

HIGH COURT OF KERALA

KERALA JUDICIAL SERVICE EXAMINATION (MAIN)

Saturday, 11th August, 2012.

**PAPER-I
ENGLISH**

Time: 3 hours

Marks:100

(Questions 1 to 23 carry 1 mark each)

Use the appropriate article wherever necessary

1. Human race is spread all over world from polar regions to tropics
2. I like to give you useful present
3. I have never known such wet summer

Use the correct form of the verb given in the brackets

4. The radio which you gave my children _____ perfectly (work)
5. Two Kilograms of coffee _____ Rs.200/- (cost)
6. Justice as well as mercy _____ it (allow)

Change the degree of comparison without changing the meaning

7. She is not so wise as her sister

Fill up the gaps with few, a few, the few, little or a little

8. Mr Gopal was a man of _____ words
9. A busy person has _____ time to spare
10. _____ remarks he made were very suggestive

Use the correct preposition

11. He was angry _____ what I said
12. He was convicted _____ the offence of cheating

Correct the mistake, if any

13. I met him on last Friday
14. She will be 18 on next July
15. He reached at home at 7.00
16. Here is the book that you asked
17. He left from Kerala to New York, arriving there on Friday
18. One of the reason is his incompetence

Fill in the blanks with is or are

19. The novelist and poet _____ dead

20. The house, with its contents, _____ insured
21. Each of the prisons _____ full

Fill in the blanks with between or among

22. The villagers often quarrelled _____ themselves.

Use the superlative of the word given in the brackets

23. He is a good friend (good)

(Questions 24 to 26 carry 2 marks each)

Make sentence

24. to take off
25. to put out
26. to stand by

Report the following in indirect speech

27. He told us, "Never live beyond your means". **(2 marks)**

28. The traveller said, "Can you tell me the way to the nearest hotel?" "Yes", said the shopkeeper, "Do you want one in which you can spend the night?" "No", replied the traveller, "I only want a meal".

(3 marks)

29. He reminded me, "When the cat is away, the mice play".
(2 marks)

Report the following in direct speech

30. He enquired whether his name was not Suresh. (2 marks)

31. He said that the horse had died in the night (2 marks)

32. **Write a precis of the following passage**

You see it all the time in business. There are a million excuses for not paying the price: "If only I was given a particular opportunity", "If only the boss liked me better, I could accomplish this or that." Nothing but excuses.

That's not to say there aren't obstacles or distractions. If you're trying to achieve, there will be roadblocks. But obstacles don't have to stop you. If you run into a wall, don't give up. Figure out how to climb it, go through it, or work around it.

You have to stick to your plan. A lot of people try to pull you down to their level because they can't achieve certain things. But very few people get anywhere by taking shortcuts. More people gain success the honest way, by setting their goals and committing themselves to achieving those goals.

Our society tends to glamorize individual success without considering the entire process. What if you have a CEO with a great idea, but he doesn't have the people to make it happen? If you don't have all the pieces in place, particularly at the front lines, that idea doesn't mean a thing. You can have the greatest sales people in the world, but if the people making the product aren't any good, no one will buy it.

Managers, like coaches, have to find ways to utilize individual talents in the best interests of the company. It's a selfless process. In our society sometimes it's hard to come to

grips with filling a role instead of trying to be a superstar. We tend to ignore or fail to respect all the parts that make the whole possible. Talent wins games, but teamwork and intelligence win championships.

Everything I achieved can be traced back to the way I approached and applied the fundamentals, the basic building blocks or principles that make everything work. I don't care what you're doing - you can't skip fundamentals if you want to be the best. ~~But some guys don't want to deal with that.~~ They're looking for instant gratification, so may be they skip a few steps. They're so focused on composing a masterpiece that they never master the scales. You can get away with it through the early stages, but it's going to catch up with you eventually. The minute you get away from fundamentals - whether it's proper technique, work ethic, or mental preparation - the bottom can fall out of your game, your schoolwork, your job, whatever you're doing.

When you understand the building blocks, you see how the entire operation works. And that allows you to operate more intelligently. It sounds easy, but it isn't. You have to monitor your fundamentals constantly because the only thing that changes will be your attention to them. The fundamentals will never change. There is a right way and a wrong way to do things. Get the fundamentals down, and the level of everything you do will rise.

