Punjab Civil Judge (Mains) 2019

CIVIL LAW I · compulsory paper

Time: Three Hours · Maximum Marks: 200

Instructions for candidates:

1. Attempt All the questions and in the same order in which they appear in the question paper.
2. Marks for individual questions are indicated against each question
3. Support your answers with relevant provisions and case law.
4. No extra answer sheet will be provided.

Question 1

1(a). Is the doctrine of Res Judicata applicable to a Public Interest Litigation? Explain with the help of appropriate judicial decisions. [10 marks]

1(b). A party to a suit, states in a Court that the suit has been compromised. Discuss the procedure for securing an order recording the compromise and getting a decree in accordance thereof. [10 marks]

1(c). A sues B in a foreign court. The suit is dismissed. Can A file a fresh suit on the same cause of action against B in India? Explain with the help of appropriate illustrations and relevant statutory provision. [10 marks]

1(d). Is there any mechanism under the Code of Civil Procedure to prevent delays in civil litigation? Discuss how the successive amendments of Order VIII, Rule 1 of CPC have helped courts in avoiding delays in civil proceedings? [10 marks]

Question 2

2(a). discuss why every suit shall as far as possible, be framed so as to afford ground for final decision upon the subjects in the dispute. What is the penalty for non-compliance of the above-mentioned rule? What is the effect if the plaintiff omits to sue in respect of, or intentionally relinquishes any proportion of the claim? [10 marks]

2(b). What is the relevancy and admissibility of Tape recorded statements under the Indian Evidence Law? Explain with the help of proper illustrations, relevant judicial pronouncements and appropriate provisions. [10 marks]

2(c). What is meant by 'Cancellation of Instruments'? what are the rules relating to cancellation of instruments under the Specific Relief Act, 1963? Explain with proper illustrations and relevant provisions. [10 marks]

2(d). Discuss the principles of Execution of a decree under the Code of Civil Procedure with relevant statutory provisions and judicial decisions. [10 marks]

Question 3

3(a). "The Foundation of doctrine of Election is that no one can approbate and reprobate at the same time".
Comment upon this statement with appropriate illustrations and judicial decisions if any. [10 marks]

3(b). Who is an "Ostensible Owner"? Is there any objective test to decide whether a person is an ostensible owner? Are there any considerations which must be taken into account while deciding

whether a person is an ostensible owner or not? Explain with the help of proper illustrations, relevant statutory provisions and judicial decisions, if any. [10 marks]

3(c). A and B enter into a contract. A is unable to perform his promise and B suffers the breach. Can B get the contract performed through a third party, let's say C? In the same situation, is B entitled to the relief of specific performance and compensation against A who has committed the breach of contract? Explain with the help of relevant provisions. [10 marks]

3(d). A dress is displayed in the showroom of a shop with a price tag attached with the dress. The dress is of Rs. 1000/-. A buyer is interested in the dress and is ready to pay the price of the dress. He approaches the shopkeeper for purchasing the dress for Rs. 1000 as stated on the price tag. The shopkeeper denies the sale of the dress stating that the price of dress is actually Rs. 2000 and that the tag was wrongly put. Is the shopkeeper bound to sell the dress? Is there any remedy available with A? explain with the help of relevant statutory provisions and judicial decisions. [10 marks]

Question 4

4(a). Who is an unpaid seller? What are the remedies available to an Unpaid Seller? Explain with the help of proper illustrations and relevant provisions? [10 marks]

4(b). What is meant by the Implied authority of a Partner? What is the extent of the Implied authority of a partner? Explain with the help of proper illustrations and relevant statutory provisions. [10 marks]

4(c). Are stipulations as to time of payment and delivery the essence of contract of sale? explain with the help of proper illustrations and relevant provisions. [10 marks]

4(d). Can a partner withdraw a suit or proceeding filed on behalf of the firm? Explain with relevant statutory provisions and judicial decisions. [10 marks]

Question 5

5(a). Can a landlord interfere with the amenities being enjoyed by the Tenant under the East Punjab Urban Rent Restriction Act, 1949? Explain with the help of appropriate illustrations and relevant illustrations. [10 marks]

5(b). What do you understand by the expression "Mesne profits"? what are the principles to guide a court in determining the amount of Mesne Profits? Discuss with relevant provisions and judicial decisions. Also explain whether the right of mesne profits can be attached in execution of decree? [10 marks]

5(c). Relevancy and Admissibility are neither synonymous nor is the one included in the other. Elucidate this statement with relevant provisions of law and judicial decisions. [10 marks]

5(d). when can it be said that in a contract one party is able to dominate the will of other party? Discuss with suitable examples. [10 marks]