Kerala Judicial Service Mains 2012 · Question papers

Paper II · compulsory paper

11 August 2012 · Marks: 100 · Duration: 3 hours

Part I

Answer any 15 questions in one or two sentences only. Each carries 1 mark.

(1) Under a contract A is liable to pay Rs.1,00,000/- to B. A, B and C agree that thereafter C will pay the debt instead of A. What is its legal effect and what is the principle involved in it? [1 mark]

(2) A executed a Power of Attorney authorising B to let out his residential building. Later, A himself let out the building to C. What is its legal effect and what is the principle involved in it? [1 mark]

(3) Under a Will executed by her father, Geetha is entitled to a watch, which is in the custody of her brother. Geetha files a suit for its delivery on the allegation that compensation in money cannot be adequate relief. What is the presumption, if any, arising in the suit? [1 mark]

(4) What are the incidents included in the legal incidents which pass to the transferee of a land? [1 mark]

(5) A transfers a debt to B. B claims from the debtor the arrears of interest accrued before the transfer. Is the claim permissible? Why? [1 mark]

(6) When is a mortgagor entitled to redeem a portion of the mortgage property? [1 mark]

(7) An owner of a residential building leased it out for 11 months. It was a, lease from month to month. After 11 months the landlord accepted the rent for the subsequent period from the lessee. What is its effect? [1 mark]

(8) What is the distinction between period of limitation and prescribed period? [1 mark]

(9) What is the provision regarding testamentary succession under the Hindu Succession Act? [1 mark]

(10) In a suit filed u/s. 6 of the Specific Relief Act the defendant contends that he is the owner of the property. Comment [1 mark]

(11) What are the principles by which a Lok Adalat is guided while determining a reference? [1 mark]

(12) What is the effect of conversion of a Muslim wife to another religion? [1 mark]

(13) Mention three documents the registration of which is optional? [1 mark]

(14) What is the court fees payable in a suit for movable property other than documents of title? , [1 mark]

(15) What are accessory rights under the Easement Act? [1 mark]

(16) What shall be deemed when a cheque bears across its face an addition of two parallel transverse lines? : [1 mark]

(17) What documents may be partially cancelled? [1 mark]

(18) What is the provision regarding the option to determine lease? [1 mark]

(19) What is the rule of distribution of property where an unmarried Christian dies leaving behind his father, mother and brothers and no widow or lineal descendants? [1 mark]

(20) In a Willa gift is given to an attesting witness. What is its effect? [1 mark]

Part II

Answer any 15 questions. Each carries 3 marks.

(1) Distinguish between quasi easements and natural rights [3 marks]

(2) What is the procedure for impounding instruments? [3 marks]

(3) What is a multifarious suit? , [3 marks]

(4) Write a short note on institution of prosecution for offences against the Kerala Panchayat Raj Act and institution of suits against authorities of Panchayat [3 marks]

(5) Time is not of the essence of the contract in the case of agreement for sale of immovable properties. Examine the correctness of the statement on the basis of Supreme Court decisions. [3 marks]

(6) What is meant by statutory charge of a buyer in an agreement for sale of immovable property?

(7) Write a short note on right of subrogation under the Transfer of Property Act [3 marks][3 marks]

(8) What are actionable claims and how they may be transferred? [3 marks]

(9) What are the properties in respect of which a Succession Certificate may be issued and which is the court in Kerala having jurisdiction to grant Succession Certificate? [3 marks]

(10) Write a short note on the discretionary powers of court to decree specific performance [3 marks]

(11) Distinguish between general lien and special lien [3 marks]

(12) Write a short note on the liability of co-surety [3 marks]

(13) What are the rights of a pawnee? [3 marks]

(14) What are revocable and irrevocable licenses? [3 marks]

(15) What are the general rules of succession in the case of female Hindus dying intestate? [3 marks]

(16) What is the provision in the Kerala Municipality Act regarding : limitation for recovery of dues? [3 marks]

(17) What are the powers of the Secretary in instituting or withdrawing from proceedings under the Kerala Municipality Act? [3 marks]

(18) Examine the definitions of tenant and landlord under the Kerala Buildings (Lease & Rent Control) Act [3 marks]

(19) How is market value of a property determined under the Kerala Court Fees and Suits Valuation Act? [3 marks]

(20) What is the time from which registered documents take effect and what are the effects of non registration of compulsorily registrable documents? [3 marks]

Part III

Answer any 5 questions. Each carries 8 marks.

(1) Write a note on suits for disturbance of easements [8 marks]

(2) Discuss the ingredients of adverse possession. Can adverse possession be claimed against Government? [8 marks]

(3) Distinguish between lis pendens and fraudulent transfer, [8 marks]

(4) Distinguish between acknowledgment and part payment under the Limitation Act [8 marks]

(5) When can a court direct specific performance of a part of a contract? [8 marks]

(6) What is the classification of injunction? What are the principles involved in granting or refusing perpetual injunctions? [8 marks]

(7) Distinguish between lease and mortgage; [8 marks]

(8) Write a note on eviction on the ground of subletting under the Kerala Buildings (Lease & Rent Control) Act [8 marks]

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