Madhya Pradesh Civil Judge (Mains) 2021

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. Discuss the scope of the "Freedom of Speech and Expression". Does it include freedom of press ? Is it an absolute right ? [8 marks]

2. Whether Right to die is a fundamental right under Article 21 of Constitution of India ? Discuss with case law. [4 marks]

3. What are the major commitments incorporated in preamble of constitution of India ? [4 marks]

CIVIL PROCEDURE CODE, 1908

4. Describe the principle of Res Judicata. Whether principle of Res Judicata is applicable against co-plaintiffs and co-defendants ? If yes, under what circumstances ? [8 marks]

5. Discuss legal provisions relating to withdrawal of suit. Whether transposition of defendants as plaintiffs may be permitted? If so, when? [4 marks]

6. What are the grounds for rejection of a plaint ? What will be procedure consequent to rejection of plaint ? Whether rejection of plaint precludes presentation of fresh plaint on same cause of action by plaintiff ? [4 marks]

TRANSFER OF PROPERTY ACT, 1882

7. Explain:-
(a) Difference between lease and licence.
(b) Attestation, Notice and Subrogation.
(c) Principle of lis-pendens. [8 marks]

8. Discuss about transfer by ostensible owner and transfer by unauthorised person, who subsequently acquires interest in property transferred ? [4 marks]

9. Write a short note on Fraudulent Transfer. [4 marks]

INDIAN CONTRACT ACT, 1872

10. What is the measure of compensation for breach of contract where penalty is stipulated for, in the contract? Explain with illustrations. [8 marks]

11. Describe undue influence and fraud ? [4 marks]

12. Explain :-
(i) All contracts are agreements, but all agreements are not contracts.
(ii) "Novation" and "Accord and Satisfaction". [4 marks]

SPECIFIC RELIEF ACT, 1963

13. What are the various kinds of injunctions and describe grounds to grant such injunctions? [8 marks]

14. Write a short note on “rectification of Instruments.” [4 marks]

15. Explain the law relating to recovery of possession of Immovable property ? Whether in a case for specific performance of contract of sale, it is necessary for a plaintiff to claim the relief of "possession". [4 marks]

LIMITATION ACT, 1963

16. Discuss effect of substituting or adding new plaintiff or defendant with reference to date of institution of suit ? [4 marks]

17. "Limitation bars the remedy but does not destroy the right". Discuss and state the exceptions if any. [4 marks]

MIXED / मिश्रित

18. Write Short-notes on / इनपर संक्षिप्त टिप्पणी लिखिये : -
(A) Control over subordinate Court under Article 235 of Constitution of India. [4]
(B) Ready and willing to perform the terms of contract. [4]
(C) Describe Concept of "precept" under Civil Procedure Code? [4]