

HIGH COURT OF KERALA

KERALA JUDICIAL SERVICE MAIN (WRITTEN) EXAMINATION - 2025

Paper – I (General English)

Duration – 3 hours

Total marks- 100

(Questions 1 – 30 carry 1 mark each)

● **Choose the correct answer from the options :-**

(1) A consortium of international banks funding for the ambitious infrastructure project.

- (A) provide (B) provides
(C) were providing (D) have provided

(2) Neither of the answerscorrect. .

- (A) is (B) are (C) were (D) be

(3) Ten miles a long distance to walk.

- (A) is (B) are (C) were (D) have been.

● **Convert the following sentence into Reported Speech :-**

(4) He said to me, "*You must submit the assignment by tomorrow.*"

- (A) He told me that I must submit the assignment by the next day.
(B) He told me that I had to submit the assignment by the next day.
(C) He told me that I must submit the assignment by tomorrow.
(D) He told me that I had to submit the assignment by tomorrow.

● **Fill in the blanks with suitable prepositions :-**

(5) The committee divided the money the three winners.

- (A) for (B) over (C) upon (D) among

(6) He has been absent class for three consecutive days.

- (A) from (B) in (C) at (D) for

(7) He is well acquainted.....the culture and traditions of Japan.

- (A) about (B) to (C) with (D) on

● Identify the phrasal verb which substitutes the word underlined :-

(8) The police are trying to investigate the mysterious disappearance.

- (A) look into (B) turn up (C) set forth (D) set in

(9) The workers had to tolerate poor conditions for many years.

- (A) carry out (B) put up with (C) look up (D) set up

(10) Heavy rain is likely to begin by evening.

- (A) set in (B) pull off (C) go off (D) fall through

● Rewrite the following sentences in the opposite voice (Active/ Passive) :-

(11) The letter was written by her yesterday.

- (A) She has written the letter yesterday.
(B) She wrote the letter yesterday.
(C) She had been writing the letter yesterday.
(D) She had written the letter yesterday.

(12) They will complete the work by tomorrow.

- (A) The work would be completed by tomorrow.
(B) The work will have been completed by tomorrow.
(C) The work will be completed by tomorrow.
(D) The work is being completed by tomorrow.

- (13) The accused was granted bail by the court despite strong opposition from the prosecution.
- (A) When the Court granted bail to the accused, there was strong opposition from the prosecution.
- (B) The Court granted the accused bail despite strong opposition from the prosecution.
- (C) The accused was opposing the prosecution when the Court granted him bail.
- (D) The Court granted the accused bail despite there was strong opposition from the prosecution.

● Identify the misspelt word and correct it :-

- (14) (A) Liaison (B) Entrepreneur
(C) Embarrasment (D) Bureaucracy
- (15) (A) Connoisseur (B) Vaccum
(C) Maintenance (D) Irresistible
- (16) (A) Pharaoh (B) Exhilarate
(C) Questionnaire (D) Acquiese

● Fill in the blanks with suitable tenses :-

- (17) By the time the archaeologiststhe relics, the surrounding villagers had already fabricated elaborate myths about their origin.
- (A) unearth (B) unearthed
(C) have unearthed (D) had unearthed
- (18) The professor the nuances of existential philosophy long before the students grasp its profound implications.
- (A) expounds (B) will have expounded
(C) had expounded (D) has expounded
- (19) Shewith the intricacies of quantum mechanics for years before her breakthrough paper was acknowledged by the academic community.
- (A) has been grappling (B) has grappled
(C) had been grappling (D) would have been grappling

● **Add suitable question tags :-**

(20) She hardly ever speaks in public,

- (A) does she (B) doesn't she
(C) did she (D) didn't she

(21) Let's go for a walk,

- (A) shall we (B) should we
(C) shouldn't we (D) don't we

(22) The Judges had never encountered such a case before,

- (A) had they (B) hadn't they
(C) did they (D) didn't they

● **Choose the right collective noun :-**

(23) A of crows

- (A) Shoal (B) Swarm (C) Pack (D) Murder

(24) A.....of fish

- (A) Pod (B) Shoal (C) Herd (D) Flock

(25) A of puppies

- (A) Gaggle (B) Herd (C) Litter (D) Pod

● **Choose the right conjunction to complete the sentence :-**

(26) He remained calm.....everyone around him was panicking.

- (A) when (B) while (C) although (D) despite

(27) He speaks confidently about the project he has very little actual experience in the field.

- (A) rather than (B) whereas (C) provided that (D) while

(28) I decided to stay home my friends went to the concert without me.

- (A) though (B) because (C) while (D) although

● **Choose the correct answer from the options :-**

(29) A person who pretends to have more knowledge or skill than he actually possesses is

(A) truant (B) imposter (C) charlatan (D) hypocrite

(30) A person who is indifferent to pleasure or pain, showing no emotions is

(A) sceptic (B) cynic (C) epicure (D) stoic

● **Write an essay on any two of the following (20 x 2 = 40 marks)**

(31) "Social Media: A Tool for Connectivity or a Source of Isolation?"

(32) "Artificial Intelligence and the Future of Employment"

(33) "Freedom of Expression v. Responsible Speech in the Digital Era"

(34) "Mental Health Awareness in the 21st Century: Breaking the Stigma"

(35) "The Digital Divide: A Challenge to Equality in the Information Age"

(36) "Women Empowerment and Gender Equality in Modern Society"

(37) **Make a precis of the following passage. (15 x 1 = 15 marks)**

The concept of justice has occupied a central place in human civilization since antiquity, for it is the foundation upon which the edifice of law and governance rests. Justice is not merely a legal principle confined to the courtroom; it is a moral ideal that informs the conduct of individuals and institutions alike. A society that fails to secure justice inevitably witnesses discontent, disorder, and erosion of trust in authority. In modern constitutional democracies, justice is understood in its social, economic, and political dimensions, requiring not only impartial adjudication of disputes but also affirmative action to remedy historical inequalities.

