Andhra Pradesh Civil Judge (Mains) 2021

Paper I: Civil Laws · compulsory paper

Date: 22-01-2022 · Time: 3 Hours, 10.00 a.m. to 1.00 p.m. · Maximum Marks: 100

Instructions to the candidates: 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. Questions must be answered in English.

1. "A" purchased a piece of land in 1980 measuring 4 acres. He is cultivating it through his manager. "A's" name is mutated in the official records like "1-B" etc. "A" had to leave to USA for his job and is staying in USA since 15 years. His neighbor "B" owns the adjacent land. Taking advantage of the regular absence of "A" and the periodic absence of the Manager, "B" periodically cuts the crop/fruits in A's land and sells the same also to third parties and receives payment also through Bank transfer.

"B" due to his old age sells the property to "X" through a registered sale deed. Included in this sale deed is A's property also. "X" tries to take possession of the entire property but is obstructed by the Manager of "A". 10 Marks

"X" files a suit for "recovery" of possession and claims title both through the sale deed executed in his favour and states that his vendor "B" has perfected his title over "A's" property (Ac.4-00 cents) also through adverse possession.

"A" files a counter claim for cancellation of the sale deed and for an injunction against X.

Discuss with the relevant sections and case law, the correctness of the pleas raised by both parties.

2. (a) How is a suit to be filed with regard to a minor's property or rights? If it is not properly presented can it be returned? If not how can it be rejected?

(b) Who is an indigent person as per CPC? How and when can such a person present a suit?

(c) When can a Court reject an application to sue as an indigent person?

(d) How can costs be recovered if a suit filed by an indigent person is decreed with costs?

(4 x 2½ = 10 Marks)

3. Who are the persons who can present a document for Registration as per the Registration Act, 1908? What is the manner / scope of enquiry by the Registrar when a document is presented for Registration? Can Registrar refuse to register a document? 10 Marks

4. (a) When and how can time spent in litigation be excluded for computing the period of limitation? 4 Marks

(b) Can a fresh suit be instituted after excluding the above period? Is the Court's permission necessary for this? 4 Marks

(c) Does this rule apply only to original suits / application or even to appeals / revisions also? 2 Marks

5. Write short notes on the following: (5 x 2 = 10 Marks)

(a) Vis major

(b) Plain language interpretation of a statute

(c) Abatement of a suit

(d) Agent and principal

(e) Fraud under the Contract Act

6. (a) Explain what is "transfer of property". What can be transferred? 5 Marks

(b) Define briefly 'a vested interest' and a 'contingent interest'. 5 Marks

7. Write short notes on: (4 x 2½ = 10 Marks)

(a) Acceptance of a proposal

(b) Free consent

(c) Lawful consideration

(d) Reciprocal promises

8. Write a note on: (4 x 2½ = 10 Marks)

(a) Interim mandatory injunction

(b) Personal bars to relief under the Specific Relief Act

(c) Rectification of an instrument

(d) When cancellation of an instrument can be ordered

9. (a) When is a foreign judgment conclusive?

(b) What is the maximum period of detention in civil prison in execution of a decree?

(c) What are the grounds on which a review of a judgment can be sought?

(d) When and how can additional evidence or document be introduced in an Appellate Court?

10. (a) What are the conditions for a valid Hindu marriage? (4 x 2½ = 10 Marks)

(b) What are the grounds for a divorce under the Hindu Marriage Act available to both the spouses?

(c) Define dominant and servient heritage and owners.

(d) Can easement be acquired by prescription? If yes, what is the period for private property and for government property? (4 x 2½ = 10 Marks)