Rajasthan Civil Judge (Mains) 2016

Law Paper I · compulsory paper

Time: 3 Hours · Maximum Marks: 100 · 20 questions in four parts (A to D)

Instructions to the candidates

1. Write the required particulars only on the flap provided on the top of "Question Paper-cum-Answer Book"; and not at any other place.

2. Do not write any mark of identity inside the "Question Paper-cum-Answer Book" (including paper for rough work) i.e. Roll Number, Name, Address, Mobile Number/ Telephone Number, Name of God etc. or any irrelevant word, sentence or figure other than the answer of question. Such act will be treated as unfair means. In such a case his candidature shall be rejected for the entire examination.

3. A candidate found creating disturbance at the examination centre or misbehaving with Invigilating Staff or cheating will render him liable for disqualification. He shall also be liable for penal action under "The Rajasthan Public Examination (Prevention of Unfair Means) Act, 1992".

4. The question paper is divided into four parts 'A', 'B', 'C' and 'D'. The number of questions to be attempted and their marks are indicated in that part.

5. The answer of the questions in all four parts i.e. 'A', 'B', 'C' and 'D' should strictly be written in the space provided below question and not elsewhere, otherwise, such answer shall not be assessed by the examiner.

6. The candidate should not write the answers beyond the space prescribed. No Supplementary Answer Book shall be provided in any case.

7. Attempt answers either in Hindi or in English, not in both. Specify an option by ticking in box of "Medium of Answer" on the flap.

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

9. In case the "Question Paper-cum-Answer Book" is torn or not printed properly, bring it to the notice of Invigilator for change or direction at earliest, otherwise the candidate will be liable for that.

10. Possession of any electronic device is strictly prohibited in the Examination Hall.

Note: Attempt all the questions. Questions No.1 to 8 carry 3 marks each, questions No.9 to 12 carry 5 marks each, questions No.13 to 17 carry 6 marks each, questions No.18 and 19 carry 8 marks each and question No.20 carries 10 marks.

Part A

Attempt all the 8 questions. Questions No.1 to 8 carry 3 marks each. [24 marks]

1. How a sale in case of tangible immoveable property of a value less than one hundred rupees can be made under Section 54 of the Transfer of Property Act, 1882? [3 marks]

2. Under the Hindu Minority and Guardianship Act, 1956 in what circumstances a court can grant permission to the natural guardian to deal with the immovable property of a minor? [3 marks]

3. What is meant by 'guardian ad litem' and which Order of Civil Procedure Code deals with it? [3 marks]

4. Suits and applications specified in which Schedule of the Rajasthan Tenancy Act, 1955 can be heard and determined by a revenue court only? State description of any two such suits or applications. [3 marks]

5. What is the distinction between a certificate of recovery issued under the Rajasthan Rent Control Act, 2001, in case of premises let out for commercial use and premises other than those let out for commercial use? [3 marks]

6. Under which provision of Code of Civil Procedure, restoration or setting aside of orders passed ex parte can be sought regarding an application filed under Order XXI of CPC which has been dismissed for non appearance or decided ex parte? [3 marks]

7. What is the exception to the requirement of notice before institution of suit against Municipality or its officers under Section 304 of the Rajasthan Municipalities Act, 2009? [3 marks]

8. How a witness can be contradicted by the previous statements made by him in writing? [3 marks]

Part B

Attempt all the 5 questions. Questions No.9 to 12 carry 5 marks each and question no. 13 carries 6 marks. [26 marks]

9. Under provisions of the Easements Act, 1882 in what circumstance a license is transferable?

10. What is meant by 'Continuing guarantee' under the Contract Act, 1872? [5 marks][5 marks]

11. Under what conditions, the objection as to the place of suing can be allowed by any appellate or revisional Court? [5 marks]

12. What are the provisions relating to stamp purchased, which has not been used or no allowance has been claimed in respect thereof, under Rajasthan Stamp Act, 1998? [5 marks]

13. Enumerate the prerequisites for filing an application for eviction of tenants under the Rajasthan Rent Control Act, 2001 on the ground that the tenant has 'neither paid nor tendered the amount of rent due from him'. [6 marks]

Part C

Attempt all the 4 questions. Questions No.14 to 17 carry 6 marks each. [24 marks]

14. Who can make an application for compensation arising out of an accident under Section 166 of the Motor Vehicles Act, 1988? [6 marks]

15. Explain the difference in position in relation to provisions of 'Enforcement' as provided under Section 36 of the Arbitration and Conciliation Act, 1996 prior to and after the amendment introduced by Arbitration and Conciliation (Amendment) Act, 2015. [6 marks]

16. What are the provisions in the Constitution of India in relation to inconsistency between laws made by Parliament and laws made by the Legislatures of States? [6 marks]

17. Indicate various provisions relating to time of presentation of wills and presentation of Wills under Registration Act, 1908. [6 marks]

Part D

Attempt all the 3 questions. Questions No.18 and 19 carry 8 marks each and question no. 20 carries 10 marks. [26 marks]

18. What is the effect of fraud or mistake on the period of limitation prescribed by the Limitation Act, 1963 for any suit or application? [8 marks]

19. Write a note on provisions relating to decision as to proper fee and valuation of the suit under Section 11 of the Rajasthan Court Fees and Suits Valuation Act, 1961. [8 marks]

20. Frame the issues on the basis of the pleadings of the parties noticed below and write the judgement:

On 01.05.2011 plaintiff 'A' filed a suit for specific performance of an agreement dated 30.04.2002 against 'B' concerning sale of a plot situated at Civil Lines, Bikaner, which was already in possession of the plaintiff as tenant. It was claimed that the plaintiff has performed his part of the agreement and has paid entire consideration of Rs. 10,00,000/- by December, 2007; however, the sale deed was not executed and registered and despite repeated requests, the same was being avoided. The defendant gave notice dated 01.02.2011 alleging default in payment of rent. When plaintiff personally met with defendant on 15.03.2011, he refused to execute the sale deed. It was prayed that defendant be directed to execute sale deed and get the same registered.

A written statement was filed by the defendant inter alia submitting that the plaintiff has not performed his part of the contract, even as per the plaint averments the consideration was paid in December, 2007, therefore, the suit was barred by limitation and the agreement being unregistered is inadmissible in evidence. It was also claimed that as defendant's daughter was to get married and as he was in dire need of funds, the agreement was entered into for a paltry sum. It was prayed that the suit be dismissed. [10 marks]