Kerala Judicial Service (Mains) 2011 (NCA)

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 basis of novation of a contract? [1 mark]

2. What is the court fee payable in a suit to set aside a registered sale deed in respect of an immovable property? [1 mark]

3. Which is the court in which an application for succession certificate should be filed when the amount is Rs. 5,00,000/-? [1 mark]

4. A suit for specific performance of agreement for sale was decreed in favour of the plaintiff. Can he sell it immediately? Give reasons. [1 mark]

5. What is the deeming provision regarding an award passed by Lok Adalat? [1 mark]

6. Mention two documents the registration of which is optional? [1 mark]

7. When is registration of a decree compulsory? [1 mark]

8. Can days of grace be allowed if the instrument is a cheque. Give reasons. [1 mark]

9. Can a bank transfer a debt payable to it? Give reasons. [1 mark]

10. What is the right of a widower under the Indian Succession Act? [1 mark]

11. In a petition filed u/s. 11(2) of KBLR Act the tenant contends that he is not liable to pay the rent which has become time barred. Can it be upheld? [1 mark]

12. What is the period of limitation for a suit for specific performance? [1 mark]

13. Which is the court competent to try an election petition in the cases of a Block Panchayat? [1 mark]

14. Under the Kerala Panchayat Raj Act who shall be made a party to an election petition where the petitioner, in addition to the declaration that the election of the returned candidate is void, claims that he or any other candidate may be declared duly elected? [1 mark]

15. What is the period within which a complaint should be filed in a criminal court for an offence against the Kerala Panchayat Raj Act? [1 mark]

Part -II

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

16. What is meant by impounding of documents? How is an impounded document dealt with? [3 marks]

17. What are the essentials of a valid gift? Can a gift be suspended or revoked? [3 marks]

18. What are the essential requirements of acquisition of easement by prescription? [3 marks]

19. Explain the difference between unlawful object and unlawful consideration. Discuss their legal effect. [3 marks]

20. State the differences between equitable mortgage and anomalous mortgage. [3 marks]

21. Differentiate between acknowledgment and part payment under the law of limitation. [3 marks]

22. Who are the persons capable of making Wills? [3 marks]

23. Examine the admissibility of a compulsorily registrable document. [3 marks]

24. Discuss the statutory charge available to buyer under the T.P. Act. [3 marks]

25. Specific Performance is a discretionary relief. Examine the statement. [3 marks]

26. Who are the persons entitled to a decree of dissolution of marriage under the dissolution of Muslim Marriage Act? State any five grounds on which decree for dissolution can be granted. [3 marks]

27. Examine the right of a sharer to transfer his right in the common property. [3 marks]

28. When can Lok Adalat take cognizance of cases? [3 marks]

29. What are the different modes of discharge of a maker of a negotiable instrument from liability on it? [3 marks]

30. What are the differences between the cases dealt with under articles 64 & 65 of the Limitation Act? [3 marks]

31. What are the particulars to be stated in an election petition under the Kerala Municipality Act? [3 marks]

32. Discuss the right of a landlord under the KBLR Act to get eviction on the ground that the building requires reconstruction. [3 marks]

33. What are the stages at which the court can examine the correctness of the court fees paid in a suit? [3 marks]

34. What is the law governing registration of an equitable mortgage? [3 marks] [3 marks]

35. What is the liability of a co-surety for contribution? [3 marks]

Part -III

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

36. (i) Explain the term 'Adverse Possession'. [8 marks]

(ii) What are the facts to be alleged and proved by the party who pleads adverse possession?

37. What are the special provisions regarding a minor under the Limitation Act? [8 marks]

38. What are the presumptions u/s. 118 N.I. Act? [8 marks]

39. (i) What are the requirements of a valid Will? [8 marks]

(ii) How can a Will be proved?

(iii) What is the nature of the burden of proof who propounds a Will? Is the presumption u/s. 90 Evidence Act applicable to Wills?

40. (i) What are the principles governing compensation for breach of contract? [8 marks]

(ii) "Time is the essence of the contract'. Explain.

41. (i) What are the rules governing appropriation of payments? [8 marks]

(ii) What are the circumstances in which a party need not perform a contract?

42. Explain the entitlement of a landlord under the KBLR Act to be put in possession of the building if he bonafide needs it for his own occupation or the occupation by any member of his family? [8 marks]

43. Examine the provisions regarding transfer by the following persons. [8 marks]

a) Unauthorized person who subsequently acquires interest in the transferred property.

b) Joint transfer for consideration.

c) Transfer for consideration by persons having distinct interests.

De Facto IAS