(15 marks)

33. Write an essay on any two of the following topics

Gender justice

Independence of judiciary

Kerala is God's own country

(15 x 2 marks)

34. Translate into English

ഞാൻ ഈ കേസിലെ എതിർ കക്ഷിയാണ്. PW5 ഹമീദ് എന്റെവീട്ടിൽ നിന്ന് 3 വീട് മാറി താമസിക്കുന്നു. മേൽപ്പടിയാൻ എന്റെ അയൽക്കാരനാണ്. പക്ഷെ ഞങ്ങൾ തമ്മിൽ അടുത്ത പരിചയമില്ല. ഇലക്ഷൻ പ്രചാരണവുമായി ബന്ധപ്പെട്ട് മാത്രമാണ് ഞങ്ങൾ തമ്മിൽ പരിചയം. ഉദ്ദേശം 5 വർഷമായി ഹമീദ് അവിടെ താമസം ഉണ്ട്. ഞങ്ങൾ തമ്മിൽ വഴക്കോ വൈരാഗ്യമോ ഇല്ല. PW7 വൽസലയെ ഞാൻ കണ്ടിട്ടേയില്ല. അവർ എന്റെ വാർഡിലെ വോട്ടറാണ്. PW6 ജോസുമായി എനിക്ക് അടുത്ത പരിചയമില്ല. എന്നാൽ എനിക്കയാളെ അറിയാം. നിങ്ങളുടെ വീടിന്റെ അടുത്തല്ലെ അയാൾ താമസിക്കുന്നത്. (Q.). 10 - 15 വീട് മാറിയാണ് (Ans.). ഞാൻ ജനങ്ങളുമായി കൂടുതൽ ഇടപഴകുന്ന ആളാണ്. എതിർ കക്ഷി താമസിക്കുന്നത് 2 കിലോമീറ്റർ മാറി മറ്റൊരു വാർഡിലാണ്. മേൽപ്പടിയാൻ ബോട്ട്ജെട്ടിയിൽ നിന്നും 2 കിലോമീറ്റർ മാറി ജോലി ചെയ്യുന്നു. Ext.A-8 പരാതി ന്യായമായ കാരണവും അടിസ്ഥാനവുമില്ലാതെ കൊടുത്തതെന്നു പറഞ്ഞാൽ ശരിയല്ല. Ext.A-5 പത്രം ഞാനും എന്റെ ഏജന്റും എന്റെ പാർട്ടി പ്രവർത്തകരും എന്റെ വാർഡിലെ മിക്കവാറും എല്ലാ വീടുകളിലും കൊണ്ടുപോയി കൊടുത്തു എന്നു പറഞ്ഞാൽ ശരിയല്ല. റിട്ടേണിംഗ് ഓഫീസർക്ക് കൊടുത്ത പരാതി കളവല്ല. കേട്ടറിഞ്ഞതിന്റെ അടിസ്ഥാനത്തിൽ കൊടുത്തതാണ്. ഇലക്ഷൻ കാലത്ത് മറ്റു പത്രങ്ങളും ഞാൻ വായിക്കാറുണ്ടായിരുന്നു. വേറെ ഏതെങ്കിലും പത്രത്തിൽ എതിർ കക്ഷിയെക്കുറിച്ചുള്ള ഈ വാർത്ത വന്നോ എന്നറിയില്ല.

HIGH COURT OF KERALA

KERALA JUDICIAL SERVICE EXAMINATION (MAIN)

Saturday, 11th August, 2012.

PAPER-II

Time: 3 hours

Marks: 100

(Part - I)

Answer any 15 questions in one or two sentences only. Each carries 1 mark

1. Under a contract A is liable to pay Rs.1,00,000/- to B. A, B and C agree that thereafter C will pay the debt instead of A. What is its legal effect and what is the principle involved in it ?
2. A executed a Power of Attorney authorising B to let out his residential building. Later, A himself let out the building to C. What is its legal effect and what is the principle involved in it ?
3. Under a Will executed by her father, Geetha is entitled to a watch, which is in the custody of her brother. Geetha files a suit for its delivery on the allegation that compensation in money cannot be adequate relief. What is the presumption, if any, arising in the suit ?
4. What are the incidents included in the legal incidents which pass to the transferee of a land ?
5. A transfers a debt to B. B claims from the debtor the arrears of interest accrued before the transfer. Is the claim permissible ? Why ?
6. When is a mortgagor entitled to redeem a portion of the mortgage property ?
7. An owner of a residential building leased it out for 11 months. It was a lease from month to month. After 11 months the landlord accepted the rent for the subsequent period from the lessee. What is its effect ?

8. What is the distinction between period of limitation and prescribed period ?
9. What is the provision regarding testamentary succession under the Hindu Succession Act ?
10. In a suit filed u/s. 6 of the Specific Relief Act the defendant contends that he is the owner of the property. Comment
11. What are the principles by which a Lok Adalat is guided while determining a reference ?
12. What is the effect of conversion of a Muslim wife to another religion ?
13. Mention three documents the registration of which is optional ?
14. What is the court fees payable in a suit for movable property other than documents of title ?
15. What are accessory rights under the Easement Act ?
16. What shall be deemed when a cheque bears across its face an addition of two parallel transverse lines ?
17. What documents may be partially cancelled ?
18. What is the provision regarding the option to determine lease ?
19. What is the rule of distribution of property where an unmarried Christian dies leaving behind his father, mother and brothers and no widow or lineal descendants ?
20. In a Will a gift is given to an attesting witness. What is its effect ?

