Rajasthan Civil Judge (Mains) 2021

Law Paper I · compulsory paper

Time: 3 Hours · Maximum Marks: 100 · 21 questions: Questions 1 to 8 carry 3 marks each, 9 to 13 carry 4 marks each, 14 to 19 carry 6 marks each, 20 and 21 carry 10 marks each

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 No., Name, Address, Mobile No./Telephone No., Name of God etc. or any irrelevant word 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 number of questions and their marks are indicated in the "Question Paper-cum-Answer Book".

5. The answers of the questions 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 write the answers in the provided space. No Supplementary Answer Book shall be provided in any case.

7. Specify an option of language Hindi or English, by ticking in box of "Medium of Answer" on the flap and answer in the same opted language.

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 type of electronic device is strictly prohibited in the Examination Hall.

Note: Attempt all questions. Marks of each question are mentioned against the question.

1. What is meant by "Decree"? [3 marks]

2. When can compensatory costs be imposed by the court under section 35 A of the Code of Civil Procedure, 1908? Can such costs also be imposed in an appeal? Explain. [3 marks]

3. Who can institute a suit in case of a public nuisance or other wrongful act affecting or likely to affect the public? [3 marks]

4. What do you understand by doctrine of "frustration of contract"? [3 marks]

5. What is the period of limitation to set aside a transfer of property made by the guardian of a ward by the ward's legal representative, when a ward dies within three years from the date of attaining majority and what is the time from which the period begins to run? [3 marks]

6. What is "Golden Rule" of Interpretation? [3 marks]

7. In the Code of Civil Procedure, 1908, what is meant by 'Legal Representative'? What is the extent of liability of a legal representative, where a decree is executed against him as legal representative of a judgement debtor? [3 marks]

8. 'X', 'Y', 'Z' jointly take a loan of Rs. 21000/- from 'A'. 'Z' becomes insolvent and 'Y' is compelled to pay the entire amount. What amount can 'Y' successfully claim from 'X'? Explain with the help of relevant provisions. [3 marks]

9. Write a short note on suit by person dispossessed of immovable property under the Specific Relief Act, 1963. [4 marks]

10. Write a short note on 'Limited Period Tenancy' under the Rajasthan Rent Control Act, 2001. [4 marks]

11. Briefly discuss the scope of High Court's power of revision under the Code of Civil Procedure, 1908 ('the code'). What are the limitations imposed on the exercise of revisional jurisdiction under the code? [4 marks]

12. "Pardoning power of the President of India is not immune from Judicial Review". Examine with the help of case law. [4 marks]

13. What is the requirement of law to prove a registered will? How a will is to be proved when attesting witness could not be found? Explain with reference to relevant provisions. [4 marks]

14. What is meant by expression "the State" for the purpose of Part III (Fundamental Rights) of the Constitution of India? Explain with relevant case law. [6 marks]

15. The doctrine of part performance can be used as 'Shield but not as a sword'. Explain the relevance of the above statement with the help of relevant provisions and case law. [6 marks]

16. What considerations should be kept in mind by the court while dealing with an application seeking condonation of delay under section 5 of The Limitation Act, 1963? Should there be any difference in approach when the application for condonation is filed by the State? Cite relevant case law. [6 marks]

17. Explain Temporary Injunction and discuss when an injunction cannot be granted. [6 marks]

18. "Men may lie but documents will not" critically examine this statement in the light of the provisions excluding oral evidence by documentary evidence under the Indian Evidence Act, 1872. [6 marks]

19. Difference between any three of the following - [6 marks]
a) Primary Evidence and Secondary Evidence
b) Mesne profit and Restitution
c) Bailment and Pledge
d) Res-judicata and estoppel
e) Counter claim and set off

20. On 15.04.2016, 'A' sold goods for price to 'B'. When demanded money, 'B' sent an e-mail on 20.05.2019 and assured that he would make payment within 02 months. When 'B' did not pay the amount even after 02 months, 'A' filed a suit for recovery of money. 'B' filed a written statement and while disputing the liability also raised a plea that the suit was barred by limitation. Before issues were framed, 'B' moved an application and requested the court to frame a preliminary issue regarding limitation and decide the same before proceeding further. The plaintiff filed a reply to such application

and contended that the question of limitation is a mixed question of fact and law and thus such issue cannot be decided as a preliminary issue.
Write an order deciding the application and issue (if required). [10 marks]

21. Landlord 'A' files a petition in the rent tribunal for eviction of 'B', his tenant to whom a shop had been let out on oral tenancy. The petition was filed alleging that 'B' has not paid rent of last 06 months and that the shop in question is required for his son who intends to open a garment showroom. The tenant 'B' files his reply and pleads that he has carried out repairs in the premises with a mutual understanding with the landlord that the cost of repairs be adjusted from the monthly rentals and thus the rent as claimed is not due. A plea was also taken that the landlord has another shop in a nearby area and subject shop is not fit for a garment showroom. Both 'A' and 'B' filed affidavits in evidence. Whereafter, the tenant 'B' moved following 02 applications under section 21 of The Rajasthan Rent Control Act, 2001-
1. Issues be framed or points for determination be framed.
2. He be permitted to cross examine 'A' and the persons who have filed affidavits relied on by 'A'.
'A', the landlord opposed the application.
Write an order deciding the applications with support of decided case law. [10 marks]