Karnataka Civil Judge (Mains) 2023

Law Paper I · compulsory paper

Date: 18.11.2023 · Time: 2.30 PM to 5.30 PM · Max Marks: 100

Instructions: 1. Option is given to the candidates to write answers either in English or in Kannada. 2. If there is any discrepancy or difference in the questions in English language and Kannada language, the questions as framed in English language shall prevail. 3. Write your register number only on the cover page in the space provided in your answer book and nowhere else. You shall not write your name or make any kind of marks disclosing your identity on any part of your answer book or additional answer book. Contravention of the above instruction will entail disqualification.

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

1. Write short notes on Any One of the following subjects by referring Relevant Provisions of Law: 5 x 1 = 5 Marks

a. Doctrine of Relation Back.

b. Transposition of Defendant as Plaintiff.

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

i. Procedure if witness fails to appear.

ii. Application for discovery of documents.

iii. Suing of partners in name of firm.

iv. Institution of summary suits.

v. Grounds for exemption from limitation law.

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

a) Draft a model plaint in respect of an Inter-pleader suit by incorporating all the mandatory requirements as provided under Code of Civil Procedure, 1908.

b) Examine in detail the situation and procedure to be adopted by the Court where assets are held by the court and more persons than one have, before the receipt of such assets, made applications to the court for execution of decree for the payment of money passed against same JDR and not obtained satisfaction.

c) Discuss in detail “Place of Suit” by quoting relevant provisions of CPC.

Part II: The Code of Criminal Procedure, 1973

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

a) Summary procedure for trial for giving false evidence.

b) Compensation to persons groundlessly arrested.

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

i. Power to appoint place of imprisonment.

ii. Language of courts

iii. Power of court to convert summons cases into warrant cases.

iv. Receipt of evidence relating to offence committed outside India.

v. Trial for more than one offence.

6. Answer Any One of the following questions by referring Relevant Provisions of Law. 10 x 1 = 10 Marks

a) What is arrest? Explain the circumstances under which a person can be arrested without warrant.

b) Explain in detail the provisions relating to Security for keeping the peace and good behaviour.

7. Discuss in detail on the power to examine the accused as provided under chapter XXIV of CRPC. 10 x 1 = 10 Marks

Part III: The Indian Evidence Act, 1872

8. Write short notes on Any One of the following subjects referring to Relevant provisions of law: 5 x 1 = 5 Marks

a) Fact, Facts in issue and relevant fact.

b) Latent and patent ambiguity.

9. Answer Any One of the following questions by referring Relevant Provisions of Law: 10 x 1 = 10 Marks

a) Discuss in detail on "Burden of Proof" by quoting relevant provisions of Indian Evidence Act.

b) Explain in detail on statements by persons who cannot be called as witnesses.

10. Can a party or his agent object to the questions asked by the Court / Judge to the witness on the ground that it is irrelevant? Elaborate your answer by quoting relevant provisions of Indian Evidence Act. 5 x 1 = 5 Marks

Part IV: The Constitution of India

11. Write short note on Any One of the following subjects by quoting Relevant Article of the Constitution of India: 5 x 1 = 5 Marks

a. Protection in respect of conviction for offences.

b. Enforcement of decrees and orders of Supreme Court and orders as to discovery, etc.,

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

i. Power of the States to entrust functions to the Union.

ii. Official Language of the Union.

iii. Power of the President to consult Supreme Court.

iv. Protection of interests of minorities.

v. Power of superintendence over all courts by High Court.

13. Answer Any One of the following questions by referring Relevant Provisions of Law. 10 x 1 = 10 Marks

a. Discuss the constitutional provisions in relation to interstate trade, commerce and inter-course in India.

b. Discuss the following:

i. Doctrine of Eclipse

ii. Doctrine of Pleasure.

iii. Obiter Dicta

De Facto IAS