Karnataka Civil Judge (Mains) 2015 (CJR 1/2014)

Law Paper I · compulsory paper

Date: 12.09.2015 · Time: 2.00 PM to 5.00 PM · Max Marks: 100

Note: (1) Option is given to the candidates to write answers either in English or in Kannada. (2) If there is any discrepancy in the questions in English language and in Kannada language, the questions as framed in English language would prevail.

Part I: The Code of Civil Procedure and Principles of Pleadings

1. What is the nature of suits the Civil Courts have jurisdiction to try? 2 Marks

2. What is the Karnataka Amendment brought to Section 54 of the Code of Civil Procedure regarding partition of estate or separation of share? 3 Marks

3. What is the requirement of law to be complied with under Section 80 of Code of Civil Procedure before a suit is instituted against Government or against a public officer? 4 Marks

4. What are the alternative dispute resolution mechanism provided under the Code of Civil Procedure by way of amendment by Act 46 of 1999? 2 Marks

5. Who is a necessary party and a proper party to the suit? 2 Marks

6. What the pleading shall contain? 4 Marks

7. Explain the proviso to Order VI Rule 17 of Code of Civil Procedure. 2 Marks

8. When can a plaint be rejected? 4 Marks

9. What is the procedure prescribed in the proviso to sub-Rule (2) of Rule 1 of Order XVII for the hearing of the suit? 4 Marks

10. If the Court proposes to grant an injunction without giving notice of the application to the opposite party, what are the legal requirements to be complied with? 3 Marks

Part II: The Code of Criminal Procedure, 1973

11. What are the different Courts of Magistrates? What are the sentences which the Magistrate may pass? 5 Marks

12. What is the difference in procedure in trial of a warrant case and a summons case? 5 Marks

13. When a search warrant may be issued? 5 Marks

14. What is the procedure prescribed for recording of confession and statements to be followed by a Magistrate under Section 164 of Code of Criminal Procedure? 5 Marks

15. What should be contained in a police report forwarded to a Magistrate by a officer incharge of police station under Section 173(2) of the Code of Criminal Procedure? 5 Marks

16. When a proceeding is initiated on a police report, what are the material to be supplied to the accused by a Magistrate under Section 207 of the Code of Criminal Procedure? 2 Marks

17. What is the procedure prescribed for trial under Section 309 of the Code of Criminal Procedure? 3 Marks

Part III: The Indian Evidence Act, 1872

18. Explain the meaning of the words: (a) Proved (b) Disproved (c) Not proved 6 Marks

19. What are the cases in which secondary evidence relating to documents may be given? 4 Marks

20. What is the meaning of burden of proof and onus of proof? 3 Marks

21. What is the meaning of the words estoppel and the estoppel of a tenant under Section 116 of the Evidence Act? 3 Marks

22. When can a witness refresh his memory? 3 Marks

23. What are the powers conferred on a Judge under Section 165 of the Evidence Act? 3 Marks

24. What is the power of the Court if questions being asked without reasonable grounds, indecent and scandalous questions and questions intended to insult or annoy? 2 Marks

25. When is a person said to give false evidence? What is the punishment for giving false evidence? 2 Marks

26. Explain the following: (a) Unlawful assembly (b) Wrongful restraint and wrongful confinement 4 Marks

Part IV: The Constitution of India

27. What are the functions of the Public Service Commission under the Constitution of India? 3 Marks

28. How appointments of District Judges and persons other than District Judges into the Judicial Services of a State is made? 4 Marks

29. What are the constitutional guarantees conferred on a person who is arrested and detained in custody? 3 Marks