Karnataka Civil Judge (Mains) 2021

Law Paper I · compulsory paper

Date: 30.09.2021 · Time: 2.30 PM to 5.30 PM · Max Marks: 100

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

1. Write short notes on Any Two of the following subjects with reference to Relevant Provisions of Law

5 x 2 = 10 Marks

a) Mandatory requirements for filing the suit against Government and Public Officers.

b) Procedures to be followed while recording the compromise in:
i) a representative suit.
ii) a suit where minor is one of the parties.

c) Which specific provisions of the Code of Civil Procedure, 1908 have to be invoked under following circumstances:
i) To correct the clerical mistakes crept in the Judgment.
ii) To set aside the order of dismissal of suit for non appearance of plaintiff, when the suit is called on for hearing.
iii) To permit the decree holder to bid and purchase the property in Court sale.
iv) To set aside the abatement of suit for not bringing the legal heirs of the deceased plaintiff within time.
v) To produce the additional evidence before the Appellate Court.

2. Answer Any Two of the following questions with reference to the Relevant Provisions of Law

10 x 2 = 20 Marks

a) Explain briefly about the Written Statement with Reference to following:
i) Pleading of new facts.
ii) Denial.
iii) Set-Off and Counter claim.

b) Explain briefly about Issues with reference to following:
i) What is an Issue?
ii) Kinds of Issues.
iii) Materials from which Issues may be framed

c) What are the principles governing the grant of temporary injunction? What procedures are to be followed while granting the exparte temporary injunction order?

Part II: The Code of Criminal Procedure, 1973

3. Write short notes on Any Two of the following subjects with reference to Relevant Provisions of Law:

5 x 2 = 10 Marks

a) Statutory Bail.

b) Limitation for taking cognizance of offence.

c) Which specific provisions of the Code of Criminal Procedure 1973 have to be invoked under following circumstances:
i) To issue summons to any person to produce documents for the purpose of trial.
ii) To issue warrant to authorize any police officer to enter any place used for sale of stolen

property.

iii) For recording the confession made to Judicial Magistrate in the course of an investigation.

iv) To file additional charge sheet after conducting the further investigation.

v) To commit the case to the Court of Sessions after commencement of inquiry or trial by the Magistrate.

4. Answer Any Two of the following questions with reference to Relevant Provisions of Law. 10 x 2 = 20 Marks

a) Briefly explain Charge with reference to following:

i) Contents of charge.

ii) Effect of errors in framing charge.

iii) Alteration of charge.

b) Briefly explain the broad principles relating to grant of:

i) Bail in bailable offences.

ii) Bail in non-bailable offences.

iii) Anticipatory bail.

c) Describe the procedure to be followed by a Magistrate when a complaint is filed before him. When a complaint may be dismissed by the Magistrate?

Part III: The Indian Evidence Act, 1872

5. Write short notes on Any Two of the following subjects with reference to Relevant Provisions of Law: 5 x 2 = 10 Marks

a) Presumption as to suicide by married woman.

b) Special provisions relating to admissibility of electronic records.

c) Dying Declaration.

6. Answer Any One of the following questions with Relevant Provision of Law. 10 x 1 = 10 Marks

a) Explain briefly about the relevancy of evidence of following witnesses:

i) Hostile witness.

ii) Expert witness.

iii) Child witness.

b) Explain briefly the Burden of Proof with reference to following, with illustrations:

i) On whom burden of proof lies.

ii) Burden of proof as to particular fact.

iii) Burden of proving fact especially within knowledge.

Part IV: The Constitution of India

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

a) Fundamental duties.

b) Directive Principles of State Policy.

c) Right of Freedom.

8. Answer Any One of the following questions. 10 x 1 = 10 Marks

a) Describe the procedure for carrying out amendment in the Constitution of India. Can Fundamental rights be amended?

b) Briefly state the legal principles involved in the following landmark judgments?

i) Navtej Singh Johar vs Union of India (2018) 10 SCC 1

ii) Shayara Bano vs Union of India and others (2017) 9 SCC 1

iii) Justice K.S.Puttaswamy (Retd) vs Union of India and others (2017) 10 SCC 1

iv) Indian Young Lawyers Association vs The State of Kerala (2019) 11 SCC 1

v) Common Cause (A Regd. Society) vs Union of India and another (2018) 5 SCC 1

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