Part-II

Answer any 15 questions. Each carries 3 marks

1. Distinguish between quasi easements and natural rights

2. What is the procedure for impounding instruments ?
3. What is a multifarious suit ?
4. Write a short note on institution of prosecution for offences against the Kerala Panchayat Raj Act and institution of suits against authorities of Panchayat
5. Time is not of the essence of the contract in the case of agreement for sale of immovable properties. Examine the correctness of the statement on the basis of Supreme Court decisions.
6. What is meant by statutory charge of a buyer in an agreement for sale of immovable property ?
7. Write a short note on right of subrogation under the Transfer of Property Act
8. What are actionable claims and how they may be transferred ?
9. What are the properties in respect of which a Succession Certificate may be issued and which is the court in Kerala having jurisdiction to grant Succession Certificate ?
10. Write a short note on the discretionary powers of court to decree specific performance
11. Distinguish between general lien and special lien
12. Write a short note on the liability of co-surety
13. What are the rights of a pawnee ?
14. What are revocable and irrevocable licenses ?
15. What are the general rules of succession in the case of female Hindus dying intestate ?
16. What is the provision in the Kerala Municipality Act regarding limitation for recovery of dues ?

**HIGH COURT OF KERALA
KERALA JUDICIAL SERVICE EXAMINATION (MAIN)**

Sunday 12th August, 2012

PAPER-III

PART-A

Time: 3 hours

Marks:100

(Answer in one or two sentences any 15 questions. Each carries 1 mark)

1. What is the purpose for which an Observation Home is established ?
2. When shall bail be refused to a juvenile in conflict with law ?
3. How can a complaint be made to the police under the Police Act ?
4. When is a person said to counterfeit a thing ?
5. When does the right of private defence of the body commence ? How long does it continue ?
6. When does voluntary concealment of existence of a design to commit an offence punishable with death become an offence ?
7. What is the offence of harbouring offender ?
8. What are the ingredients of the offence of causing death by negligence ?
9. When do facts not otherwise relevant become relevant under Section 11 of the Evidence Act ?
10. When can a Magistrate grant bail to an accused under the NDPS Act though the prosecutor opposes the application for bail ?
11. What is abduction ?
12. What is unnatural offence ?
13. How can a Will be proved if the attesting witness does not recollect its execution ?
14. A asked C for a loan in the presence of D, whereupon D told C not to trust

A as he (A) owed B Rs.1 lakh. On hearing this, A just walked away. Are the above facts relevant in the suit filed by B against A for recovery of the amount of Rs.1 lakh ? Why ?

15. What is charas ?
16. What is the presumption as to commission of the offence under Sections 55 and 58 of the Abkari Act ?
17. What are the cases in which a forest officer can arrest without warrant ?
18. Who is a respondent under the Protection of Women from Domestic Violence Act ?
19. What is the offence created by the Protection of Women from Domestic Violence in relation to violation of an order committed by a respondent ?
20. In a proceedings u/s.12 of the Protection of Women from Domestic Violence Act, a Magistrate issued an arrest warrant against the respondent on his failure to appear in response to the notice. Comment.

PART-B

(Answer any 15 questions. Each carries 3 marks)

1.
 - a) What are the rights of the public at a police station ?
 - b) What is police station diary and who are the persons competent to verify it ?
2. Write a short note on certified copies of public documents.
3. Which are the acts against which there is no private defence and what is the extent to which the right may be exercised ?
4.
 - a) What are the powers of a forest officer in seizing properties liable to confiscation under the Forest Act ?
 - b) What are the powers of a Judicial Magistrate in confiscating articles under the Forest Act ?
5. Who are persons competent to depose ?

6. Write a short note on accomplice.
7. Write a short note on corroboration and contradiction of witnesses.
8. What is the power of the court to release an offender on probation of good conduct ?
9. What are the different categories of presumption ?
10. What are the rules of evidence regarding disclosure of professional communications, and confidential communications with legal advisers ?
11.
 - a) What is the mode of service of summons in a case filed under Section 138 of Negotiable Instruments Act ?
 - b) What are the presumptions raised by the special rules of evidence in a case filed under Section 138 of Negotiable Instruments Act ?
12. How is extortion different from robbery ?
13.
 - a) What is the procedure to be followed u/s. 53A of the Abkari Act in disposing of seized liquor, intoxicating drugs or articles ?
 - b) What is the special rule of evidence in relation to it ?
14. What do verbal and emotional abuse and economic abuse mean under the Protection of Women from Domestic Violence Act ?
15. Explain 'rioting'.
16. What are the provisions in the IPC regarding imprisonment for nonpayment of fine ?
17. Write a short note on mischief.
18. Write a short note on the offence made out by the following facts:

The Will of Prakash contained the following words " I direct that all my remaining property should be equally divided among Tony, Tomy and Dony". Dony dishonestly erases Tomy's name with intent that it might be believed that the whole property was left to himself and Tony.

