Jharkhand Civil Judge (Mains) 2015 (Regular)

Paper III · compulsory paper

Law Paper III · Full Marks: 100 · Time: 3 Hours. Candidates are requested 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) "There is a shift from fault theory to irretrievable breakdown of marriage theory for dissolution of marriage." Discuss. 10 Marks

(b) Discuss the changing concept of "adoption" under Hindu Law. 10 Marks

2. (a) With the help of decided cases, discuss under what circumstances a Hindu wife can be a natural guardian? 10 Marks

(b) Discuss the concept of Stridhan in ancient Hindu law and how has it been changed in the Hindu Succession Act, 1956? 10 Marks

Section B

3. (a) "Polygamy" under Muslim law is not a general rule but an exception." Discuss. 10 Marks

(b) Define 'Hizanat'. Can this right be lost? If so, under what circumstances? Explain. 10 Marks

4. (a) Describe the classes of persons who can claim a right of pre-emption. Examine whether the right of pre-emption is still available on grounds of vicinage? 10 Marks

(b) What do you understand by 'dower' and explain its importance in Muslim marriages? What are the rights of widow whose dower has not been paid? 10 Marks

Section C

5. (a) What is meant by 'Standard Rent'? How and by whom it is fixed? What charges, other than the rent, are permissible to a landlord, under the Act? 10 Marks

(b) Write briefly about the appointment, powers and procedure to be followed by controller? How are the orders of controller executed? 10 Marks

6. What are the formalities required to bring a tenancy into existence? What are the rules relating to inheritance to tenancy? 20 Marks

A partnership firm is a tenant in a non-residential building. All the partners agree to sell the business of their firm, including its "goodwill", to a new set of partners who continue to do the business in the old name. Whether landlord can claim possession of the building? Give reason.

Section D

7. (a) What do you understand by specific relief? Can specific relief be granted for the mere purpose of enforcing a penal law? Discuss. 10 Marks

(b) What do you understand by cancellation of instruments? Discuss its essentials and differences between cancellation of instruments and recession of contract. 10 Marks

8. (a) What is preventive relief? Describe the provisions relating to preventive relief as provided in the Specific Relief Act, 1963. 10 Marks

(b) What remedy is available to 'A' in the following cases? Discuss with reasons: 10 Marks

(i) 'B' contracts with 'A' that he will serve him faithfully for twelve months as a clerk. Later on 'B' does not perform the contract.

(ii) 'B' contracts with 'A' that he will sing song for twelve months in 'A''s theatre and he will not sing at any other place. Later on 'B' does not perform the contract.

Section E

9. (a) "It is the basic principle of Jurisprudence that every right has a correlative duty and every duty has a correlative right. But the rule is not absolute. A person may have a right but there may not be correlative duty." Comment. 10 Marks

(b) Briefly discuss various kinds of corporeal and incorporeal property. 10 Marks

10. (a) "Internal morality is a procedural version of natural law." Explain. 10 Marks

(b) What is the meaning of "Administration of Justice"? Discuss the necessity of administration of justice and the different theories of criminal justice administration. 10 Marks

De Facto IAS