Himachal Pradesh Civil Judge (Mains) 2024

Paper I · Civil Law I · compulsory paper

15 July 2025 · Time Allowed: 3 Hours · Maximum Marks: 200

Part A is compulsory.

Part A

1(A). X took locker services from the State Bank of India and kept all his family jewellery and land documents in the said locker. He died intestate, and after his death, three people A, B and C approached the bank claiming their respective rights over the said locker and deposits.

A, aged 21 years, claims to be an adopted son of X, though living separately due to family feuds between X and X's brother.

B, who is a real brother of X, claims his right over the property of X as per the law relating to Hindu Succession.

His wife, C claims to be a person who has supplied essentials including financial support during the last three years when X was bedridden due to poor health. He has produced documentary proof of financial transactions between him and X.

To resolve the dispute as the rightful owner of the said property, the State Bank of India approached the local civil court to file an interpleader suit.

(a) Prepare a plaint on behalf of the State Bank of India framing all necessary parties, based on the relief claimed by the bank as per the above facts, and in accordance with the Code of Civil Procedure, 1908.

08 Marks · 250 words

(b) Also prepare a written statement for A, B and C, articulating a proper reply as per the Code of Civil Procedure, 1908.

12 Marks · 400 words

1(B). What is conclusive proof? Explain with the help of relevant provisions of the Indian Evidence Act, 1872 and judicial decisions.

08 Marks · 250 words

1(C). Discuss the conditions under which oral evidence can be admitted establishing the terms of a contract or grant already reduced in writing. Substantiate your answer with the help of relevant provisions of the Indian Evidence Act, 1872 and decided cases.

12 Marks · 400 words

2(A). Briefly explain the law relating to the penalty for undervaluation of an instrument under the Indian Stamp Act, 1899.

08 Marks · 250 words

2(B). Discuss the power and procedure concerning the transfer of appeal under the Himachal Pradesh Courts Act, 1976.

08 Marks · 250 words

2(C). In a murder trial, A, B, C and D were prosecuted together. D, who happens to be a cab driver, stated that "A, B and C conspired to kill Z. As per the plan, A was expected to bring Z on the spot, where B and C would be present in advance. B was expected to shoot Z, and C was given duties to immediately dispose of the dead body. To achieve their objective, they hired him, and his job was only to drop B and C near the said spot.

He further stated that he knew about the plan only when he was driving them to the spot and hence, he was not a party to the said offence."

Discuss the relevancy and admissibility of this statement against A, B and C as per Section 10 of the Indian Evidence Act, 1872 and judicial decisions.

12 Marks · 400 words

2(D). Discuss the provisions dealing with the cancellation of instruments under the Specific Relief Act of 1963.

12 Marks · 400 words

Part B

3(A). "The question of determining the jurisdiction of civil court is to be decided based on substance and not the form." Considering the statement, explain the judicial guidelines as to the determination of the civil court's jurisdiction.

08 Marks · 250 words

3(B). Explain the rule of 'only one instrument to be on one stamp' as per the Indian Stamp Act, 1899. Substantiate your answer with at least two illustrations.

08 Marks · 250 words

3(C). "The Code of Civil Procedure confers wide discretion on the court in the matter of joinder of parties." Considering the statement, discuss the law relating to the joinder of parties as prescribed under the Code of Civil Procedure, 1908. Whether joinder of parties includes the transposition of parties also?

12 Marks · 400 words

3(D). A and B were both prosecuted for illegally possessing arms. The prosecution wishes to adduce the fact that B has shown those arms to his friend C. Examine the relevancy of the above fact, especially under Section 11 of the Indian Evidence Act. What is the test of relevancy under Section 11 of the Indian Evidence Act, 1872?

12 Marks · 400 words

4(A). What is constructive res judicata? Discuss the scope of applicability of the principle of res judicata in a representative suit per the provision of the Code of Civil Procedure, 1908.

08 Marks · 250 words

4(B). Under what circumstances can a court order specific performance of a contract along with compensation? Explain with the help of relevant provisions of the Specific Relief Act, 1963 and decided cases.

08 Marks · 250 words

4(C). Discuss the scope and procedure to amend pleadings as prescribed under Order VI of the Code of Civil Procedure, 1908. Under what circumstances can the court permit amendment of pleading even after the commencement of a trial?

12 Marks · 400 words

4(D). What is admission? Discuss the law relating to proof of admission against a person making the admission.

12 Marks · 400 words

5(A). "A suit or appeal does not abate on account of the death of an unnecessary, non-material or pro forma defendant." Explain with the help of relevant provisions of the Code of Civil Procedure, 1908.

08 Marks · 250 words

5(B). Whether specific conduct of an accused be taken as a confession? Explain with the help of relevant provisions and decided cases.

08 Marks · 250 words

5(C). What is an ex parte decree? What are the grounds to set aside the ex parte decree? Explain with the help of relevant provisions of the Code of Civil Procedure, 1908.

12 Marks · 400 words

5(D). A got arrested for allegedly murdering B. While being under police custody and walking towards the police station, he makes a confession which was also heard by another passerby C. Based on the confession, certain recoveries including a weapon and bloodstained clothes were made from the immediate vicinity of the place where the incident happened.

During trial, prosecution wants to adduce the said confession recorded by the police, the testimony of C who heard A making the said confession, and the recoveries of the weapon and bloodstained clothes.

Explain the relevancy and admissibility of the above three evidences as per the provision of the Indian Evidence Act, 1872 and relevant judicial decisions.

12 Marks · 400 words

6(A). Explain the judicial guidelines regarding the admissibility and reliability of more than one dying declaration having substantial contradictions with each other.

08 Marks · 250 words

6(B). Distinguish between legal and equitable set-off with suitable illustration and provisions contained in the Code of Civil Procedure, 1908.

08 Marks · 250 words

6(C). Discuss the rule regarding substituted service of summon as prescribed under the Code of Civil Procedure, 1908. What are the judicial guidelines in this regard?

12 Marks · 400 words

6(D). What is the relevancy of testimony given by a hostile witness? Discuss the objectives and scope of Section 154 of the Evidence Act of 1872.

12 Marks · 400 words

7(A). Write a short note on the substituted performance of a contract as prescribed under the Specific Relief Act, 1963.

08 Marks · 250 words

7(B). Whether the court can replace expert opinion by merely comparing the disputed handwriting on its own? Explain with the help of the relevant provision of the Indian Evidence Act, 1872 and decided cases.

08 Marks · 250 words

7(C). Discuss the rule relating to attachment of property before execution as prescribed under the Code of Civil Procedure, 1908. What types of properties are immune from attachment?

12 Marks · 400 words

7(D). Discuss the scope of Section 106 of the Evidence Act, 1872. In the case where a wife files a petition for maintenance against her husband, who has the burden of proof to establish the annual income of the husband?

12 Marks · 400 words

8(A). Discuss the procedure for execution of a foreign decree in India as per the Code of Civil Procedure, 1908.

08 Marks · 250 words

8(B). What is perpetual injunction? Explain with the help of the relevant provisions of the Specific Relief Act of 1963.

08 Marks · 250 words

8(C). Discuss the powers and duties of an executing court as prescribed under the Code of Civil Procedure, 1908. Can the executing court mould the relief granted to the decree-holder in the changed circumstances?

12 Marks · 400 words

8(D). Discuss the objectives and the scope of cross-examination as prescribed under the Indian Evidence Act, 1872. Under what circumstances would parties be required to supply relevant documents to refresh the memory of a witness before conducting the cross-examination?

12 Marks · 400 words