Kerala Judicial Service (Mains) 2011

Paper II · compulsory paper

Marks: 100 · Duration: 3 hours

Part -I

(Answer all the questions in one or two sentences. Each carries one mark)

1. What is the definition of landlord under the KBLR Act? [1 mark]

2. In a suit for partition filed in a Munsiff Court there are two plaintiffs. Each of them claims separate share. What is the court fees to be paid? [1 mark]

3. What is the nature of the stamp paper on which a final decree for partition is engrossed? [1 mark]

4. In the absence of an agreement to the contrary who should bear the expenses of providing stamp paper in the case of a partition deed executed by the parties? [1 mark]

5. In a suit for dissolution of marriage filed by a Muslim Woman on the ground of impotency of the husband what are the facts which should be proved by her? [1 mark]

6. What is the right of a third person claiming goods bailed? [1 mark]

7. When can a principal revoke his agent's authority? [1 mark]

8. What is the period within which a suit for easement right should be filed? [1 mark]

9. When can a gift be suspended or revoked? [1 mark]

10. What is the legal character of a post-dated cheque? [1 mark]

11. When two clauses of bequests in a Will are irreconcilable and they cannot possibly stand together, which one will prevail? [1 mark]

12. What are the provisions applicable to a mortgage by deposit of title deeds under the T.P. Act? [1 mark]

13. A sale deed was executed on 1-10-2008. It was registered on 1-12-2008. Which is the date on which it came into operation? [1 mark]

14. Which is the competent authority to execute an order passed u/s. 11 KBLR Act? [1 mark]

15. What is the period (if any) within which a Will should be presented for registration. [1 mark]

Part -II

(Answer any 15 questions in not exceeding 120 words. Each carries three marks)

16. What are the rules of payment of interest under the Negotiable Instruments Act? [3 marks]

17. Has a minor capacity to draw a negotiable instrument? [3 marks]

18. What are the rights which cannot be acquired by prescription? [3 marks]

19. Write a note on certified copies under the Registration Act. [3 marks]

20. Write a note on suit u/s. 6 Specific Relief Act. [3 marks]

21. When can a court grant a relief of compensation in a suit for specific performance? [3 marks]

22. What is a representative suit by a creditor under the T.P. Act? [3 marks]

23. What is the difference between lineal consanguinity and collateral consanguinity? [3 marks]

24. What are the grounds on which a candidate other than returned candidate may be declared to have been elected? What is the procedure for withdrawal of an election petition under the Kerala Municipality Act? [3 marks]

25. What is the effect of non registration of compulsorily registrable documents? What is collateral purpose? Explain with illustrations. [3 marks]

26. (a) What is the court fee payable in a suit for injunction in respect of an immovable property in which the plaintiff alleges that the defendant denies his title? [3 marks]

(b) An autonomous authority issued a notice to a contractor to remit Rs.75,000/-. The contractor filed a suit for injunction restraining recovery of the amount. What is the court fees payable?

27. Distinguish a bond from an agreement. [3 marks]

28. What is the provision regarding institution of suit against a Municipality? [3 marks]

29. Under the Kerala Panchayat Raj Act who shall be made parties to an election petition and what shall be the contents of an election petition? [3 marks]

30. Who are the persons entitled to legal services under the Legal Services Authorities Act? [3 marks]

31. What is the rule regarding Testamentary succession of a Hindu? What is the effect of conversion of a Hindu on succession of properties? [3 marks]

32. (a) What are the rules regarding a suit for dissolution of marriage instituted by a Muslim wife on the ground that the whereabouts of husband have not been known? [3 marks]

(b) What is the effect of conversion of a Muslim wife on her marriage?

33. When is a suit instituted, and a set off and a counterclaim made for the purposes of the Limitation Act? [3 marks]

34. (a) Which are the courts in Kerala having jurisdiction to issue succession certificates? ; (b) What is meant by security for the purpose of Succession Certificate? [3 marks]

35. Write a note on equitable mortgage. Is registration necessary in the case of equitable mortgage? [3 marks]

Part -III

(Answer any 5 questions in not exceeding 250 words. Each carries eight marks)

36. What are the facts to be alleged and proved by a party who claims easement by prescription and easement of necessity? [8 marks]

37. Examine the right of a landlord for eviction of tenant who without the consent of the landlord transfers his right under the lease or sublets the building? [8 marks]

38. "Acknowledgment of debt is a question of fact'. Explain. How is acknowledgement different from acknowledgment by part payment? [8 marks]

39. What is the doctrine of unjust enrichment? What is a continuing guarantee? How is it revoked? What is meant by bailee's particular lien? [8 marks]

40. Explain the provisions regarding revocation, alteration and revival of wills. [8 marks]

41. What are the rights and liabilities of a buyer and a seller of an immovable property? [8 marks]

42. Examine the power of the court to grant permanent injunction. How is permanent injunction different from mandatory injunction and temporary injunction? [8 marks]

43. Explain the relations resembling those created by contract. [8 marks]

De Facto IAS