**HIGH COURT OF KERALA
KERALA JUDICIAL SERVICE EXAMINATION (MAIN)**

Sunday, 12th August, 2012.

PAPER-IV

PART-A

Time: 3 hours

Marks:100

(Answer in one or two sentences any 15 questions. Each carries 1 mark)

1. Who is an agriculturist for the purpose of the proviso to Section 60 CPC ?
2. When can service of summons to a defendant be made on an adult member of his family ?
3. When can the court order that pleadings be struck out ?
4. A plaint was rejected on the ground that it was not filed in duplicate. The plaintiff filed a fresh suit. The only contention of the defendant was that the rejection amounted to a decree. Comment.
5. In a suit for recovery of Rs.1,00,000/- the defendant appeared and filed a written statement admitting his liability to pay Rs.50,000/- and denying the liability to pay the balance amount. When the suit was called on for hearing the plaintiff was absent. The court decreed the suit in part and dismissed it in part. What is the remedy of the plaintiff ?
6. What is the object of delivering interrogatories ?
7. What is the procedure to be followed when a court rejects in evidence a document produced in a suit ?
8. A Munsiff found that he had no territorial jurisdiction to entertain the suit and ordered return of the plaint. He also directed the parties to maintain status quo for two weeks or till the plaint was represented in the proper court, whichever was earlier. Comment.
9. A judgment debtor in a decree for perpetual injunction violated it. What is the mode of execution ?
10. How is attachment of a debt not secured by a negotiable instrument effected ?

11. With regard to the jurisdiction of an executing court what is the difference between attachment of salary of a government employee and of a private employee ?
12. In execution of a decree an immovable property was attached. Later, the decree was reversed. What is its effect on the attachment ?
13. A, B and C, partners of a firm, filed a suit for recovery of a sum. C died pending the suit. His legal representatives were not made parties to the suit. The defendant contended that the suit abated as against C. Can it be upheld ? Why ?
14. What is the period during which an order passed by a vacation judge will be in force in a matter which ought to have been filed in a Munsiff's Court ?
15. Where can a proceedings u/s.125 Cr.P.C be taken ?
16. When is it mandatory for a Judicial Magistrate to conduct an enquiry u/s.176(1)A Cr.P.C ?
17. What are the grounds on which a Magistrate may discharge an accused in a complaint case ?
18. What are the powers of a Magistrate with regard to recording of evidence and awarding of sentence in a summary trial ?
19. Who shall be presumed to be an indigent person for the purpose of the proviso to Section 436(1) Cr.P.C ?
20. Who may sign and verify a plaint on behalf of a corporation ?

PART-B

(Answer any 15 questions. Each carries 3 marks)

1. Write a short note on costs that may be ordered by a civil court under CPC
2.
 - a) What are the powers of a transferee court in executing decrees ?
 - b) What is the procedure to be followed in filing an application for transfer of a decree and in dealing with that application ?
3. Write a short note on enforcement of decree against legal representatives.

4. Write a short note on representative suits.
5. How can service of summons be made on a defendant residing within the jurisdiction of a court ?
6. Distinguish between set off, counter claim and adjustment.
7. What is the procedure to be followed when a witness fails to appear in response to a summons issued from a civil court ?
8. What is the procedure to be followed when in execution proceedings a claim petition is preferred to attachment of a property on the ground that it is not liable to attachment ?
9. Write a short note on compromise of suits.
10. Attachment before judgment is not an absolute right. Comment.
11. Write a short note on remand of an accused to police custody.
12. What is the authority of a court to order examination of a witness in camera ?
13. What is the procedure prescribed to make a proclamation for an absconding accused ?
14. What are the uses of a statement recorded u/s.161 Cr.P.C ?
15.
 - a) What is the procedure to be followed by a Magistrate taking cognizance of an offence on a complaint ?
 - b) What shall the Magistrate do if the complaint does not disclose any offence ?
16.
 - a) What are the documents to be furnished by the Magistrate to an accused in a sessions case ?
 - b) What is the procedure to be followed by a Magistrate committing a case to a court of session ?
17. Distinguish between withdrawal of complaint and withdrawal from prosecution.