Madhya Pradesh Civil Judge (Mains) 2018

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) Describe the right to life and personal liberty, whether death sentence is violative of Article-21? How the right to life and personal liberty, guaranteed by Article 21, may be curtailed? [8 marks]

1(b) "A declaration of Fundamental Rights is meaningless unless there is effective judicial remedy for their enforcement." Comment. What are the judicial remedies which the Constitution provides ? Explain in brief. [8 marks]

CIVIL PROCEDURE CODE, 1908

2(a) Define (2 numbers for each) :-
(A) Legal representative
(B) Mesne profits
(C) Decree
(D) Order [8 marks]

2(b) Whether any change in the interpretation of relevant provision of law permits the parties to re-agitate matters which have been finally decided by a Court of competent jurisdiction ? [8 marks]

TRANSFER OF PROPERTY ACT, 1882

3(a) Explain the right of redemption of a mortgagor. Whether a mortgagor can seek partial redemption ? [8 marks]

3(b) Section 5 of Transfer of Property Act provides that expression “transfer of property” means an act by which a living person conveys property, in present or in future, to one or more other living persons, or to himself and one or more other living persons :-
(i) Whether family arrangement is transfer ?
(ii) Whether surrender is amounts to transfer ?
(iii) Whether an Idol is a living person ? [8 marks]

INDIAN CONTRACT ACT, 1872

4(a) What will be the place for the performance of promise, where no application to be made and no place fixed for performance ? Please give example. What will be the time for performance of promise, Where no application is to be made and no time is specified ? Please clarify legal provision. [8 marks]

4(b) What are the obligations which the law creates in the absence of the agreements ? Explain with concerning sections, with the help of illustrations. [8 marks]

SPECIFIC RELIEF ACT, 1963

5(a) What is the position of law regarding specific performance of part of Contract ? [8 marks]

5(b) To whom and in which conditions court can grant declaratory decree ? What is the effect of declaration ? [8 marks]

LIMITATION ACT, 1963

6. Time commences to run, the moment the right to sue accrues. State the exceptions, if any to the above rule. [8 marks]

MIXED

7. Write Short-notes on :-

(a) Onerous Gifts.

(b) Distinction between fraud and misrepresentation.

(c) Colourable legislation. [12 marks]