Madhya Pradesh Civil Judge (Mains) 2017

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. Candidate shall start answering of next question from the next page. 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) State the legislative power of Union and State ? Under what circumstances Union can legislate on matters pertaining to State List ? [8 marks]

1(b) Discuss right to freedom of religion under Constitution of India and explain the limitation of it. [8 marks]

CIVIL PROCEDURE CODE, 1908

2(a) Discuss the laws relating to arrest and detention of judgment debtor in civil prison in execution proceeding. [8 marks]

2(b) State the essentials of a plaint and under what circumstances the plaint can be rejected by the court ? [8 marks]

TRANSFER OF PROPERTY ACT, 1882

3(a) What do you understand by an ostensible owner ? What are the essential elements of section 41 ? Explain. [8 marks]

3(b) What is "Mortgage" ? Describe the kinds of Mortgage and what is the deference between a Mortgage and Charge ? [8 marks]

INDIAN CONTRACT ACT, 1872

4(a) What is Fraud ? What are its essential ingredients ? Is silence amounts to Fraud ? [8 marks]

4(b) Explain the rules as to communication of proposal, acceptance and revocation. When is communication complete ? Explain in detail. [8 marks]

SPECIFIC RELIEF ACT, 1963

5(a) When perpetual Injunction can be issued and when it cannot be issued ? Discuss difference between temporary and perpetual injunctions. [8 marks]

5(b) What are the remedies to a person who purchased immovable property from a person who has no title or imperfect title ? [8 marks]

LIMITATION ACT, 1963

6. Explain the provision under Limitation Act relating to exclusion of time of proceeding bonafidely filed in the Court without having Jurisdiction. [8 marks]

MIXED

7. Write Short-notes on :-

(A) Interpleader Suit.

(B) Distinction between lease and license.

(C) Double Jeopardy. [12 marks]

De Facto IAS