Andhra Pradesh Civil Judge (Mains) 2020

Paper I: Civil Laws · compulsory paper

Time: 3 hours (09.00 a.m. to 12.00 noon). Maximum marks: 100.

Instructions to the candidates

1. The question paper consists of 10 questions. Answer all the questions. Each question carries a total of 10 marks. If a question has sub-questions or parts, the marks carried by each sub-question or part are indicated.

2. Questions must be answered in English. If the answers are not legible, such answers will not be evaluated.

3. Write your hall ticket number only in the space provided in the first page of the main answer booklet. Do not write either your name or hall ticket number or any mark, anywhere in the main answer booklet/additional answer sheets.

4. Any attempt by the candidate to disclose his/her identity in any manner in the answer sheet will disqualify him/her.

5. No candidate will be permitted to leave the examination room/hall before 12.00 noon.

1. Explain the following:

I. a) *res judicata pro veritatem accipitur*.

b) *res subjudice*.

II. What are the provisions of Code of Civil Procedure not applicable to the courts constituted under the Provincial Small Cause Courts Act, 1887? Explain with reference to relevant provisions of CPC.

2. a) Under what circumstances the plaint may be rejected? Explain with reference to the provisions of the Code of Civil Procedure, 1908.

b) A filed suit for specific performance of agreement to sell against B. A filed suit earlier for the same relief against B which was dismissed for default. In the later suit B filed an application to reject the plaint on the ground that the suit is hit by the principle of res judicata. Whether the plaint is liable to be rejected?

3. a) Define judgement and what the judgement should contain?

b) Explain the doctrine of feeding the grant of estoppel with reference to the provisions of the Transfer of Property Act, 1882 and the Specific Relief Act, 1963.

4. Explain the presumptions as to document under the Indian Evidence Act, 1872.

5. a) A obtained a decree against B for recovery of an amount and filed an execution petition. During the pendency of the execution petition, B paid part of the decretal amount outside the court to A, which is not certified by the court. B contended that he discharged the decree debt in part and filed an application for recording part satisfaction after one year from the date of payment. Whether part satisfaction of the decree can be recorded? If so, explain the reasons with reference to the provisions of the Code of Civil Procedure, 1908 and the Limitation Act, 1963.

b) A filed a suit against B for recovery of an amount on the basis of a promissory note in the Junior Civil Judge's Court on the reopening date of the Court after summer vacation, as the limitation for

filing the suit had expired during the vacation. The plaint was returned on the third day of presentation of the plaint on the ground that the Junior Civil Judge Court has no jurisdiction to try the suit and it is triable by the Small Cause Court. The plaint was presented before the Small Causes Court on the same date of return of the plaint and the same is registered. B contended by filing a written statement that the suit is barred by limitation. Decide giving reasons.

6. a) Explain the procedure to evict an encroacher/unauthorised occupant as per the Andhra Pradesh Land Encroachment Act, 1905.

b) Define transfer of property and actionable claim.

7. a) What are the conditions for a Hindu marriage and explain void and voidable marriage.

b) What are the properties exempted from the application of the provisions of the Hindu Succession Act, 1956?

8. Explain certain relations resembling those created by contract.

9. a) Explain the circumstances under which cancellation of an instrument may be ordered. Whether a person who is not a party to the instrument can claim cancellation of an instrument?

b) Explain temporary and perpetual injunctions and when a perpetual injunction can be granted and refused?

10. a) Explain easements of necessity and quasi-easement, customary easements.

b) A and B are the owners of adjacent residential plots, separated by a compound wall belonging to A. A, with an intention to attend repairs of the compound wall, entered into the land of B. B objected to the entry of A into his land to attend repairs. Whether A is entitled to claim any right to enter into the land of B to attend repairs of the compound wall. Explain the nature of right, if any, with reference to the Indian Easements Act, 1882.