Yet the realization of justice is far from simple. Courts often struggle to balance the competing interests of liberty and order, individual rights and collective welfare. Legislatures enact laws in the name of public good, but such enactments may inadvertently burden vulnerable communities. Similarly, executive authorities, while maintaining law and order, may at times resort to measures that undermine personal freedoms. It is within this complex interplay that the judiciary assumes its crucial role as the guardian of constitutional values.

However, the judiciary itself is not insulated from challenges. Delay in adjudication, mounting pendency of cases, and unequal access to legal remedies remain pressing concerns. Moreover, public confidence in the judiciary depends not only on the correctness of judgments but also on the perception of fairness, independence, and integrity. The pursuit of justice, therefore, is a dynamic process that demands vigilance, reform, and a continuous commitment to the principles of equality and rule of law. Justice is not a static ideal but an ever-evolving aspiration that must adapt to the needs of a changing society.

(38) Translate the following Malayalam passage into English

(15 x 1 = 15 marks)

ഓർമ്മകളുടെ താക്കോൽ.

മനുഷ്യജീവിതമെന്ന മഹാപ്രവാഹത്തിൽ, കാലത്തെയും അനുഭവങ്ങളെയും കൂട്ടിയിണക്കുന്ന കണ്ണികളാണ് ഓർമ്മകൾ. അവ മാഞ്ഞുപോയ കാലത്തെക്കുറിച്ചുള്ള

മധുരനൊമ്പരങ്ങളാവാം, നഷ്ടപ്പെട്ട സന്തോഷങ്ങളെക്കുറിച്ചുള്ള വേദനയാവാം, അല്ലെങ്കിൽ ഭാവിയുടെ പാതയിലേക്ക് വെളിച്ചം വീശുന്ന പാഠങ്ങളാവാം. ഓരോ മനുഷ്യന്റെയും ജീവിതം രൂപപ്പെടുന്നത് ഓർമ്മകളുടെ ആഴമേറിയ സ്വാധീനത്തിലാണ്. ഭൂതകാലത്തിൽനിന്ന് ആവാഹിച്ചെടുത്ത പാഠങ്ങളും ആഘോഷങ്ങളും ഓരോ വ്യക്തിയെയും ഇന്നത്തെ അയാളാക്കി മാറ്റുന്നു. ഓർമ്മകളില്ലാത്ത ജീവിതം നിറമില്ലാത്ത ഒരു ചിത്രശലഭത്തെപ്പോലെയാണ് - എത്ര മനോഹരമായാലും അതിന് ആത്മാവില്ല.

ഓർമ്മകളെ നമുക്ക് പലതായി തിരിക്കാം. ബാല്യകാലത്തിലെ നിഷ്കളങ്കമായ കളികളും ചിരികളും, കൂട്ടുകാരമായി പങ്കുവെച്ച കസ്യൂതികളും, ആദ്യമായി അക്ഷരം പഠിച്ചതിന്റെ ഓർമ്മകളും ഓരോ മനുഷ്യന്റെയും മനസ്സിനെ എപ്പോഴും പുഞ്ചിരിപ്പിക്കും. ആ ഓർമ്മകളാണ് പിന്നീട് വരുന്ന ജീവിത പ്രതിസന്ധികളെ നേരിടാൻ ഒരുതരം ഊർജ്ജം നൽകുന്നത്. അതുപോലെ, കൗമാരത്തിലെ സ്വപ്നങ്ങളും പ്രണയങ്ങളും പരാജയങ്ങളും മറ്റൊരു കൂട്ടം ഓർമ്മകൾ സമ്മാനിക്കുന്നു. ഈ കാലഘട്ടത്തിലെ ഓർമ്മകൾ പലപ്പോഴും ജീവിതത്തിലെ നിർണ്ണായകമായ തീരുമാനങ്ങളെടുക്കാൻ നമ്മെ സഹായിക്കുന്നു. ഒരു പരാജയത്തിൽനിന്ന് നാം പഠിച്ച പാഠം, പിന്നീട് മറ്റൊരു സാഹചര്യത്തിൽ വിജയിക്കാൻ നമ്മെ പ്രാപ്തരാക്കുന്നു. ഓർമ്മകളാണ് നമ്മുടെ അദ്ധ്യാപകർ.

എന്നാൽ എല്ലാ ഓർമ്മകളും മധുരമുള്ളവയല്ല. ചില കയ്യേറിയ ഓർമ്മകൾ മനസ്സിനെ വേദനിപ്പിച്ചുകൊണ്ടേയിരിക്കും. നഷ്ടപ്പെട്ട പ്രിയപ്പെട്ടവരുടെ ഓർമ്മകൾ, ചെയ്ത തെറ്റുകളെക്കുറിച്ചുള്ള കുറ്റബോധം, സംഭവിച്ച ദുരന്തങ്ങൾ എന്നിവയെല്ലാം ഹൃദയത്തിൽ ഒരു മുറിപ്പാടായി അവശേഷിക്കുന്നു. പക്ഷേ, ഈ വേദന നിറഞ്ഞ ഓർമ്മകൾ പോലും നമ്മെ കൂടുതൽ കരുത്തരാക്കുകയും, ജീവിതത്തെ കൂടുതൽ ആഴത്തിൽ മനസ്സിലാക്കാനും സഹായിക്കുന്നു. ഈ മുറിപ്പാടുകളാണ് പലപ്പോഴും ജീവിതത്തിൽ നാം കൂടുതൽ ജാഗ്രതയോടെയും ശ്രദ്ധയോടെയും മുന്നോട്ട് പോകാൻ പ്രേരിപ്പിക്കുന്നത്.

