Karnataka Civil Judge (Mains) 2022

Law Paper I · compulsory paper

Date: 07.10.2022 · Time: 2.30 PM to 5.30 PM · Maximum Marks: 100

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

1. Write a short note on Any One of the following subjects by referring Relevant Provisions of Law 5 × 1 = 5 Marks

a) Interpleader suit.

b) Special Procedure for suits by and against Minors.

2. Which specific provisions of the Code of Civil Procedure, 1908 have to be invoked under following circumstances? 1 × 5 = 5 Marks

i) To appoint the Court Commissioner to examine the witness who is outside India.

ii) To serve the suit summons to the defendant by way of paper publication as substituted service.

iii) To issue bailable warrant against a witness who failed to comply with summons.

iv) To set aside the sale of immovable property in execution of decree on the ground of irregularity or fraud.

v) To file appeal against the order granting temporary injunction under Order 39 Rules 1 and 2.

3. Answer Any Two of the following questions by referring Relevant Provisions of Law 10 × 2 = 20 Marks

a) Draft a model plaint in respect of a suit for Recovery of Money based on Demand Promissory Note, by incorporating all the mandatory requirement of a plaint, as provided under Order 7 of the Code of Civil Procedure, 1908.

b) Explain the mode of executing following decrees:

i) Decree for payment of Money.

ii) Decree for specific performance of contract.

iii) Decree for an injunction.

c) What are the factors to be considered by the Courts for allowing or refusing the request for amendment of pleadings? What are the guiding principles to be considered by the Courts under following circumstances?

i) When the proposed amendment is to seek a new relief in the plaint, which is objected as barred by limitation.

ii) When the proposed amendment to the plaint, if allowed, would oust the jurisdiction of the Court to try the said suit.

iii) When the application seeking amendment is filed after commencement of trial.

Part II: The Code of Criminal Procedure, 1973

4. Write a short note on Any One of the following subjects by referring Relevant Provisions of Law: 5 × 1 = 5 Marks

a) Procedure when accused is of unsound mind.

b) Irregularities which vitiate proceedings.

5. Which specific provisions of the Code of Criminal Procedure, 1973 have to be invoked under following circumstances? 1 × 5 = 5 Marks

i) To attach the property of person absconding.

ii) To file the additional charge sheet.

iii) To recall the witness when charge is altered.

iv) To release the convict on bail by the Court, which convicted the accused.

v) To award compensation for rehabilitation of Victim.

6. Answer Any Two of the following questions by referring Relevant Provisions of Law. 10 × 2 = 20 Marks

a) What are the different kinds of bail, which can be granted under the Code of Criminal Procedure, 1973? Explain the guiding principles for granting the bail in non-bailable offences by referring to the leading decisions.

b) Explain the procedures to be followed by the Magistrates while rendering judgment in warrant triable cases with special reference to the following:

i) Language and contents of judgment.

ii) Order for payment of compensation.

iii) Mandatory procedures when the accused is convicted.

c) Explain the Powers of police to investigate under Chapter XII of the Code of Criminal Procedure, 1973 with special reference to the following:

i) Examination of witness by Police.

ii) Procedure when Investigation cannot be completed in twenty-four hours.

iii) Report of Police Officer on completion of investigation.

Part III: The Indian Evidence Act, 1872

7. Write a short note on Any One of the following subjects by referring Relevant Provisions of Law: 5 × 1 = 5 Marks

a) Privileged Communication.

b) Accomplice.

8. Which specific provisions of the Indian Evidence Act, 1872 have to be invoked under following circumstances? 1 × 5 = 5 Marks

i) To make a plea of alibi.

ii) To consider the opinion of examiner of Electronic evidence.

iii) To consider the previous good character of accused in criminal cases.

iv) To draw the presumption as to five years old electronic records.

v) Burden of proof as to ownership.

9. Answer Any One of the following questions by referring Relevant Provision of Law. 10 × 1 = 10 Marks

a) Briefly explain the distinction between the followings:

i) May presume, shall presume and conclusive proof.

ii) Judicial confession and extrajudicial confession.

iii) Direct evidence and circumstantial evidence.

b) Briefly explain the presumptions under the Indian Evidence Act, 1872, in respect of followings documents:

i) Public documents.

ii) Gazettes and newspapers.

iii) Power of attorney.

iv) Thirty years old documents.

Part IV: The Constitution of India

10. Write a short note on Any One of the following subject: 5 × 1 = 5 Marks

a) Equal Justice and free legal aid.

b) Public Interest Litigations.

11. Which specific Article of the Constitution of India has to be invoked under following circumstances? 1 × 5 = 5 Marks

i) To make provision for reservation in appointments in the services under the State in favour of any backward class of citizens.

ii) To appoint the Attorney-General for India.

iii) To appoint the persons other than district judges to the judicial service of a State.

iv) To promulgate the Ordinances by the Governor during recess of State Legislature.

v) Proclamation of Financial Emergency in India.

12. Answer Any One of the following questions. 10 × 1 = 10 Marks

a) What is Basic Structure Doctrine? Explain the same by referring to the landmark decisions of the Supreme Court of India.

b) Briefly explain the legal principles involved in following landmark decisions:

i) Indra Sawhney vs Union of India. (AIR 1993 SUPREME COURT 477)

ii) Gurubaksh Singh Sibbia vs State of Punjab. (AIR 1980 SUPREME COURT 1632)

iii) National Legal Services Authority vs Union of India (AIR 2014 SUPREME COURT 1863)

iv) D.K.Basu vs State of West Bengal (AIR 1997 SUPREME COURT 610)

v) Smt. Selvi vs State of Karnataka (2010) 7 SCC 263.