# Madhya Pradesh Civil Judge (Mains) 2013

## Law (Constitution and civil law) · compulsory paper

LAW · First Paper · Time Allowed – 1.30 Hours · Maximum Marks – 50

### Instructions

1. All questions are compulsory. In case of any ambiguity between English and Hindi version of the question, the English version shall prevail.

2. Kindly adhere to the words limit which is 200-250 words for each question and 100 Word for a short note.

3. While answering a Question, do not use any word indicating a name. Where ever needed, use alphabets "A B C". Please do not mention your name, address, roll number or any specific mark or name under any circumstances. Otherwise it will be treated as disqualification and candidature shall be cancelled.

4. Write your Roll number in the space provided on the first page of Answer-Book or supplementary sheet. Any attempt to disclose identity, in any way by any means in any other part thereof shall disqualify the candidature.

5. Answers of this Question Paper must only be given in Answer-Book provided for this Question Paper. Answers given on another Answer-Book shall not be valued.

6. Writing of all answers must be clear & legible. If the writing of answer-book written by any candidate is not clear or is illegible in view of Valuer/Valuers then the valuation of such answer-sheet shall not be done.

7. Answer to all the Questions must be given in one language either in Hindi or in English.

### CONSTITUTION OF INDIA

**1(a)** Describe the fundamental duties prescribed under Article 51A ? [4 marks]

**1(b)** What do you know by Scheduled Caste and Scheduled Tribe ? Describe the procedure for their ascertainment and how they are included in the appropriate list/orders. [4 marks]

### CIVIL PROCEDURE CODE, 1908

**2(a)** Describe the provisions regarding settlement of disputes out side the court. What procedure is to be followed by the courts, explain with reference to any one mode of alternative dispute resolution ? [4 marks]

**2(b)** What are the circumstances in which a court can order attachment before judgment ? What procedure the court has to follow in effecting attachment before judgment ? What is the effect of attachment before judgment? [4 marks]

### TRANSFER OF PROPERTY ACT, 1882

**3(a)** In default of payment of the mortgage money a Mortgagee in which cases and under what conditions can sell the mortgaged property, without the intervention of the court ? [4 marks]

**3(b)** What is "Vested interest" ? How it is distinct from "Contingent interest"? Whether a vested interest can be created in favour of an unborn person? [4 marks]

**INDIAN CONTRACT ACT, 1872**

**4(a)** Define Misrepresentation ? Describe, the effect of a contract entered into on misrepresentation. How the effect differs from an agreement where both parties are under a mistake of fact as well of mistake as to law ? [4 marks]

**4(b)** Whether minors are incapable to contract ? Can a minor's contract be specifically enforced ? [4 marks]

**SPECIFIC RELIEF ACT, 1963**

**5(a)** What are the cases contemplated under the Specific Relief Act in which the relief of injunction cannot be granted ? Can injunction be granted to perform a negative agreement ? If so & when ? [4 marks]

**5(b)** What a plaintiff has to establish to succeed in a suit under sec. 6 ? Whether the defeated plaintiff lateron can file suit for declaration and possession on the basis of his title? [4 marks]

**LIMITATION ACT, 1963**

**6** Facts : A “child” in a womb got the exclusive sole right to an immovable property on 01.11.1995. The Child was born on 01.07.1996.

(i) Upto which date can the child file a suit for possession of such immovable property? Explain with relevant laws.

(ii) What will be the consequences if suit is not filed within the prescribed limitation? [4 marks]

**MIXED**

**7** Write Short-notes on the followings :-

1. What is double jeopardy ? Explain
2. Return of plaint and rejection of plaint.
3. Doctrine of Part performance. [6 marks]