Goa Civil Judge (Mains) 2020

Paper I · Civil and Constitutional Law · compulsory paper

High Court of Bombay at Goa · 2020 recruitment · held 3 September 2023 · 3 hours · 100 marks

Instructions: All questions are compulsory. Question No.1 carries 20 marks. All other questions carry 16 marks each. Your answers must be to the point and wherever possible, quote specific provisions of law. Do not reproduce any question. Write only question's number against the answer. Number of optional questions upto the prescribed number in the order in which the questions have been solved, will only be assessed and excess answers of the question(s) will not be assessed. Other than cited cases, candidate should not write roll number, any name(s) (including his/her own), signature, initials, address or any indication of his/her identity anywhere inside the answer book, otherwise he/she would be disqualified.

Q.1. Draft a judgment on the following facts. Marks: 20. (i) Adhere to the contents of the judgment, as required under the Code of Civil Procedure, 1908. (ii) Frame proper issues and answer them. (iii) Give legal, logical and proper reasons for your findings. (iv) Conclude the judgment with a proper order.

1. Averments in the plaint: Plaintiff who is the brother of the Defendant, alleged that he has been in possession of the suit house situated at Campal under a family arrangement since about 1964 until he was forcibly dispossessed by the Defendant putting up new locks at a number of places in the suit property between 14.6.1992 and 15.6.1992. He has therefore filed a suit u/s 6 of the Specific Relief Act, 1963, for restoration of possession, mandatory injunction for removal of Defendant or anybody claiming through her as well as perpetual injunction for protection of restored possession. Plaintiff's evidence: He examined himself and produced documentary evidence like property tax bills and receipts, electricity bills and receipts. Averments in the written statement: The Defendant has admitted the Plaintiff's possession not from 1964 but from about 1966 until April-May 1991. It has been her case that the Plaintiff was appointed caretaker by her in respect of the suit property and was allowed to reside there as such. Upon she obtaining ownership of the suit property under certain auction which took place in the inventory proceedings No.18/91, she became the owner and allowed her brother, who was residing in the suit premises, to take care of it and asked him to give her vacant possession of the suit premises when she would require, which the plaintiff did in April-May 1991. It is her case that the plaintiff left the suit premises which is at Campal and went to reside at his own premises at Caranzalem. The premises of the plaintiff at Caranzalem is an apartment in a building which was taken on leave and licence. Defendant's evidence: She examined herself and filed certified copy of order passed in Inventory Proceeding No. 18 of 1991.

Q.2. Write short notes on any two of the following (08 marks each).

2(a). Execution of a decree for restitution of conjugal rights, injunction and specific performance of a contract.

2(b). Essential elements of valid contract.

2(c). Summary suit and its trial procedure as per the Code of Civil Procedure, 1908.

2(d). Types of mortgages.

Q.3. Discuss any four of the following (04 marks each).

3(a). Attachment before judgment.

3(b). Suit by or against a minor.

3(c). Requirements of valid marriage as per the Hindu Marriage Act, 1955.

3(d). Right to free and compulsory education, as per the Constitution of India.

3(e). Acknowledgment as per the Limitation Act, 1963.

3(f). Easement by necessity.

3(g). Constitutional provisions as to Money Bills.

3(h). Personal cultivation as per the Goa, Daman and Diu Agricultural Tenancy Act, 1964.

Q.4. Answer any two of the following (08 marks each).

4(a). To whom provisions of the Goa Succession, Special Notaries and Inventory Proceeding Act, 2012, are applicable.

4(b). Res judicata and stay of suit, as per the Code of Civil Procedure, 1908.

4(c). Rectification of contract or other instrument.

4(d). 'Dwelling house' as per the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975.

Q.5. Write short notes on any four of the following (04 marks each).

5(a). 'Member of Family' as per the Goa Daman & Diu Buildings (Lease, Rent & Eviction) Control Act, 1968.

5(b). Partnership at will.

5(c). Right of mundkar to enjoy supply of power or water or any customary easement.

5(d). Opening of Succession.

5(e). When injunction cannot be granted.

5(f). Rejection of plaint.

5(g). Garnishee proceedings.

5(h). Original jurisdiction of Supreme Court of India.

Q.6. Answer any two of the following (08 marks each).

6(a). Explain the types of inventory proceedings and circumstances, when inventory proceedings can be instituted.

6(b). What are rights and liabilities of lessor and lessee?

6(c). Implied authority of a partner and its extent.

6(d). Contract of guarantee and its enforcement.

De Facto IAS