Madhya Pradesh Civil Judge (Mains) 2015

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 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) How and to what an extent can the Constitution of India be amended ? Discuss in the light of case law. [8 marks]

1(b) Discuss power of the Governor to promulgate Ordinances. [8 marks]

CIVIL PROCEDURE CODE, 1908

2(a) Which properties are liable for attachment and sale in execution of a decree and which properties cannot be attached in execution of a decree ? [8 marks]

2(b) Define Injunction. Explain the grounds and principles for grant of Temporary Injunction. [8 marks]

TRANSFER OF PROPERTY ACT, 1882

3(a) Explain the conditions necessary for the application of the doctrine of part performance. Who can avail this doctrine ? [8 marks]

3(b) What is sale ? What are the essentials of a valid sale? What is contract for sale? What are the differences between the two? [8 marks]

INDIAN CONTRACT ACT, 1872

4(a) What is lawful consideration ? When would the consideration or object of an agreement be unlawful ? [8 marks]

4(b) "Time is the essence of the contract" Discuss. What would be the effect of breach of covenant as to time ? [8 marks]

SPECIFIC RELIEF ACT, 1963

5(a) Under what circumstances can a person sue for the cancellation of an instrument ? [8 marks]

5(b) When can the court enforce specific performance of a contract and under what circumstances the specific performance of the contract would be denied by the court ? [8 marks]

LIMITATION ACT, 1963

6. What is the effect of acknowledgement of liability and part payment of debt ? [8 marks]

MIXED

7. Write Short-notes on : -

(A) Directive Principles of the State.

(B) Proper Party & necessary Party.

(C) Inherent powers of Civil Court. [12 marks]

De Facto IAS