Maharashtra Civil Judge (Mains) 2023

Paper I: Civil Laws · compulsory paper

Civil Procedure Code, Transfer of Property Act, Specific Relief Act, Law of Contracts, Sale of Goods Act and Partnership Act. Time: 3 Hours · Maximum Marks: 100

Instructions to the candidates

1. All questions are compulsory.
2. Question No. 1 carries 20 marks. All other questions carry equal marks, i.e. 16 marks each.
3. Your answers must be to the point, wherever possible quoting the specific provision of law.
4. Do not reproduce any question. Write only the question's number against the answer.
5. Wherever an option has been given, only the required number of responses in the serial order attempted shall be assessed. Excess responses shall be ignored.
6. Other than cited cases, the candidate should not write roll number, any names (including their own), signature, address or any indication of their identity anywhere inside the answer book, otherwise he will be penalised.
7. The English version of the question shall be authentic in case of any ambiguity.
8. All questions can be attempted only in one language, either English or Marathi, as per the option given in the application form.
9. Candidates are expected to answer all the sub-questions of a question together. If a sub-question is attempted elsewhere (after leaving a few pages or after attempting another question), the later sub-question shall be overlooked.

Question No. 1 [20 marks]

Write a judgment on the following facts. Pay attention to the following points: (1) The judgment must be in proper format. (2) Frame proper issues and record findings on them. (3) Conclude the judgment with an operative order. (4) Both parties have adduced oral and documentary evidence. Imagine the evidence and record findings.

Facts for judgment. Plaintiff's case is as follows:

Plaintiff Ram purchased 5 acres of land from defendant no. 2 Bibishan on 1-1-2013 under a registered sale deed. He tried his level best but his name could not be entered in the revenue record of the suit land.

In the year 2016 defendant no. 1 Ravana entered his name in the revenue record of the suit land behind the back of plaintiff Ram. In the year 2023 Ravana obstructed Ram from entering into the suit land by denying his title and possession over the suit land. So Ram filed a suit for declaration of ownership with perpetual injunction against Ravana and Bibishan.

Defendants' case/pleading:

Despite sufficient opportunities, defendant Bibishan did not file a written statement. Defendant Ravana contested the suit by denying the plaintiff's title and possession over the suit land and asserted his own since 2016 onwards. According to him he perfected his title over the suit land by way of adverse possession. He raised the objection that the plaintiff's name was never recorded in the revenue record on the basis of the sale deed. The plaintiff never challenged the entries in his (Ravana's) name

mutated in the revenue record. The plaintiff has no cause of action. The suit is not within limitation. The market value of the suit land is above 20 lakhs. The plaintiff has not valued the suit in a proper manner. So this court has no jurisdiction to try and entertain the present suit. As such he prayed to dismiss the suit with costs.

Question No. 2 [16 marks]

Write short notes on any four of the following:

(a) Which properties do not come under the purview of the Transfer of Property Act?

(b) Difference between rejection of plaint and return of plaint.

(c) Representative suit.

(d) Effect of non-registration of partnership firm.

(e) What is a summary suit?

(f) Procedure while compromising the suit on behalf of a minor plaintiff or defendant.

Question No. 3 [16 marks]

Write short notes on any four of the following:

(a) Injunction when refused?

(b) Restitution.

(c) Lis pendens.

(d) Difference between fraud and misrepresentation.

(e) Transposition of party.

(f) Declaratory decrees.

Question No. 4 [16 marks]

Answer any two of the following:

(a) Difference between proper parties and necessary parties.

(b) Explain quasi contracts.

(c) Difference between vested interest and contingent interest.

Question No. 5 [16 marks]

Answer any two of the following:

(a) Define unpaid seller and what are his rights?

(b) What are the rights and liabilities of a minor partner in a partnership firm?

(c) What is the difference between reference, review and revision?

Question No. 6 [16 marks]

Write short notes on any four of the following:

(a) Effect of death of party in pending suit.

(b) Suit to include whole claim.

(c) Novation of contract.

(d) Mode of determining existence of partnership firm.

(e) Rights of agent.

(f) Transfer of decree.