Rajasthan Civil Judge (Mains) 2013

Law Paper I · compulsory paper

Time: 3 Hours · Maximum Marks: 100 · 37 questions in three parts · Part A: Questions 1 to 20, two marks each (40 marks); Part B: Questions 21 to 30, three marks each (30 marks); Part C: Questions 31 to 37, any five, six marks each (30 marks)

Instructions to the candidates

1. Candidate is directed to go through the instructions printed on the Answer Book before attempting Question Paper.

2. The Question Paper is divided into three parts, A, B and C. The number of questions to be attempted and their marks are indicated in each part.

3. The answers of the questions can be attempted in any seriatim but where a question consists of several parts, all such parts should be answered continuously in the Answer Book and should not be mixed with any other question. If any candidate writes answer of different parts of a question at different places or with answer to other questions, such answer shall not be assessed by the examiner.

4. Attempt answers either in Hindi or in English.

5. The candidates should not write the answers beyond the limit of words prescribed.

6. Do not write any thing on the Question Paper.

7. In the question paper, if there is any discrepancy in English & Hindi versions, the English version is to be treated as correct.

8. If candidate leaves the Examination Hall before the prescribed time will have to leave his question paper with the invigilator.

9. Any candidate found using unfair means in the Examination shall be disqualified for entire Examination and liable for penal action.

Part A

Marks 40 (20 x 2 = 40). Note: Attempt all the 20 questions. Each question carries 02 marks. Answer should not exceed 30 words each.

1. Can parliament make a law which has extra territorial operation? Whether validity of such law can be questioned? [2 marks]

2. What are the elements of a "representative suit" under the Code of Civil Procedure, 1908? [2 marks]

3. A minor who was admitted to the benefits of partnership in a firm, became major. He did not give public notice of his election within the prescribed time. What will be the consequences of this failure under the Indian Partnership Act, 1932? [2 marks]

4. What is "continuous easement" under the Indian Easement Act, 1882? [2 marks]

5. What is a "limited period tenancy" under the Rajasthan Rent Control Act, 2001? [2 marks]

6. What is the purpose for which specific relief is granted under the Specific Relief Act, 1963? [2 marks]

7. Which are the sub-sects of the Sunni sect under Muslim Law? [2 marks]

8. State briefly the law relating to exclusion of time in legal proceedings under the Limitation Act, 1963. [2 marks]

9. Name the Act, enacted to provide for the delivery of certain services to the people of the State of Rajasthan by public authority within stipulated time limits and for matters connected therewith and incidental thereto. [2 marks]

10. What does "complaint" means under the Rajasthan Right to Hearing Act, 2012? [2 marks]

11. What is composition of Panchayat Samiti under the Rajasthan Panchayati Raj Act, 1994? [2 marks]

12. To whom the power of revision and review the record of a Panchayati Raj Institution and any order passed therein as per Section 97 of the Panchayati Raj Act, 1994 is available? [2 marks]

13. What is the remedy available under the Rajasthan Municipalities Act, 2009 to challenge an order passed by District Judge on the petition presented under Section 31 of the Act aforesaid? [2 marks]

14. What does the expression "judicial matter" means under the Rajasthan Land Revenue Act, 1956?

15. Explain the maxim "Res Ipsa Loquitur". [2 marks][2 marks]

16. Whether second appeal can be preferred against an order passed in appeal under the Arbitration and Conciliation Act, 1996? [2 marks]

17. In the absence of the District Judge an Additional District Judge, exercising powers of the District Judge passes an interim order. What is the position of such order under the General Rules (Civil), 1986? [2 marks]

18. Which of the "abuses" are included within "domestic violence" under the Protection of Women from Domestic Violence Act, 2005? [2 marks]

19. Mention the consequences of violation of the essential conditions under Section 5 of the Hindu Marriage Act, 1955. [2 marks]

20. Examine validity of a marriage with a woman undergoing iddat. [2 marks]

Part B

Marks 30 (10 x 3 = 30). Note: Attempt all the 10 questions. Each question carries 03 marks. Answer should not exceed 60 words each.

21. What is the law relating to performance of contract by joint promisors under the Indian Contract Act, 1872? [3 marks]

22. Explain the concept of "Precept" under the Code of Civil Procedure, 1908. [3 marks]

23. What facilities are available under Rule 198 of the General Rules (Civil), 1986 to an indigent person under legal aid? [3 marks]

24. Explain the provisions relating to recovery of possession of a specific movable and immovable property under the Specific Relief Act, 1963. [3 marks]

25. "Limitation extinguishes the remedy, but not the right". Explain the statement. [3 marks]

26. Mention the significant changes introduced in the Hindu Succession Act, 1956 by way of the Hindu Succession (Amendment) Act, 2005? [3 marks]

27. What do you understand by "cruelty by the husband" under the Dissolution of Muslim Marriage Act, 1939? [3 marks]

28. 'A' transfers his property to 'B' for life and thereafter to his unborn son for life. Whether transfer of property to unborn person is valid under the Transfer of Property Act, 1882? Explain with reason. [3 marks]

29. A tenant has been illegally dispossessed by the landlord. Advise him about the remedy available under the Rajasthan Rent Control Act, 2001. [3 marks]

30. As per Section 10 of the Rajasthan Rent Control Act, 2001, what are the rights of a landlord to recover immediate possession of a residential premises? [3 marks]

Part C

Marks 30 (5 x 6 = 30). Note: Attempt any 05 questions. Each question carries 06 marks. Answer should not exceed 225 words each.

31. State the conditions under the Constitution of India whereunder parliament has power to make laws on subjects given in the State list. [6 marks]

32. State the conditions under the Transfer of Property Act, 1882 whereunder a lease stands terminated. [6 marks]

33. Which are the provisions of the Indian Contract Act, 1872 whereunder "Quasi Contractual" relations are recognised? [6 marks]

34. What are the provisions relating to compensation and monetary reliefs to the aggrieved person under the Protection of Women from Domestic Violence Act, 2005? [6 marks]

35. What are the features of an "interpleader suit"? Write a plaint for interpleader suit on imaginary facts. [6 marks]

36. A suit was instituted for damages on the basis of defamation but the plaintiff failed to prove his case. On imaginary facts write a judgment in this matter. [6 marks]

37. Write short note on any two of the following :- [6 marks]

(A) The concept of equality in the Constitution of India.

(B) Power of the High Courts to issue writs, directions and orders.

(C) The concept of separation of powers in the Constitution of India.

(D) The doctrine of pleasure and the concept of reasonable opportunity of hearing in the Constitution of India.