Kerala Judicial Service Mains 2012 · Question papers

Paper IV · compulsory paper

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

Part A

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

(1) Who is an agriculturist for the purpose of the proviso to Section 60 CPC? [1 mark]

(2) When can service of summons to a defendant be made on an adult member of his family? [1 mark]

(3) When can the court order that pleadings be struck out? [1 mark]

(4) A plaint was rejected on the ground that it was not filed in duplicate. The plaintiff filed a fresh suit. The only contention of the defendant was that the rejection amounted to a decree. Comment. [1 mark]

(5) In a suit for recovery of Rs.1,00,000/- the defendant appeared and filed a written statement admitting his liability to pay Rs.50,000/- and denying the liability to pay the balance amount. When the suit was called on for hearing the plaintiff was absent. The court decreed the suit in part and dismissed it in part. What is the remedy of the plaintiff? [1 mark]

(6) What is the object of delivering interrogatories? [1 mark]

(7) What is the procedure to be followed when a court rejects in evidence a document produced in a suit? , [1 mark]

(8) A Munsiff found that he had no territorial jurisdiction to entertain the suit and ordered return of the plaint. He also directed the parties to maintain status quo for two weeks or till the plaint was represented in the proper court, whichever was earlier. Comment. [1 mark]

(9) A judgment debtor in a decree for perpetual injunction violated it. What is the mode of execution?

(10) How is attachment of a debt not secured by a negotiable instrument effected?) [1 mark][1 mark]

(11) With regard to the jurisdiction of an executing court what is the difference between attachment of salary of a government employee and of a private employee? [1 mark]

(12) In execution of a decree an immovable property was attached. Later, the decree was reversed. What is its effect on the attachment? : [1 mark]

(13) A,B and C, partners of a firm, filed a suit for recovery of a sum. C died pending the suit. His legal representatives were not made parties to the suit. The defendant contended that the suit abated as against C. Can it be upheld? Why? [1 mark]

(14) What is the period during which an order passed by a vacation judge will be in force in a matter which ought to have been filed in a Munsiff's Court? [1 mark]

(15) Where can a proceedings u/s.125 Cr.P.C be taken? [1 mark]

(16) When is it mandatory for a Judicial Magistrate to conduct an enquiry u/s.176(1)A Cr.P.C? [1 mark]

(17) What are the grounds on which a Magistrate may discharge an accused in a; complaint case?

(18) What are the powers of a Magistrate with regard to recording of evidence and awarding of [1 mark] sentence in a summary trial? [1 mark]

(19) Who shall be presumed to be an indigent person for the purpose of the proviso to Section 436(1) Cr.P.C? [1 mark]

(20) Who may sign and verify a plaint on behalf of a corporation? [1 mark]

Part B

Answer any 15 questions. Each carries 3 marks.

(1) Write a short note on costs that may be ordered by a civil court under CPC [3 marks]

(2) a) What are the powers of a transferee court in executing decrees? ;,
b) What is the procedure to be followed in filing an application for transfer of a decree and in dealing with that application? [3 marks]

(3) Write a short note on enforcement of decree against legal representatives. [3 marks]

(4) Write a short note on representative suits. [3 marks]

(5) How can service of summons be made on a defendant residing within the jurisdiction of a court?

(6) Distinguish between set off, counter claim and adjustment. [3 marks][3 marks]

(7) What is the procedure to be followed when a witness fails to appear in response to a summons issued from a civil court? [3 marks]

(8) What is the procedure to be followed when in execution proceedings a claim petition is preferred to attachment of a property on the ground that it is not liable to attachment? [3 marks]

(9) Write a short note on compromise of suits. [3 marks]

(10) Attachment before judgment is not an absolute right. Comment. [3 marks]

(11) Write a short note on remand of an accused to police custody. [3 marks]

(12) What is the authority of a court to order examination of a witness in camera? : [3 marks]

(13) What is the procedure prescribed to make a proclamation for an absconding accused? [3 marks]

(14) What are the uses of a statement recorded u/s.161 Cr.P.C? [3 marks]

(15) a) What is the procedure to be followed by a Magistrate taking 7 cognizance of an offence on a complaint?
b) What shall the Magistrate do if the complaint does not disclose any offence? [3 marks]

(16) a) What are the documents to be furnished by the Magistrate to an accused in a sessions case?
b) What is the procedure to be followed by a Magistrate committing a : case to a court of session? ;

(17) Distinguish between withdrawal of complaint and withdrawal from prosecution. [3 marks][3 marks]

(18) What is the procedure to be followed when a bond for appearance of an accused before a court is forfeited? ; [3 marks]

(19) How is proceeds of execution sale ratably distributed among decree holders? [3 marks]

(20) What is the relevancy of a Commission Report filed in a civil court? [3 marks]

Part C

Answer any 5 questions. Each carries 8 marks.

(1) Discuss the grounds on which applications may be filed to set aside a sale in execution. [8 marks]

(2) What is the procedure to be followed by an executing court when an application is made to execute a money decree by arrest and detention of the JD? : [8 marks]

(3) a) What are the matters to be determined in a preliminary decree for partition?
b) What are the particulars to be stated in a final decree for partition?
c) What are the rules governing engrossing the final decree? [8 marks]

(4) What are the different modes of service of summons issued by a criminal court? [8 marks]

(5) a) What are the particulars to be stated in a charge framed by a criminal court?
b) What is the procedure to be followed when a charge is altered? [8 marks]

(6) Write a note on limitation for taking cognizance of offences. [8 marks]

(7) What are the provisions as to granting of bail in a case of non bailable offences? . [8 marks]

(8) a) What are the rules governing institution of suits by or against minors?
b) Are those rules applicable to a deaf and dumb person? [8 marks]

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