

EXAMINATION FOR RECRUITMENT
TO
THE POSTS OF DISTRICT JUDGES
[CIVIL LAW]

10/2/2007

Max. Marks: 150

Duration: 3 hours

Marks

1. Whether a civil court is bound to grant decree for specific performance, when the plaintiff has proved his case? If not, under what circumstances the court can refuse it and in such circumstances, what relief can be granted?
[10]
2. (a) Whether a mortgagee can institute a suit against the mortgager for recovery of money by sale of immovable property, the title deeds of which were deposited with the mortgagee, though the mortgage deed is not registered?
[5]
- (b) When the deposit of title deeds with the mortgagee for collateral security of loan amount advanced to the mortgager, is valid?
[5]
- 3 (a) Whether the court can exercise its discretionary power under Section 35 of C.P.C., to award interest in the suit filed by the creditor under Order 34

Rule 10 C.P.C. for grant of decree for recovery of money by sale of mortgaged immovable property?

[5]

(b) Whether the owner of the immovable property can file suit for redemption of mortgage of the property mortgaged in favor of mortgagee, if such property was one of the suit schedule items in an earlier suit and no decree was passed in respect of that property?

[5]

4 (a) whether a workman coming under the definition u/s 2 (s) of the Industrial Disputes Act can file a suit for declaration, to declare an order of his dismissal from service as void abinitio? Give reasons.

[5]

(b) Whether a dismissed workman can directly raise an industrial dispute before The Labour Court/Industrial Tribunal against an order of dismissal without recourse to conciliation proceedings? Give reasons.

[5]

5 (a) Whether a trespasser, who is in possession of a land for a number of years, can file a suit for permanent injunction, if there is a threat of dispossession?

[5]

(b) What is the meaning of the following?

(i) Ratio decidendi;

(ii) Obiter Dictum;

(iii) Res ipsa loquitur;

(iv) Force majeure;

(v) Judgment in rem.

[5]

6. What types of writs the High Court can issue exercising jurisdiction under Article 226 of Constitution of India? Explain the nature of such writs.

[10]

7. (a) When an application is filed under subsection (2) of Section 80 of C.P.C. for leave of the court to institute a suit to obtain an urgent or immediate relief against the Government or any Public Officer, without serving any notice as required by subsection (1) of Section 80, can the Court grant any ex parte interim relief? Explain.

[5]

(b) What are the criteria for deciding market value in respect of a land acquired under the Land Acquisition Act?

[5]

8. What is 'Res Judicata'? Explain in detail.

[10]

9. (a) Under what provision and circumstances, a court can reject the plaint? [5]

(b) With reference to the provision of law, explain who may be joined as plaintiffs and defendants in a suit?

[5]

10. What is 'framing of issues'? What materials the court is required to take into consideration while framing issues in a suit? Discuss.

[10]

11. Under what circumstances a Civil Court can grant temporary injunction? Explain in detail.

[10]

12. Under Section 89 C.P.C., what are the different methods of settlement of disputes outside the Court and what is the procedure to be followed by the Court?

[10]

13. Write short notes on:

a) Tenant at will

[2]

b) Tenant at sufferance

[2]

c) Tenant holding over

[2]

d) Ostensible Owner

[2]

e) Feeding the estoppel

[2]

14. (a) Whether and under what circumstances Civil Court can grant interim order in a dispute to be referred for arbitration under the provisions of Arbitration and Conciliation Act 1996?

[5]

(b) What are the grounds on which an arbitral award can be set aside by the Civil Court in an application under Section 34 of the Arbitration and Conciliation Act 1996?

[5]

15. Under the Specific Relief Act, what are the contracts which are not specifically enforceable? Explain.

[10]

EXAMINATION FOR RECRUITMENT
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[Criminal Law]

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Duration: 3 Hours

Marks

1. Explain the difference between 'common intention'
& 'common object'.

(10)
2. Explain the evidentiary value of statement of an
accused recorded under Section 313 Criminal
Procedure Code, in the light of the recent
judgments of the Supreme Court.

(10)
3. Explain, with reference to provisions of law, under
what circumstances an accused can claim right of
private defence.

[10]
4. Explain with reference to case laws, whether
corroboration of evidence of the victim of rape is
necessary for conviction for the offence of rape?

[10]

5. What is the effect of error in framing the charge in respect of the following:-

- a) Mistake in mentioning the date of offence.
- b) Error in stating offence or particulars required to be stated in the charge.
- c) Omission to state the offence or particulars of the offence.

[10]

6. What is the evidentiary value of Dying Declaration and what are the points on which the court has to satisfy itself before placing reliance on the Dying Declaration.

[10]

7. How a Criminal Court should assess and appreciate the evidence of following witnesses:-

a) Child witness

[2]

b) Close relative of the victim

[2]

c) Police Officer

[2]

d) An injured witness

[2]

e) Expert witness

[2]

8. Write short notes on:
- a) Plea bargaining: [5]
 - b) Victim oriented criminal justice. [5]
9. Under what circumstances a Court can sentence an accused in a murder case to capital punishment? Name two leading cases of the Supreme Court of India. [10]
10. A young man of 26 years is in love with a girl. But she does not respond to the same. Angered by the same, the young man in order to teach her a lesson, procures sulphuric acid and throws it on her face, causing severe acid burn injuries including loss of both eyesight and permanent disfiguration of face and hands. What is the offence committed? Name the latest law laid down by the High Court of Karnataka on the subject. [10]
11. (a) What is culpable homicide? [5]

(b) Explain the distinction between culpable homicide amounting to murder and culpable homicide not amounting to murder?

[5]

12. Under what circumstances and under what provision of law a Criminal Court can draw presumptions against an accused?

[10]

13. How the Court should appreciate evidence of circumstantial in nature in a murder case?

[10]

14. What kinds of hurt fall within the definition of 'grievous hurt/injury'? Mention provision of law.

[10]

15. Two brothers decide to teach a lesson to Mahadeva as he had attempted to molest their sister and when questioned, he insults and abuses them in vulgar language in front of public. Hence along with three friends, they conspire and decide to assault him, while he is in his house. All of them get armed with weapons like choppers, axe and clubs and go to his house. They forcibly enter the house and attack him. At that time Mahadeva is

carrying his four year old son in his arms. One of the accused in order to attack Mahadeva snatches the child and throws it down on the ground. While falling, the head of the child hits grinding stone and it dies instantaneously. Then two of the accused hold Mahadeva and the other accused, attack him with weapons indiscriminately. When Mahadeva falls down unconscious they leave the place. Then after Mahadeva is taken to a hospital but while under treatment breaths his last. The post-mortem report indicates that the death was due to excessive haemorrhage and multiple injuries to vital organs like brain, liver and kidney.

What are all the offences committed by the accused? Give reasons with reference to provisions of IPC.