ഓർമ്മകളുടെ പ്രത്യേകത, അവ കാലാകാലങ്ങളിൽ മാറ്റങ്ങൾക്ക് വിധേയമാകുന്നു എന്നതാണ്. ഓരോ പുതിയ അനുഭവവും പഴയ ഓർമ്മകളെ പുനർനിർമ്മിക്കുകയും പുതിയൊരു അർത്ഥതലം നൽകുകയും ചെയ്യാം. ഒരു സംഭവം നടന്ന സമയത്ത് നമുക്ക് വേദന മാത്രം നൽകിയത്, പിന്നീട് വർഷങ്ങൾക്കുശേഷം തിരിഞ്ഞുനോക്കുമ്പോൾ ഒരു

ചിരിയോടെ ഓർക്കാൻ കഴിഞ്ഞെന്നിരിക്കാം. കാലം മായ്ച്ചുകളയുന്ന വേദനയും സമ്മാനിക്കുന്ന തിരിച്ചറിവും ഓർമ്മകളുടെ ആഴം വർദ്ധിപ്പിക്കുന്നു.

ഓർമ്മകൾ കേവലം വ്യക്തിപരമായ അനുഭവങ്ങൾ മാത്രമല്ല. സമൂഹത്തിന്റെ കൂട്ടായ ഓർമ്മകൾ ചരിത്രമായി മാറുന്നു. ഒരു ജനതയുടെ സംസ്കാരവും പൈതൃകവും അവരുടെ ഓർമ്മകളുടെ സമാഹാരമാണ്. യുദ്ധങ്ങളുടെയും വിപ്ലവങ്ങളുടെയും ഓർമ്മകൾ സമൂഹത്തെ മുന്നോട്ട് നയിക്കുകയും പിൻതലമുറയ്ക്ക് വഴികാട്ടിയാകുകയും ചെയ്യുന്നു. അതിനാൽ, ഓർമ്മകളെ സംരക്ഷിക്കുക എന്നത് കേവലം വ്യക്തിപരമായ ഒരു കാര്യമല്ല, മറിച്ച് സമൂഹത്തിന്റെ നിലനിൽപ്പിന് അത്യന്താപേക്ഷിതമായ ഒരു കാര്യമാണ്.

പുതിയ തലമുറയുടെ ലോകം ഡിജിറ്റൽ ഓർമ്മകളുടേതാണ്. ഫോട്ടോകളും വീഡിയോകളും സോഷ്യൽ മീഡിയ പോസ്റ്റുകളും ഓർമ്മകളെ സൂക്ഷിക്കുന്നതിൽ ഒരു വിപ്ലവം സൃഷ്ടിച്ചിട്ടുണ്ട്. എന്നാൽ ഇതിനിടയിൽ, നേരിട്ടുള്ള അനുഭവങ്ങളെയും ഹൃദയത്തിൽ സൂക്ഷിക്കുന്ന ഓർമ്മകളെയും അവഗണിക്കാൻ സാധ്യതയുണ്ട്. യഥാർത്ഥ ഓർമ്മകൾക്ക് ഡിജിറ്റൽ രൂപങ്ങൾ ഒരു ബദലല്ല. കാരണം, ഓർമ്മകൾ കേവലം ഒരു വിവരശേഖരണമല്ല, മറിച്ച് വികാരങ്ങളും അനുഭവങ്ങളും ഇഴചേർന്ന ഒരു വിസ്മയമാണ്.

ജീവിതത്തിന്റെ സന്ധ്യാസമയത്ത് ഒരു വ്യക്തി തിരിഞ്ഞുനോക്കുമ്പോൾ, കാണുന്നത് ഓർമ്മകളുടെ ഒരു മനോഹരമായ പുനോട്ടമായിരിക്കും. അതിൽ നന്മയുടെ പൂക്കളും തിന്മയുടെ കളകളും ഉണ്ടാവാം. ജീവിതത്തിന്റെ താക്കോൽ ഓർമ്മകളാണ്, അവയെ എങ്ങനെ സമീപിക്കുന്നു എന്നത് ഓരോ വ്യക്തിയെയും ആശ്രയിച്ചിരിക്കുന്നു. ഓർമ്മകളെ ഭയപ്പെടാതെ, അവയെ സ്വീകരിക്കുമ്പോൾ ജീവിതം കൂടുതൽ അർത്ഥപൂർണ്ണമാകുന്നു. ഓർമ്മകളാണ് നമ്മെ നമ്മളാക്കുന്നത്, അവ നമ്മുടെ ജീവിതത്തിന്റെ നിധിയാണ്.

KERALA JUDICIAL SERVICE MAIN (WRITTEN) EXAMINATION-2025

Marks: 100

Duration: 3 hours

PAPER – II

PART – I

Answer all the questions. Each question carries one mark. (Answers to the questions in this Part should be marked only in the OMR answer sheet. Answers marked /written elsewhere will not be evaluated)

(1 x 15 = 15 marks)

- (1) All instruments chargeable with duty and executed in the State of Kerala shall be stamped
- (A) before the execution (B) at the time of execution
(C) after the execution (D) either (a) or (b)
- (2) When a notice of dishonour of a cheque is despatched to a person who is no more and the party despatching the notice is ignorant of the death, what is the effect of the notice ?
- (A) Notice is sufficient (B) Notice is insufficient
(C) Notice has to be issued to the legal heirs (D) None of the above
- (3) If the Registrar refuses to register a document u/s.72 or 76 of the Registration Act, 1908, the aggrieved person has to
- (A) institute a civil suit (B) approach the Inspector General of Registration
(C) approach the State Government (D) None of the above
- (4) An appeal u/s.45 B (4) of the Kerala Stamp Act, 1959 shall be filed before the District Court in whose jurisdiction the property transferred is situated by deposit of a sum equal to
- (A) 10% of the deficient amount of duty determined
(B) 50% of the deficient amount of duty determined
(C) 25% of the deficient amount of duty determined
(D) No deposit is required

