Karnataka Civil Judge (Mains) 2019 (CJR 24/2018 cycle, held March 2019)

Law Paper I · compulsory paper

Option is given to the candidates to write answers either in English or in Kannada. If there is any discrepancy in the question in English language and Kannada language, the questions as framed in English language shall prevail.

Part I: The Code of Civil Procedure, 1908 and Principles of pleadings

1. Write short notes on Any Two of the following questions 5 x 2 = 10 Marks

a) Set off and Counter Claim

b) Ex-parte decree

c) Arrest before judgment

Answer Any Two of the following questions in this part. 10 x 2 = 20 Marks

2. What are the guiding principles for grant of temporary injunction under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908? Whether the defendant can file application seeking temporary injunction in the suit filed by the plaintiff for permanent prohibitory injunction?

3. What is the difference between res subjudice as provided under Section 10 and res judicata as provided under Section 11 of the Code of Civil Procedure, 1908?

4. Discuss the provisions of the Code of Civil Procedure, 1908 regarding the issue of commissions.

Part II: The Code of Criminal Procedure, 1973

5. Write short notes on Any Two of the following questions 5 x 2 = 10 Marks

a) Relevance of statements recording under Section of 313 of the Code of Criminal Procedure, 1973.

b) Forfeiture of bond under the Code of Criminal Procedure, 1973.

c) Disposal of property under Section 451 and 452 of the Code of Criminal Procedure, 1973.

Answer Any Two of the following questions in this part. 10 x 2 = 20 Marks

6. Explain the circumstances in which a wife is entitled to claim maintenance from her husband under the Code of Criminal Procedure, 1973. Can a daughter be asked to maintain her father? If so, under what circumstances?

7. State the law of remand prescribed under Section 167 of the Code of Criminal Procedure, 1973.

8. For every distinct offence of which any person is accused there shall be separate charge, and every such charge shall be tried separately. Discuss. Is there any exception to this rule?

Part III: The Indian Evidence Act, 1872

9. Write short notes on Any Two of the following questions. 5 x 2 = 10 Marks

a) Facts in issue and relevant facts

b) Testimony of an accomplice

c) Judicial confession and extra judicial confession

Answer Any One of the following questions in this part. 10 x 1 = 10 Marks

10. What is estoppel? State different kinds of estoppel.

11. What is presumption? State the provisions regarding presumptions as to abetment of suicide by a married woman and dowry death.

Part IV: The Constitution of India

12. Write short notes on Any Two of the following questions 5 x 2 = 10 Marks

a) Habeas corpus

b) Fundamental duties

c) Preamble of the Constitution of India

Answer Any One of the following questions in this part. 10 x 1 = 10 Marks

13. Discuss the power of the President to proclaim an emergency. What changes have been brought in this respect by the Constitution 44th Amendment Act?

14. Describe the procedure for carrying out amendments in the Constitution of India? Can fundamental rights be amended?