Madhya Pradesh Civil Judge (Mains) 2022

First Question Paper · Constitution, Civil Law & Procedure · compulsory paper

Total No. of Questions: 18 · Time Allowed: 03:00 Hours · Maximum Marks: 100

All questions are compulsory. Answer to all the Questions must be given in one language either in Hindi or in English. In case there is any variance either printing or of a factual nature, out of the Hindi and English versions of the question, the English version will be treated as standard.

Write your Roll No. only in the space provided on the first page of Answer-Book / Supplementary Sheet. Writing of his/her own Name or Roll No. or any mark of identification in any form or any Number or Name or Mark, by which the Answer Book of a candidate may be distinguished/ identified from others, in any place of the Answer Book not provided for, is strictly prohibited and shall, in addition to other grounds, entail cancellation of his/her candidature.

Writing of all answers must be clear & legible. If the writing of Answer Book written by any candidate is not clear or illegible in view of Valuer then the valuation of such Answer Book may not be done.

CONSTITUTION OF INDIA

1. Comment on constitutional validity of abrogating Article 370 of Constitution of India from the state of Jammu and Kashmir ? [8]

2. "Right to information is a sub-set of right to freedom of speech and expression as guaranteed under Constitution of India". Critically examine the correctness of the above statement in the light of relevant case laws. [4]

3. Explain how and when the Right to Education became a fundamental right ? [4]

CIVIL PROCEDURE CODE, 1908

4. Differentiate between exercise of Appellate jurisdiction and Revisional jurisdiction ? [8]

5. What is "Representative Suit" ? Who can file "Representative Suit" ? What are the essential conditions and purpose of "Representative Suit" ? Explain with relevant legal provisions. [4]

6. How decree for restitution of conjugal rights can be enforced by Court of Law ? [4]

TRANSFER OF PROPERTY ACT, 1882

7. Discuss the essential elements of gift and decide the status of following :–
(i) A makes gift of a property to B, C and D. C and D accept while B refuses.
(ii) A gift comprising both existing and future property. [8]

8. How the law relating to restriction on transfer of *spes successionis* under Section 6(a) of Transfer of Property Act, 1882 has been interpreted by the judiciary? What is judicial approach regarding applicability of Section 43 of Transfer of Property Act, 1882 on transfer contrary to Section 6(a) of the Transfer of Property Act, 1882 ? [4]

9. A property is given to Amit for life and after his death to Vikram. Vikram transfer this interest to Chanda. Vikram dies during the life time of Amit. Chanda claims the property. Solve the problem with the help of relevant legal provisions. [4]

INDIAN CONTRACT ACT, 1872

10. Up to what extent equitable doctrine of restitution is applicable, if a minor obtains some property or money by fraudulently misrepresenting his age? How the case of *Leslie, Limited v. Sheill* has been interpreted by the Full Bench of Lahore and Allahabad High Courts in its landmark decision ? [8]

11. What are the various ways, in which a contract may be discharged ? [4]

12. Enumerate four circumstances where a third party can demand performance of a contract ? [4]

SPECIFIC RELIEF ACT, 1963

13. Discuss about the Rights of purchaser or lessee against a person having no title or imperfect title. [8]

14. List out the persons in whose favour specific performance of a contract cannot be enforced under the Specific Relief Act, 1963. Describe the contracts, which cannot be specifically enforced ? [4]

15. Write note on following -
(i) What are the limits within which a court may permit rectification ?
(ii) Distinguish between rectification and Rescission. [4]

LIMITATION ACT, 1963

16. Describe the essential requirements for applicability of Section 14 of the Limitation Act, 1963. Whether the exercise of 'due diligence' and 'good faith' under Section 14 have the same connotation as 'sufficient cause' under Section 5 of the Limitation Act, 1963 ? Explain with help of relevant provisions and case law. [4]

17. What are the provisions relating to legal disability under the Limitation Act, 1963 ? [4]

MIXED / मिश्रित

18. Write Short-notes / संक्षिप्त टिप्पणी लिखिए :–
(A) Doctrine of cy-pres.
(B) While defining an indigent person, explain in brief the procedure governing the institution of suit by such person.
(C) Precepts. [4+4+4]