- (5) What is the limitation period for filing a suit for recovery of dues to a Municipality?
- (A) 3 years (B) 30 years
(C) 10 years (D) 1 year
- (6) The maker of a negotiable instrument is discharged from his liability by.....
- (A) cancellation (B) release
(C) payment (D) all the above
- (7) According to the Negotiable Instruments Act, 1881, who can be the drawee in the case of a cheque?
- (A) Any person including an individual (B) The government
(C) Only a Bank (D) A public or private corporation
- (8) A contract of personal service in favour of the Government
- (A) is not enforceable against legal heirs
(B) is enforceable against legal heirs
(C) can be enforced depending on the terms
(D) can be enforced provided a written contract under Article 299 of the Constitution of India is executed
- (9) Which among the following is correct in respect of injunction against bank guarantee?
- (A) Cannot issue order of injunction
(B) Can issue order of injunction
(C) Can be issued if no notice of invocation is given
(D) Can be issued only if irreparable loss will be caused
- (10) 'A' deposits title deed relating to his property with 'B', the bank. 'A' owes other debts to 'B'. Which among the following statement is correct?
- (A) Cannot exercise lien
(B) Provision relating to exercise of the lien is not applicable to mortgage
(C) Can exercise a lien only if there is a contract to that effect
(D) None of the above

- (11) Is the holder of agreement of sale entitled to charge over the property u/s.55 (6) (b) of the Transfer of property Act, 1882?
- (A) Yes
 - (B) No
 - (C) Only if he has proved his readiness and willingness
 - (D) He must seek an order of attachment and then only he will be entitled
- (12) 'E' executes a will in favour of 'F', attested by two witnesses. When the challenge to the will is raised, 'F' examined one of the attesting witnesses.
- (A) Will is validly proved
 - (B) Will is not proved
 - (C) Will is proved only if the attesting witness speaks about the other attesting witness also
 - (D) None of the above
- (13) 'D' a female Hindu had 3 children, 'F', 'G', and 'H', who were born prior to 1976. 'D' obtained purchase certificate over a land in the year 1970. 'D' executes a settlement deed in favour one of the children 'H'. Can 'F' or 'G' maintain a suit for partition successfully?
- (A) Yes
 - (B) No
 - (C) can be maintained only if settlement deed is challenged and found to be invalid
 - (D) It depends on the nature of acquisition of the property
- (14) 'A' derived title over 10 cents of land through a sale deed. 'A' had been using a pathway through the property of 'B' for a period of more than 30 years. Which among the following easement can be claimed by him in a suit?
- (A) Easement by grant
 - (B) Easement by necessity
 - (C) Easement by prescription
 - (D) Quasi easement
- (15) An order passed in execution of an eviction order under the Kerala Buildings (Lease and Rent Control) Act, 1965 is challenged by the tenant before the District Court by way of revision. The said procedure
- (A) is irregular, as an order under the Act can be challenged only before the Rent Control Appellate Authority
 - (B) is irregular, as only an appeal will lie to the District Court

- (C) though irregular, it can be converted into an appeal by exercising the inherent powers of the Court u/s. 151 of the Code of Civil Procedure, 1908
- (D) is regular

Part – II

Answer any 15 questions. Answer shall not exceed 120 words (1 page). If more than 15 questions are answered, then the first 15 answers only will be evaluated. Answers to the questions in this Part should be written in the Common Answer Book.

(3 x 15 = 45 marks)

- (16) Which types of building and land are exempted from the payment of property tax under the Kerala Municipality Act, 1994? Explain.
- (17) Discuss the procedure for filing a civil suit against the President or Vice President of a Panchayath for an action done under the Panchayath Raj Act, 1994 and exceptions if any, for not following the procedure.
- (18) What do you mean by fair value of land? What is the purpose of fixation fair value of land? What are the factors which are taken into consideration while fixing fair value of the land?
- (19) A document which was required to be registered was executed outside India on 1.1.2024 and was brought to India on 1.5.2024. The document was produced for registration on 10.7.2024. The Registering authority refused to register it. Was the stand of Registering authority valid and legal? Explain with reference to ss.23 and 26 of the Registration Act, 1908.
- (20) What is the mechanism for adjudication of a dispute regarding the ownership of a property between a Municipality and a Panchayath, under the Kerala Municipality Act, 1994?
- (21) Define indorsement under the Negotiable Instruments Act, 1881. What is indorsement in blank and full?

- (22) What is booth capturing under the Panchayath Raj Act, 1994? Which all activities can be termed as booth capturing? What is the punishment for booth capturing, if it is done by a person in service of the Government or a local authority?
- (23) Distinguish between nominal consideration and inadequate consideration.
- (24) Does the normal rule of acceptance of proposal in a contract apply to Insurance contract? State reasons if it applies. If not, why?
- (25) In a contract of guarantee, the creditor accepts an offer for settlement. if so, will it amount to novation of contract? Explain.
- (26) A property was given on license. The licensee was an unregistered association. Based on the grant the licensee constructed buildings in the property. The licensor was a church. The general body approved the grant of license subject to conditions. The Bishop also approved the grant. After 60 years, the licensor claimed the property back and filed a suit for mandatory injunction. The licensee defended the suit by claiming that the license was irrevocable. The bye law of the association enabled it to hold the property in perpetuity. State with reasons whether the claim of the church was maintainable.
- (27) A bank renders credit facility to 'X' for construction of a commercial complex. 'X' after construction gives the individual space for rent. Bank receives the rent from the commercial complex. 'X' also creates equitable mortgage. On default, the bank initiates recovery measures without intervention of Court. The borrower raises the defense that bank is bound by the lease. State whether the defense is sustainable. Will the lessee gets protection from eviction? State the case law and the statutory provision governing the field.
- (28) Describe briefly the 'Doctrine of Unconscionability' in a contract.
- (29) Explain the true purport of the maxim '*in pari delicto potior est conditio possidentis*'.

