित्सा सेवाओं का तेजी से विस्तार हो रहा है। गांव के बेकार लोगों को काम देने की दृष्टि से डेरी उद्योगों की स्थापना की एक बहुत बड़ी योजना है।

## ESSAY AND GENERAL KNOWLEDGE, 1976

Q. 1. Write a short essay on any one of the following: 100

- (a) Why I want to become a judge.
- (b) Legal aid to the poor.
- (c) Social Justice through law.
- (d) Balance-sheet of non-alignment in our foreign policy.

Q. 2. Who is the author of any five of the following books:

- (a) The Republic
- (b) History of Dharamsastra
- (c) Discovery of India
- (d) The Wealth of Nations
- (e) The Origin of Species
- (f) Freedom at midnight
- (g) My Experiment with Truth

Q. 3. What is the difference between coal and charcoal? 5

OR

Q. 3. Why is a ship able to float?

OR

Q. 3. Why are the mountains cooler than plains? 10

Q. 4. Write a sentence or two each to indicate that you know who are the following:

- (a) Sir Seewoosagur Ramgoolam
- (b) H.R. Gokhale
- (c) Nani Palkhiwala
- (d) Jimmy Carter
- (e) Kurt Waldheim

Q. 5. What do the following abbreviations stand for? 5

UNCTAD, GDR, FOB, CIE, GATT

Q. 6. In which game or sport have the following distinguished themselves?

- (a) Nadia Comaneci
- (b) Lala Amarnath
- (c) Sriram Singh
- (d) Manjit Dua
- (e) Kornella Ender

Q. 7. Write a sentence each to show what do you understand by:

- (a) Stethoscope
- (b) Lactometer
- (c) Thermometer
- (d) Seismograph
- (e) Barometer

Q. 8. Write short notes (say, two sentences each) on the following:

- (a) Sarkaria Commission
- (b) Farakka Barage
- (c) Viking-I

Q. 9. What do you understand by:

- (a) Proportional Representation by the Single Transferable Vote. 4
- (b) Green Revolution 2