# Bihar Judicial Service (Mains) 2021

## Law of Evidence and Procedure · compulsory paper

### Group A

1. (a) Explain the meaning of the following: (i) Mesne profit; (ii) Indigent person.
(b) Describe in detail the law relating to place of filing a civil suit.

2. (a) What is temporary injunction? When and under what circumstances it can be granted?
(b) Enumerate various properties which are exempted from attachment in execution of a decree under Code of Civil Procedure.

3. (a) Distinguish between the following: (i) Decree and order; (ii) Review and revision.
(b) Distinguish between the following: (i) Counterclaim and set-off; (ii) Commission and receiver.

### Group B

4. (a) What is Dying Declaration? When is a Dying Declaration admissible in evidence?
(b) Write notes on the following: (i) Hostile witness; (ii) Leading question.

5. Distinguish between the following: (a) Latent and patent ambiguity; (b) Judgment in rem and judgment in personam.
(c) Discuss the relevancy of evidence of character in criminal and civil cases.

6. (a) What do you understand by Burden of Proof? On whom the burden lies in following instances: (i) A has given a loan of 1000 to B. B says that he returned 1000 to A in presence of C. (ii) A has killed B. The defence of A is that he has exercised his right of private defence.
(b) What are the facts which need not be proved by the parties?

### Group C

7. (a) Discuss the grounds for setting aside an arbitral award.
(b) Write notes on: (i) Arbitration agreement; (ii) Foreign award.

8. (a) What are the rules regarding removal of Arbitrator? Can an appointed arbitrator be removed by the parties or court?
(b) Distinguish between the following: (i) Arbitration and judicial adjudication; (ii) Conciliation and negotiation.

### Group D

9. (a) What is Charge? Can a Court alter a Charge? If so, how and when?
(b) Distinguish between the following: (i) Cognizable and non-cognizable offence.

10. (a) Discuss the procedure for disposal of the cases adopted by the Small Cause Courts under the Provincial Small Cause Courts Act, 1887.
(b) Whether the Small Cause Courts Act is competent to hear following cases: (i) A suit for relief of divorce; (ii) A suit for dissolution of partnership.