- (30) (a) Is the decree in a suit for declaration of title of immovable property '*in rem*' or '*in personam*'? (b) The defendant contends that a mere suit for declaration of title, without further or ancillary relief, is not maintainable. Comment. (c) Discuss the executability of a declaratory decree.
- (31) In a suit for recovery of possession of immovable property, the plaintiff impleaded 'X' as an additional defendant several years after the institution of the suit, but before the commencement of the trial. By that time, the period of limitation against 'X' had expired. Is it possible to save the claim against 'X' in any circumstance? If so, what are the conditions to be satisfied. If not, why?
- (32) A money suit, when taken up for trial, was dismissed as 'not pressed' on the submission of the plaintiff, while the defendant was absent on that day. Invoking s.69 of the Kerala Court Fees and Suits Valuation Act, 1959, the plaintiff later claimed the refund of one-half of the court fee paid. Is it permissible? Explain with relevant precedents.
- (33) Under what circumstances will a plaintiff or defendant in a suit for partition be required to pay court fees computed on the market value of their respective shares? What is the usual rule?
- (34) Can a tenant in an application u/s. 11(2) (b) of the Kerala Buildings (Lease and Rent Control) Act, 1965 claim adjustment or set-off against the payment made by him towards statutory dues in respect of the building or security deposit made by him? Can such a claim be entertained? Can the cost of such repairs be adjusted against the rent due if the tenant has undertaken essential maintenance and repairs of the building?
- (35) (a) Explain the jurisdiction of the Lok Adalat under the Legal Services Authorities Act, 1987. (b) Can the District Legal Services Authority or the Taluk Legal Services Committee directly entertain an application from a person?

Part – III

Answer any 5 questions. Answer shall not exceed 250 words (2 pages). If more than 5 questions are answered, then the first 5 answers only will be evaluated. Answers to the questions in this Part should be written in the Common Answer Book.

(8 x 5 = 40 marks)

- (36) What is the procedure to be followed by a Registering officer when he finds that the value of the property sought to be registered is under valued? Is there any different procedure prescribed under the Kerala Stamp Act, 1959 if the value of the property is less than the fair value of the land. Explain.
- (37) What are the corrupt practices defined under the Kerala Panchayath Raj Act, 1994 in relation to an Election Petition?
- (38) Explain 'marshalling of mortgage' and 'tacking of mortgage'.
- (39) State briefly the principles governing feeding the grant by estoppel.
- (40) Briefly state the law governing the power of Courts to declare a transfer as fraudulent to defeat the creditors.
- (41) Describe the principles governing '*Quantum Meruit*'.
- (42) A suit for injunction is filed to restrain the defendant from proceeding against the plaint scheduled property for arrears of rent of ₹5,00,000/-. The plaintiff paid the court fee by valuing the relief at ₹1,000/- in the plaint. The Court directed the plaintiff to pay court fees computed on half the amount sought to be recovered. Is this direction correct? When does the market value of the subject matter of the suit is immaterial in a suit for injunction? Explain the principles for the computation of the court fee in a suit for injunction.
- (43) In a proceeding for eviction under the Kerala Buildings (Lease and Rent Control) Act, 1965, on the ground of bona fide own occupation, the respondent denied in his pleadings that the rent was in arrears for the last two years. However, the Rent Control Court passed an order against the tenant u/s.12(1) of the Act, quantifying the arrears based on the recitals in the rental agreement produced by the petitioner and the rent receipts produced by the

tenant, applying the provisions of s.9 of the Act (tenant's right to obtain a receipt for payment of rent). The respondent challenged the order on the ground that such an order u/s.12(1) or 12(3) of the Act can be passed only if there is an express admission of arrears in the tenant's pleadings. Is the order correct? Explain the scope of s.12 of the Act.

* * * *

- (C) Can be used to tilt the balance against the co-accused when rest of evidence is sufficient for a conviction
- (D) The extent to which the same is relied on against the accused who made the confession
- (7) Which provision in the Bharatiya Sakshya Adhiniyam, 2023 permits production of treatises containing opinions of experts for proving the same without examining the author?
- (A) Section 54 (B) Section 55 (C) Section 56 (D) Section 58
- (8) Which provision in the Bharatiya Sakshya Adhiniyam, 2023 shifts the burden to the accused to prove certain facts especially within his knowledge?
- (A) Section 106 (B) Section 107 (C) Section 108 (D) Section 109
- (9) Which provision in the Bharatiya Sakshya Adhiniyam, 2023 is an exception to the General Rule that hearsay is not admissible?
- (A) Section 7 (B) Section 6 (C) Section 4 (D) Section 3
- (10) The provisions in the NDPS Act creating reverse burden of proof on the accused are.....
- (A) sections 45 and 64 (B) sections 35 and 54
(C) sections 34 and 55 (D) sections 56 and 53
- (11) Which offence is committed when a person interferes or attempts to interfere with an electoral right?
- (A) Impersonation (B) Bribery (C) Undue influence (D) Corrupt practice
- (12) Can the wife of an accused be a competent witness in a criminal proceeding?
- (A) She is competent, if she has the consent from her husband
(B) She is incompetent, even if she has the consent from her husband
(C) She is competent regardless of consent from her husband
(D) She is competent with the permission of the court
- (13) The opinion of a handwriting expert is:
- (A) An admissible fact but irrelevant (B) A relevant fact
(C) Binding upon the court (D) Inadmissible in evidence
- (14) Which of the following statement is correct?
- (A) In all thefts, there is either robbery or extortion
(B) In all robbery, there is either theft or extortion

- (C) In all extortion, there is either theft or robbery
 - (D) Every theft of an article is an extortion
- (15) When a juvenile is apprehended for commission of an offence, which of the following statement is correct?
- (A) Bail cannot be denied to the juvenile under any circumstances
 - (B) Bail can be denied only if the offence is non-bailable and the juvenile is above 16 years of age
 - (C) Bail can be denied when the offence falls in the category of a heinous crime
 - (D) Bail can be denied in exceptional circumstances

