Madhya Pradesh Civil Judge (Mains) 2019 (Phase I)

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. Describe the protection in respect of conviction for an offence as provided in Constitution. Compare the same with the analogous provisions in Criminal Law. [8 marks]

2. Describe prohibition of discrimination based on sex. Explain meaning, scope and extent of term "citizen" within the purview of Constitution of India. [8 marks]

CIVIL PROCEDURE CODE, 1908

3. When an order for injunction may be discharged, varied or set aside ? What are the consequences of disobedience or breach of injunction ? [8 marks]

4. Explain the meaning, nature, scope and modes of setting up counter claim. Who may file counter claim and upto which stage a counter claim may be set up ? Discuss the effect of counter claim. [8 marks]

TRANSFER OF PROPERTY ACT, 1882

5. Explain the doctrine of "feeding the grant by estoppels" ? [8 marks]

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

INDIAN CONTRACT ACT, 1872

7. Explain the doctrine of Ratification. What acts cannot be ratified ? [8 marks]

8. Explain and distinguish between a contract of Indemnity and a contract of Guarantee. Explain that "The liability of the surety is co-extensive with principal-debtor" ? [8 marks]

SPECIFIC RELIEF ACT, 1963

9. What are the discretion(s) and powers of the Court regarding Specific Performance and what changes are introduced by amendment of 2018 ? [8 marks]

10. What do you understand by the Preventive relief ? What is the object of granting this relief ? Distinguish between specific performance and preventive relief ? [8 marks]

LIMITATION ACT, 1963

11. What are the circumstances under which certain period of time is excluded while computing the limitation period ? Explain. [8 marks]

MIXED

12. Write Short-notes on / संक्षिप्त टिप्पणी लिखिये :-

(A) Res sub judice– Stay of suit [4 marks]

(B) Court of record [4 marks]

(C) Anticipatory breach of Contract. [4 marks]