Jharkhand Civil Judge (Mains) 2015 (Regular)

Paper II · compulsory paper

Law Paper II · Full Marks: 100 · Time: 3 Hours. Candidates are required to answer five questions, selecting compulsorily one question from each Section. In case of any ambiguity in the Hindi version the English version shall be considered authentic.

Section A

1. (a) "An agreement enforceable by law is a contract". Explain referring to the conditions subject to which an agreement becomes a contract. 10 Marks

(b) Briefly discuss rules of acceptance of proposals. 'A' offers to purchase B's car for Rs. 7,000/- and adds that if the offer is not rejected, it will become a binding contract. 'B' keeps silence. Is 'B' bound to sell? 10 Marks

2. (a) Explain the provisions of Contract Act relating to restraint of trade. Is there any exceptions to this rule? If so, point out. 10 Marks

(b) What are quasi-contracts? What type of quasi-contracts have been recognized by the Indian Contract Act? 10 Marks

Section B

3. (a) What are the essentials of a contract of sale of goods? Discuss them. 10 Marks

(b) Discuss the rules of passing of property in specific goods. 10 Marks

4. (a) What do you mean by condition and warranty? Distinguish between condition and warranty. When can a breach of condition be regarded as a breach of warranty? 10 Marks

(b) Discuss briefly: 10 Marks

(i) Effect of destruction of goods before sale.

(ii) Merchantable quality.

Section C

5. (a) Define 'promissory note'. Do you consider the following to be promissory notes? 10 Marks

(i) I promise to pay 'B', a sum of Rs. 5,000/- and any other amount which may be payable to him.

(ii) I promise to pay 'B', Rs. 8,000/-, one month after the death of 'A'.

(b) Write a short note on business problems and legal solutions under the Negotiable Instruments Act. 10 Marks

6. (a) Define cheque. Discuss its characteristics and differentiate between a cheque and a promissory note. 10 Marks

(b) What do you know about "Noting and Protest"? Describe its procedure. 10 Marks

Section D

7. (a) Explain where and how in Arbitration Act, the arbitral tribunal is required to follow the principles of natural justice. Do you agree with the same? 10 Marks

(b) Write about the court's assistance in taking evidence in the Arbitration and Conciliation Act, 1996. 10 Marks

8. (a) State the rules governing the conduct of arbitral proceedings. What are the ways in which such proceedings are terminated? 10 Marks

(b) Discuss the appointment and role of conciliators under the Arbitration and Conciliation Act, 1996. 10 Marks

Section E

9. (a) Discuss the rule against perpetuity and give its exceptions. 10 Marks

(b) Discuss vested and contingent interest and distinguish between them. 10 Marks

10. (a) Discuss the doctrine of part-performance as given in Section 53-A of the Transfer of Property Act. 10 Marks

(b) "The foundation of the doctrine of election is that a person taking the benefit of any instrument must also bear the burden". Explain. 10 Marks