Part – II

Answer any 15 questions. Answer shall not exceed 120 words (1 page). If more than 15 questions are answered, then the first 15 answers only will be evaluated. Answers to the questions in this Part should be written in the Common Answer Book. (3 x 15 = 45 marks)

- (16) Define 'mens rea' and its role in determining criminal liability.
- (17) Explain the concept of criminal conspiracy u/s.120A and its punishment u/s.120B of Indian Penal Code, 1860.
- (18) Ramu spreads false statements against Thomas, causing harm to his reputation. Which sections of the Indian Penal Code, 1860 are relevant in the prosecution of Ramu and what are the defences available to him? Explain.
- (19) While hearsay evidence is generally inadmissible, 'res gestae' evidence is admissible. Why?
- (20) Can a person be prosecuted simultaneously for the offences u/ss.406 and 420 of Indian Penal Code,1860? Discuss with the support of precedents.
- (21) Is the previous good or bad character of an accused relevant in a criminal proceeding? Explain.
- (22) Explain the standard of proof for rebutting the presumptions u/ss.118 and 139 of the Negotiable Instruments Act, 1881.
- (23) Explain the maxim 'Falsus in uno, falsus in omnibus' in the Indian context.
- (24) Explain the maxim 'Salus populi est suprema lex' with reference to s.129 of the Bharatiya Sakshya Adhinyam, 2023.
- (25) Explain the importance of dock identification of the accused and the duty of the trial Court at that stage.
- (26) Can a Judicial Magistrate entertain an application u/s.53A of the Abkari Act? Explain.
- (27) Explain the powers of the Court to release the vehicle u/s.53B of the Abkari Act.
- (28) Is it proper to base a conviction on extra judicial confession? Explain the principles to be followed.

- (29) Enumerate the principles to be applied for deciding the guilt of the accused in a case of circumstantial evidence.
- (30) What is meant by a 'fact'? When is a fact said to be proved? Explain the terms 'proved', 'disproved', and 'not proved'.
- (31) What is the distinction between legal presumptions and factual presumptions?
- (32) Explain the term unlawful assembly.
- (33) What is the effect of the absence of a forwarding note in a prosecution under the Abkari Act?
- (34) Can a cheque issued as a security for a debt be the basis for a prosecution u/s.138 of the Negotiable Instruments Act, 1881? Discuss.
- (35) Explain the principle of 'de minimis non curat lex' with reference to the statutory provision in India

Part – III

Answer any 5 questions. Answer shall not exceed 250 words (2 pages). If more than 5 questions are answered, then the first 5 answers only will be evaluated. Answers to the questions in this Part should be written in the Common Answer Book. (8 x 5 = 40 marks)

- (36) Does right to life include the right to die? Should attempt to commit suicide be continued as a punishable offence? Discuss with the aid of precedents.
- (37) Explain the right against self-incrimination on the basis of the decision in **State of Bombay v. Kathi Kalu Oghad** [AIR 1961 SC 1808].
- (38) Explain the procedure for contradicting a witness by his previous statement, in view of the judgment in **Tahsildhar Singh and Another v. State of U.P.** [AIR 1959 SC 1012].
- (39) Explain the doctrine of burden of proof in the context of a plea of unsoundness of mind by the accused.
- (40) Can the result of a DNA test be used to prove access u/s. 112 of the Indian Evidence Act, 1872? Explain.
- (41) Explain the distinction between s.113A and s.113B of the Indian Evidence Act, 1872.
- (42) Explain the presumptions u/ss.139 and 146 of the Negotiable Instruments Act, 1881.
- (43) Differentiate between 'culpable homicide' and 'murder'.

KERALA JUDICIAL SERVICE MAIN (WRITTEN) EXAMINATION-2025

Marks: 100

Duration: 3 hours

PAPER – IV

PART - I

Answer all the questions. Each question carries one mark. (Answers to the questions in this Part should be marked only in the OMR answer sheet. Answers marked/ written elsewhere will not be evaluated) **(1 x 15 = 15 marks)**

- (1) A suit for damages for an injury caused to a person or movable property can be instituted.....
- (A) in the place where the wrong is done
 - (B) either in the place where the wrong is done or in the place where the defendant resides
 - (C) in the place where the defendant resides
 - (D) in the place where the plaintiff resides
- (2) What is the primary purpose of a precept issued under the Code of Civil Procedure, 1908?
- (A) To serve summons on the defendant
 - (B) To compel production of a document
 - (C) To summon a witness to a Court
 - (D) To attach the property of a judgment debtor before a decree is sent for execution to another Court
- (3) Which provision in the Code of Civil Procedure, 1908 deals with enforcement of a decree passed by a foreign court?
- (A) Section 48
 - (B) Section 44A
 - (C) Section 46
 - (D) Section 10
- (4) A judgment and decree of the Munsiff's Court, Nedumangad is challenged before the District Court, Thiruvananthapuram. However, it is to be noted that there is Sub Court available in Nedumangad. The Course open for the District Court is to
- (A) return the appeal to present it before the Sub Court
 - (B) hear the appeal
 - (C) dismiss the appeal for want of Jurisdiction
 - (D) None of the above

(5) Under the Code of Civil Procedure, 1908, which of the following statements about the jurisdiction of a Court are correct?

- i. Objection as to the pecuniary or territorial jurisdiction of a Court must be taken at the earliest possible opportunity and in all cases, before issues are settled;
- ii. Objection as to the 'subject matter jurisdiction' of a Court can be raised at any stage, even in appeal;
- iii. A decree passed by a Court lacking 'subject matter jurisdiction' is a nullity and can be challenged even in collateral proceedings;
- iv. If parties consent a court lacking 'subject matter jurisdiction' can still validly decide the dispute.

