Jharkhand Civil Judge (Mains) 2015 (Backlog)

Paper I · compulsory paper

Full Marks: 100 · Time: 3 Hours. The paper has five Sections, each with two questions of 20 marks; answer one question from each Section.

Section A

1. (a) What is meant by attachment? Under what circumstances may a court order attachment before judgement? 10 Marks

(b) Distinguish between any two of the following: 5+5 Marks

(i) Non-joinder and mis-joinder of parties

(ii) Rejection of a plaint and dismissal of a suit

(iii) Reference and revision.

2. (a) What questions are to be determined by a Court of Law before it orders execution of a decree? 10 Marks

(b) Giving suitable illustrations discuss the inherent powers of the Court. Are there any limitations on such powers? 10 Marks

Section B

3. (a) What is the difference between summon trial and warrant trial? Can a summary trial be converted into a warrant trial? Discuss with reasons in the light of relevant provisions. 10 Marks

(b) Write short notes on the following: 15 Marks

(i) Joinder of charges

(ii) Compoundable offences

(iii) Anticipatory Bail.

4. (a) Explain the appellate and revisional powers of the High Court in criminal cases. 10 Marks

(b) (i) Can a court alter a judgement after it has been delivered? If yes, how? 5 Marks

(ii) If a person having sufficient funds refuses to maintain his wife and parents, what remedy is provided to them under Cr.P.C.? 5 Marks

Section C

5. (a) With the help of case law, explain the circumstances under which a person can even cause death while exercising the right of private defence of property. 10 Marks

(b) (i) 'A' provokes a quarrel with 'B' and tries to hit him. 'A' afterwards runs for his safety but, finding that he cannot escape, turns round and hits 'B', who dies three days after. Has any offence been committed? Give a reason. 5 Marks

(ii) 'A' incites a dog to spring upon 'B' with the consent of 'B'. Has any offence been committed? If so, what? Discuss. 5 Marks

6. (a) "In all robbery, there is either theft or extortion." Explain, and distinguish between robbery and dacoity. 10 Marks

(b) (i) Distinguish between Rioting and Affray. 4 Marks

(ii) 'A', a Hindu husband, drags his minor wife forcibly to his house for not committing any offence but to keep her in the house. Discuss what offence, if any, has been committed. 3 Marks

(iii) A railway ticket booking clerk receives money in excess of the fixed amount but does not credit the excess amount to the railway administration. What offence has been committed? Give reasons. 3 Marks

Section D

7. (a) What do you understand by 'admission' and 'confession'? Distinguish between the two and explain the value of extra-judicial admissions. 10 Marks

(b) (i) What are the facts which are judicially noticeable and the facts of which the court must take judicial notice? 5 Marks

(ii) What are the rules of evidence regarding legitimacy of a child? Decide the legitimacy in the following: 'A', a woman, and her paramour 'B' lived together without being married for a period of one year and thereafter they legally married on 5th September 2013. 'B' died on 10th October 2013. 'A' again married 'C' on 10th December 2013. After five days of this marriage, i.e. on 15th December 2013, 'D' was born to 'A'. Whether 'D' is a legitimate child? If so, whose legitimate son? 5 Marks

8. (a) (i) What is patent and latent ambiguity? In what cases may oral evidence be given, and not be given, to explain or amend ambiguous documents? 5 Marks

(ii) 'A' sells to 'B' by deed "My house in Calcutta". 'A' had no house in Calcutta but it appears that he has a house at Howrah of which 'B' had been in possession since the execution of the deed. Can these facts be shown to prove that his house at Howrah was meant to be sold? Discuss the principle. 5 Marks

(b) (i) "Relevancy and admissibility are not coextensive terms." Comment on this statement. 5 Marks

(ii) Explain any two of the following: 5 Marks

(I) Value of dying declaration

(II) Admissibility of secondary evidence of documents

(III) Res gestae.

Section E

9. (a) What are the various rules as to disability under sections 6, 7 and 8 of the Limitation Act?

(b) (i) Extension of limitation period in case of appeals. 5 Marks10 Marks

(ii) Extension of limitation period in case of debts by paying some amount towards principal or interest. 5 Marks

(iii) Extension of limitation period in case of suits on the ground of disability. 5 Marks

10. (a) "When a suit to recover the property is barred by limitation, the right to such property is extinguished." Comment in the light of provisions of the Act and case law. 10 Marks

(b) (i) "Where once time has begun to run, no subsequent disability to institute a suit stops it." Explain the maxim by giving suitable examples. 5 Marks

(ii) 'A' takes a loan from a firm of which 'B', 'C' and 'D' are partners. 'B' and 'C' are insane and 'D' is a minor. When can 'A' be sued? 5 Marks