Karnataka Civil Judge (Mains) 2016

Law Paper I · compulsory paper

Date: 09.07.2016 · Time: 2.00 PM to 5.00 PM · Maximum 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. Answer any three of the following: 9 Marks

(a) Distinguish between Penalty for default and compensatory costs.

(b) Distinguish between Set off and counter claim.

(c) Distinguish between Transposition of defendant as plaintiff and impleading of a person as plaintiff.

(d) Distinguish between Agreement or compromise entered in a representative suit and compromise of general suits.

2. Explain law relating to any two of the following: 10 Marks

(a) Procedure where court decides that its own decree shall be executed by another court and transfer of execution to the court of small causes.

(b) Execution in case of cross claims under the same decree.

(c) Discretion of court in executing decree for Restitution of conjugal rights.

3. Write short notes on any three of the following: 6 Marks

(a) Striking out pleadings

(b) Amendment of pleadings

(c) Suits on lost negotiable instruments

(d) Discovery by interrogatories

4. Write relevant notes on any two of the following: 10 Marks

(a) Distinction between preliminary and final decree

(b) Distinction between return and rejection of plaint

(c) Relevance of cause of action in a suit.

Part II: The Code of Criminal Procedure, 1973

5. Write relevant note on any three of the following: 9 Marks

(a) Procedure when accused appears to be of unsound mind

(b) Appeals from convictions and acquittals

(c) Sentence on offender already sentenced for another offence

(d) Reference to High Court

6. Write notes on any four of the following: 16 Marks

(a) Subordination of Executive Magistrates

(b) Sentence in cases of conviction for several offences

(c) Arrest by a private person and procedure to be followed on such arrest

(d) Postponement of issue of process

(e) Compounding of offences

Part III: The Indian Evidence Act, 1872

7. State the law relating to any three of the following: 9 Marks

(a) Special provision as to evidence relating to electronic record

(b) Exclusion of evidence of oral agreement

(c) "Presumption as to dowry death"

(d) Presumption as to telegraphic and electronic message

8. Mention the law relating to any two of the following: 8 Marks

(a) Estoppel and kinds of estoppel

(b) Powers of court regarding comparison of signature, writing or seal with other admitted or proved signature, writing and seal.

(c) Opinion of experts

9. Briefly explain on any two of the following: 8 Marks

(a) Cases in which secondary evidence relating to documents may be given

(b) Rules as to notice to produce documents

(c) Burden of proof and presumptions

Part IV: The Constitution of India

10. Write notes on any three of the following 15 Marks

(a) Failure of Constitutional machinery in States

(b) Recruitment of persons other than District Judges to Judicial service

(c) Fundamental duties

(d) Directive principles of state policy