(A) i, ii and iii

(B) i and ii

(C) i and iv

(D) All the above

(6) A suit relating to the recovery of possession of immovable property stands dismissed for the default of the plaintiff. Which of the following statement is correct?

- (A) Dismissal of a suit for default bars a subsequent suit on the same subject matter
- (B) Dismissal of a suit for default bars a subsequent suit of the same nature in all circumstances
- (C) Dismissal of a suit for default bars a subsequent suit with the same cause of action
- (D) Even if res judicata is not applicable to a suit dismissed for default, the principles of res judicata will apply irrespective of whether the subsequent suit is based on a different cause of action

(7) Which of the following statement is correct?

- (A) A commission under Rule 9 of Order XXVI of the Code of Civil Procedure, 1908 shall be issued only to the pleaders practising before the Court
- (B) The report of the Commissioner will not be evidence in the suit and will not form part of the record in the suit unless he is examined during the trial as a witness
- (C) Even if the court appoints a Commissioner before the defendant appears in the suit, the Commissioner's report cannot be treated as evidence in the suit unless the defendant was given a chance to be present during the inspection
- (D) The parties have no right to obtain a copy of the Commissioner's report directly from the Commissioner. They must apply to the Court for the same

- (8) Which of the following Criminal Court/s can recall its order?
- (A) The High Court in exceptional circumstances
 - (B) The High Court at any time
 - (C) The High Court and the District Courts
 - (D) None of the criminal courts can recall its order
- (9) Which scheme is to be mandatorily notified by the State Government u/s. 398 of the BNSS?
- (A) Electronic trials
 - (B) Zero FIR registration
 - (C) Forensic investigation
 - (D) Witness protection
- (10) Under the BNSS, within how many days of completion of arguments, the Sessions Judge is required to pronounce Judgment?
- (A) 15 days, extendable up to 30 days
 - (B) 30 days, extendable up to 45 days
 - (C) 45 days, extendable up to 60 days
 - (D) 60 days, no extension
- (11) Which provision in the BNSS permits handcuffing of habitual offenders and those who have committed organised crime, terrorist act etc.?
- (A) Section 39(2)
 - (B) Section 40(3)
 - (C) Section 42(1)
 - (D) Section 43(3)
- (12) Within how many days of commitment of the case u/s.232 of the BNSS, should the accused prefer an application for discharge?
- (A) No such specified period
 - (B) 90 days
 - (C) 30 days
 - (D) 60 days
- (13) The maximum period for which an undertrial prisoner, who is a first offender can be detained is.....
- (A) up to 1/4th of the maximum period of imprisonment specified for that offence
 - (B) up to 2/3rd of the maximum period of imprisonment specified for that offence

- (C) up to 1/3rd of the maximum period of imprisonment specified for that offence
- (D) up to 1/2 of the maximum period of imprisonment specified for that offence
- (14) Which provision in the BNSS provides for the conduct of all trials, inquiries and proceedings in electronic mode?
- (A) Section 308 (B) Section 530
(C) Section 321 (D) Section 263
- (15) Which provision in the Criminal Rules of Practice enables a stranger to the proceeding to apply for the grant of copies of any proceedings or documents?
- (A) Rule 222 (B) Rule 227
(C) Rule 226 (D) Rule 231

Part – II

Answer any 11 questions. Answer shall not exceed 160 words (one and a half page). If more than 11 questions are answered, then the first 11 answers only will be evaluated. Answers to the questions in this Part should be written in the Common Answer Book.

(5 x 11 = 55 marks)

- (16) Explain the difference between 'set off' and 'counter claim' in detail.
- (17) A Munsiff decreed a suit for partition on a question of law. The parties to the suit did not challenge the decree and the Judgment in appeal. A few days later, the question of law relied on by the Munsiff for decreeing the suit was reversed by a superior Court in a different case. The plaintiff filed a petition to review the judgment on the basis of the superior Court's judgment. The Munsiff did not entertain the application and dismissed the same. Is the course of action adopted by the Munsiff legal and proper? What are the circumstances in which a review of a judgment is permissible?
- (18) State the procedure to be followed while drafting a final decree. State with precision, the necessary requisites of law.
- (19) Describe the procedure to be followed under the Civil Rules of Practice with regard to an election petition filed under the Kerala Panchayat Raj Act, 1994.

- (20) A Small Causes Court entertains a suit based on title and adjudicates it. Is the finding binding on parties in a subsequent suit applying the principles of *res judicata*? Explain with reasons.
- (21) Explain the principles governing the grant of temporary injunction under Order XXXIX Rule 1 & 2 of the Code of Civil Procedure, 1908. When can such an injunction be varied or set aside? What are the safeguards in the Code of Civil Procedure, 1908 in favour of the opposite party when a temporary injunction is passed without hearing him?
- (22) When can a suit be withdrawn with liberty to file a fresh suit? Can this power be exercised at the appellate stage? What is the consequence if a suit is withdrawn without obtaining such liberty?
- (23) Describe the procedure to be followed for ordering the arrest and detention of a judgment-debtor in a civil prison. Distinguish between the proceedings under Rule 37 and Rule 40 of Order XXI of the Code of Civil Procedure, 1908.
- (24) What are the principles governing the review jurisdiction of a Civil Court? What is the distinction between review power and the power conferred on the Court u/s.152 of the Code of Civil Procedure, 1908? Are all orders made while exercising the review power appealable?
- (25) Are persons who are strangers to a suit entitled to obtain a certified copy of the judgment rendered in that suit? Under what circumstances may such strangers be permitted to obtain copies of the records of the suit or of other proceedings? Is it possible to apply more than one document in a single copy application?
- (26) What is the nature of satisfaction required to arraign a person as accused invoking the power u/s. 358 of BNSS? Discuss with the support of precedents.
- (27) Discuss the differences between seizure u/s.106 and attachment u/s.107 of the BNSS.
- (28) What procedure is to be followed by a Magistrate if it appears that the accused facing trial is of unsound mind and consequently incapable of making his defence?
- (29) Discuss the provisions in the BNSS providing protection to public servants from prosecution for offence alleged to have been committed in the discharge of their official functions or duties.

