Madhya Pradesh Civil Judge (Mains) 2014

Constitution, Civil Law & Procedure · compulsory paper

First Question Paper · Time Allowed – 3:00 Hours · Maximum Marks – 100

Instructions :-

1. All questions are compulsory. Answer to all the Questions must be given in one language either in Hindi or in English. In case of any ambiguity between English and Hindi version of the question, the English version shall prevail.

2. Write your Roll No. in the space provided on the first page of Answer-Book or Supplementary Sheet. Writing of his/her own Name or Roll No. or any Number or any mark of identification in any form in any place of the Answer Book not provided for, by which the Answer Book of a candidate may be distinguished/ identified from others, is strictly prohibited and shall, in addition to other grounds, entail cancellation of his/her candidature.

3. 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 Book may not be done.

CONSTITUTION OF INDIA

1(a) Describe Prohibition of discrimination based on sex ? Explain meaning, scope and extent of term "citizen" in concern with constitution of India ? [8 marks]

1(b) What are the major commitments of the Constitution of India as incorporated in its preamble ? [8 marks]

CIVIL PROCEDURE CODE, 1908

2(a) Whether a defendant can file counter claim against a co-defendant ? What procedure should be adopted by the court in case counter claim against a co-defendant is filed ? [8 marks]

2(b) What is doctrine of "Res sub judice" as provided in Section 10 of Civil Procedure Code ? when can this doctrine be applied, Elucidate ? [8 marks]

TRANSFER OF PROPERTY ACT, 1882

3(a) Explain the law in respect of transfer for benefit of an "Unborn Person". [8 marks]

3(b) Explain the "rule against perpetuity" provided in Section 14. How does it affect an agreement to sell property, in future ? [8 marks]

INDIAN CONTRACT ACT, 1872

4(a) Define novation, rescission and alteration of contract ? and also describe effect of novation, rescission and alteration of contract? [8 marks]

4(b) What is voidable contract ? Describe the distinction between voidable contracts and contingent contracts. [8 marks]

SPECIFIC RELIEF ACT, 1963

5(a) What do you mean about 'declaratory decree' ? Explain the essential conditions for issuing the declaratory decree and its effects with the help of relevant law. [8 marks]

5(b) Enumerate cases in which the court may properly exercise discretion not to decree specific performance ? [8 marks]

LIMITATION ACT, 1963

6. What are the rules for exclusion of computation of the period of limitation ? What is the effect of Legal disability on limitation ? [8 marks]

MIXED

7. Write Short-notes on : -

(A) Subrogation

(B) Contract of Indemnity.

(C) Effect of Prosecution of a suit before a wrong court on Limitation. [12 marks]

De Facto IAS