Kerala Judicial Service Mains 2007 · Question papers

Paper III · compulsory paper

Total marks: 200 · Time: 3 hours

I. Discuss the doctrine of "Lis Pendens" 15 marks

II. Explain the principle of "Feeding the grant by Estoppel". Give an example where the principle could be invoked. © 15 marks

III. Answer the following: ° 15 marks

(a) What is the purpose sought to be served by the legal requirement of 'attestation'?

(b) What documents, if any, are valid even if they do not bear such attestation? : (c) What is the meaning of:

(i) Actual notice

(ii) Constructive notice Give one example of each.

IV. Answer the following: , 15 marks

(a) A father executes a registered gift deed of a piece of land absolutely in favour of his wife, but with a condition against alienation by her. Is the gift valid? If so, is the condition valid? Give reasons.

(b) Would the position be the same or different, if the document executed is not a gift deed, but is a lease deed? Explain.

V. Answer the following: 15 marks

(a) A promissory note shows the amount promised as "Rs. 2000" in figures and as "Rupees three thousand" in words; which shall prevail and for what reason?

(b) Who is competent to execute a promissory note? Support your view with : reference to statutory provisions. ; .

(c) What, if any, is the difference between a "promissory note" and "demand promissory note"? If there is any difference, has it any effect on filing of suit for recovery of money due thereunder? :

VI. Answer the following: A husband and wife (both Hindus) realised within three months of marriage that due to incompatibility of temperament they cannot continue their married life and hence they decided to have a decree of divorce. As the husband has to leave India within another month, the couple want to file a joint petition for divorce before the Family Court. Give your legal opinion in the matter if the parties approach you. 10 marks

VII. Answer the following: 10 marks

(a) An illegitimate child and aged mother of a Hindu male, are unable to maintain them- selves. Can they claim maintenance from him in a Court of Civil Law? Is the claim to be by way of suit or original petition?

(b) What are the powers of a natural guardian of a Hindu minor? Refer to the statutory Provisions, if any, on the subject.

VIII. Answer the following: 15 marks

(1) What is meant by easement of necessity? Is there any limitation for the dominant owner in exercising such right over a servient heritage?

(2) A is the owner of a piece of vacant land. Adjoining east of A's land, is the land of B in which is situated an old but small one storied building. B demolished that building and constructed a substantial multi-storied building which has the effect of obstructing free passage of light and air to A's land -)

(a) Explain whether A has any remedy in law.

(b) Would it make any difference if A had filed a suit for an appropriate relief before the walls on the ground floor of the new building were being : constructed?

IX. Answer the following: A executed a sale deed in respect of a piece of land for Rs. 10,000/- in favour of B on 1.1.2005. It was registered on 2.2.2005. Meanwhile on 21.1.2005, A executed a registered sale deed in respect of the same land in favour of C for Rs. 11,000/-— Who, - among B and C will derive title to the land, and why? 10 marks

X. Answer the following: " A sold a piece of land to B for Rs. 10,000/- by an unregistered sale deed. The deed recited that B had paid Rs. 9,000/- to A one month previously and A had put B in possession of the land and that on the date of the sale deed, B is already in possession as vendee. A files a suit against B alleging that B trespassed into the land and is a trespasser for that reason. B denied this allegation and contended that he derived valid possession from A. B seeks to introduce the sale deed in evidence. Is the deed admissible in evidence to any extent? Explain. 10 marks

XI. Answer the following: Under what circumstances can the Court 10 marks

(a) declare the election of a returned candidate at a Panchayat election void, and

(b) declare the petitioner to have been duly elected.

XII. Write short notes on the following: (5) : 15 marks

(a) The executive officer of a District Panchayat

(b) Chairperson of a Municipality under the Kerala Municipalities Act.

XIII. Write short notes on any three of the following:. 15 marks

(1) Anomalous mortgage

(2) Holder in due course

(3) Onerous gift

(4) Subrogation

(5) Waiver of forfeiture

XIV. A and B, both Doctors of Medicine, entered into a registered deed styled as "Lease Deed" in respect of a building belonging to A and in which he has been running a clinic and hospital. The main provisions of the deed are as follows:- The building contains various kinds of furniture and medical equipment. A is going abroad for a period of three years on an assignment. B is desirous of running a clinic and hospital in the building. B is put in occupation of the building for three years and allowed to run a clinic and hospital therein. He has the right to use the furniture and equipment belonging to A. B can-bring-in-additional-furniture and equipment. B shall be liable to pay Property tax and responsible for the proper maintenance of the building, furniture and equipment. B can use the Second Floor for

his residence. He shall pay monthly rent of Rs. 25,000/- by the first of the next month. A has the right to enter the building, to inspect the building, movables and fixtures. B shall cease to use the' - premises at the end of the period of three years. During the period, A shall be entitled to use for his own Purpose, the room in the north-eastern corner of the ground floor building. , Is the transaction a lease or license? Support your view with reasons. 15 marks

XV. What is the ambit of "part performance" under the Transfer of Property Act? 15 marks

De Facto IAS