- (30) Can a statement recorded u/s.161 of Cr.PC be used in a trial? Explain with reference to statutory provisions.

Part - III

Answer both the questions. Answers to the questions in this Part should be written in the Common Answer Book. (2 x 15 = 30 marks)

Writing of Judgments (Name of Court alone to be indicated. Other details in the cause title and appendix are not required.)

- (31) **Write a Judgment on the following facts:**

'A' had two sons 'B' and 'C' and a daughter 'D'. 'A's wife predeceased him. 'A' during his lifetime, was residing with 'B'. He passed away on 14.7.2023. He had executed a Will on 10.1.2023 bequeathing all his properties in favour of 'B'. 'A' had 10 acres of property in his name. The Will was not registered. Soon after the demise of 'A', 'C' and 'D' approached 'B' for partition of the 10 acres equally but 'B' did not agree. Left with no alternative, a suit was filed by 'C' and 'D' as plaintiffs against 'B' for partition of the property by metes and bounds.

Plaintiffs' plea: The total extent of 10 acres was purchased by their father with his own funds, and on his death, the property has to be divided equally among the children as he died intestate. The plaintiffs and the defendant are the only legal heirs of 'A', as their mother predeceased their father, and therefore, the property has to be divided into 3 equal parts.

Defendant's plea:- 'B' resisted the suit, contending that 'A' had executed a Will bequeathing the entire properties in his name and on the death of 'A', the Will came into effect and thus, he is the absolute owner and therefore, the property is not partible.

During the trial, 'C' and 'D' were examined as PW1 and PW2. On the side of the defendant, 'B' was examined as DW1 and one of the attesting witnesses who was a neighbour, was examined as DW2.

Plaintiffs' evidence: The plaintiffs deposed that no Will was executed by 'A' in his lifetime, and the Will produced by 'B' is a fabricated Will, not executed by 'A'. If at all a Will is executed, it is not a registered one, and it is executed at the instance of 'B' by coercion and undue influence and also 'A' had executed it without knowing the

contents. 'A' was bedridden for the last 2 years before his death and was staying with 'B'. Hence, there are suspicious circumstances surrounding the execution of the Will and it is not validly executed. Moreover, only one attesting witness was examined to prove the Will when the other witness was readily available.

Defendant's Evidence: The defendant deposed that the Will was validly executed, knowing fully the contents of the same, and two witnesses have counter-signed, making it a genuine one. One of the witnesses was already examined before the Court to prove the same. It was also contended that registration of the Will is optional and non-registration will not make it invalid.

Documents proved:

- i Ext.A1 – title deed of the plaint schedule property in the name of 'A'.
- ii EXT.A2 – Tax receipt in respect to the 10 acres
- iii Ext.A3 – Will dated 10.1.2023 executed by 'A'.

(32) Write a Judgment based on the following facts and contentions:

Akbar and his wife Jameela jointly owned 12 cents of land in Survey No.460/5 in Mankave, Kozhikode. On 15.06.2015, their neighbour Gopi filed civil suit before the Sub Court, Kozhikode praying for a specific performance decree. In his plaint, Gopi averred that on 01.03.2015, Akbar and Jameela had entered into an agreement with him for sale of their property. The sale price of the property was fixed as Rs.12 lakh, out of which Gopi had paid Rs.3 lakh as advance. As per the terms of the agreement, the sale deed was to be executed within six months. Contrary to the agreement, Akbar and Jameela attempted to sell their property at a higher price to Gireesh, another neighbour. Thereupon the suit was filed.

On being served with notice in the suit, Akbar and Jameela filed a criminal complaint before the jurisdictional Magistrate, alleging that they had never entered into an agreement for sale with Gopi and the agreement produced in the civil suit was a fabricated document. According to Akbar and Jameela, the agreement contains their forged signatures. The Magistrate forwarded the complaint for investigation u/s.156(3) Cr.PC and thereupon, Crime No.120 of 2015 was registered at the Kasaba Police Station, Kozhikode against Gopi for offences punishable u/ss.417, 468 and

471 of IPC. After conclusion of investigation, final report was laid and the court took cognizance of the aforementioned offences.

On issuance of summons, accused Gopi entered appearance. Thereafter, the Court framed charges for the offences u/ss.417, 468 and 471 of IPC and Gopi having pleaded innocence, proceeded to try the accused.

In the trial of the case, PWs.1 to 6 were examined on the prosecution side and Exts.P1 to P8 were marked.

Akbar and Jameela, the owners of the property, when examined as PW1 and PW2, denied the execution of any agreement with the accused and further deposed that on 01.03.2015, the day on which the agreement was alleged to have been executed, they were in Dubai. To prove this aspect, their passports were produced and marked as Exts.P2 and P3. The stamp vendor, when examined as PW3, stated that Gopi had purchased the stamp paper from him. Gireesh, the prospective buyer was examined as PW4 and deposed that he had entered into an agreement for purchase of the property from PWs.1 and 2. He further stated that the sale deed was not executed since, in the meanwhile, the accused had filed the suit for specific performance.

The learned Magistrate called for the original of the sale agreement from the Civil Court and forwarded it to the Government Forensic Science Laboratory for analysis. Ext.P4 was the agreement. In the Ext.P5, the report of analysis, the expert opined that the signatures in Ext.P4 were not the signatures of PW1 and PW2.

The accused denied the incriminating circumstances during his examination u/s.313 of Cr.PC. No witness was examined on the defence side. During arguments, a specific plea was raised on behalf of the accused that the sale agreement having been produced before the Civil Court, the bar u/s. 195(1)(b)(ii) of Cr.PC would apply. It was also contended that no reliance can be placed on the expert's opinion without examining the expert.
