Rajasthan Civil Judge (Mains) 2025

Law Paper I · compulsory paper

Time: 3 Hours · Maximum Marks: 100

Instructions to the candidates

1. Write the required particulars only on the flap provided on the top of the "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 and the 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 the 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 the 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 the English and 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 the Invigilator for change or direction at the 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.

Question No. 1 [3 marks]

Explain the procedure of execution of documents in compliance of the decree passed by the court.

Question No. 2 [3 marks]

Analogs to Public Interest Litigation, the Civil court is also empowered to entertain the suit of public interest. Explain in detail the competence and procedure to file such suit.

Question No. 3 [3 marks]

What is external aid to construction of an Act? Explain.

Question No. 4 [3 marks]

Once a debt is barred by limitation, part-payment thereof does not operate to extend or revive the limitation period. Explain the legality of this statement.
Under which circumstances debt can be restored after lapse of the limitation period.

Question No. 5 [3 marks]

"Time is not essence of the contract in case of contracts relating immovable property." Explain this statement with the help of decided case law. Also state the exceptions to this statement.

Question No. 6 [3 marks]

Under following conditions, how the court fees shall be calculated in the suit for partition and to determine the separate share of joint undivided property of the family?

A. By a plaintiff who has been excluded from possession - the suit is filed for seeking relief of separate possession, on exclusion from possession.

B. Where the suit is filed for partition of the plaintiff's share in the jointly possessed property.

Question No. 7 [3 marks]

Explain the penalty/punishment and provisions thereof, for the unauthorized occupant of revenue land, in case of appearance after notice and non-appearance after notice, under the provisions of Rajasthan Land Revenue Act, 1956.

Question No. 8 [3 marks]

In a suit of specific performance of unregistered agreement of immovable property, defendant took a defence that the suit is not maintainable because the document is not registered. Explain with the help of case laws about the admissibility and use of such unregistered agreement in evidence.

Question No. 9 [4 marks]

In which cases the landlord has a right to recover immediate possession. Explain with the help of relevant provision of the Rajasthan Rent Control Act, 2001.

Question No. 10 [4 marks]

'A', a nationalized bank gave loan to 'B', a company on 01.01.2015. 'B' did not make payment and 'A' recalled the loan and demanded the loan amount vide notice dated 01.01.2017. 'B' did not pay even after the notice and also not replied the notice. An audit team visited the Bank. During the ongoing audit in the Bank, 'A' demanded the balance sheet from 'B' to be shown to audit team. 'B' sends the balance sheet, account statement etc. signed by the Directors of the company on 10.10.2017 to 'A'. The balance sheet, account statement etc. shows the entries of loan and outstanding amount of loan. Thereafter, bank 'A' filed suit on 01.01.2019 against 'B' for recovery of loan amount. 'B' contended that the suit is barred by limitation. Decide with the help of relevant case laws.

Question No. 11 [4 marks]

What are the categories of infrastructure projects specified in the schedule of Specific Relief Act? What are the special provisions for contract relating to infrastructure projects. Explain with the help of relevant provisions.

Question No. 12 [4 marks]

Write a short note upon any two of the following-

A. Doctrine of Pith and Substance

B. Doctrine of Colourable Legislation

C. Doctrine of Eclipse

Question No. 13 [4 marks]

"Equality is a dynamic concept with many aspects and dimensions, it cannot be 'cribbed, cabined and

confined' within traditional and doctrinaire limits." Explain in the light of above statement the test for valid classification with the help of relevant case law.

Question No. 14 [4 marks]

Ram instituted a suit against Suresh for specific performance of a written contract and also seeks relief that the contract may be reformed as to one of its provisions, as that provision was inserted in it by mistake. Whether Ram can prove by oral evidence that such a mistake was made? Explain with the help of relevant provisions of Bharatiya Sakshya Adhiniyam, 2023.

Question No. 15 [4 marks]

Rules of evidence are generally the same in civil and criminal proceedings. Give the exceptions, if any, with the help of relevant provisions.

Question No. 16 [4 marks]

Explain briefly any two of the following-

A. Effects of non-registration of firm

B. Doctrine of Caveat Emptor and its exceptions

C. Right of Lien and termination of unpaid seller

D. Duration of the unpaid seller's right of stoppage of goods in transit

Question No. 17 [4 marks]

Explain in detail the "KARABAT" and "MUSHARAT" in the context of Muslim marriage.

Question No. 18 [6 marks]

Write a short note on any three of the following -

A. Substituted Service

B. Attachment before judgement

C. Legal Representative

D. Settlement of disputes outside the court

E. Restitution

Question No. 19 [6 marks]

What are the rights and liabilities of buyer and seller? Explain with the help of relevant provisions under the Transfer of Property Act, 1882.

Question No. 20 [8 marks]

Write short note on the following-

A. Voidable marriage under Hindu Marriage Act, 1955

B. General Rules of Succession in the case of female Hindu, died intestate

C. Facts to be kept in mind by the court while determining the amount of maintenance under the Hindu Adoptions and Maintenance Act, 1956

D. Guardians of the person and property of a minor under Hindu Minority and Guardianship Act, 1956

Question No. 21 [10 marks]

The applicant/plaintiff has filed a civil suit seeking permanent injunction against the non-applicant/defendant (Municipality), restraining it from dispossessing him from the suit land. Along with the plaint, the applicant also filed an application under Order XXXIX Rules 1 & 2 of the Code of Civil Procedure, 1908 for grant of temporary injunction.

The applicant stated that he is in possession of the suit land for several years and has raised temporary structures. The Municipality is threatening to demolish his possession without following due process of law. Balance of convenience is in his favour and he will suffer irreparable loss if injunction is not granted.

Non-applicant (Municipality) stated that the suit land belongs to the Municipality as per revenue records, and the applicant is in unauthorised possession. The applicant has approached the Court after considerable delay, only when eviction proceedings were initiated. The applicant has not come with clean hands, has suppressed material facts, and is trying to protect his illegal possession. The Municipal Authorities have already passed an eviction order against the applicant, which is appealable under the Municipal law, and hence an equally efficacious alternative remedy is available. Therefore, the applicant has no prima facie case or equity in his favour.

On the basis of the above facts, write a reasoned order.

Question No. 22 [10 marks]

The plaintiff, Saurabh, claims to be the adopted son of late Hari Shankar and his widow, Shakuntala (defendant No. 1). Hari Shankar died in 2015 leaving behind his widow Shakuntala as his sole heir. In 2018, Shakuntala adopted Saurabh through a registered adoption deed, even though Saurabh was already married at that time.

After the adoption, Shakuntala executed a registered sale deed in 2020 in favour of defendant No. 2 Ramesh, selling the immovable property which originally belonged to her late husband, Hari Shankar.

The plaintiff Saurabh filed a suit seeking cancellation of the sale deed and declaration of his rights in the property.

Plaintiff's Contention:
By virtue of valid adoption, he became the son of Shakuntala and Hari Shankar. Under the Doctrine of Relation Back, his adoption dates back to the death of Hari Shankar, and thus he is deemed to have been in existence as Shakuntala's son at the time of Hari Shankar's death. Therefore, Shakuntala alone had no right to alienate the property after Hari Shankar's death, and the sale deed executed by her in favour of defendant No. 2 is void and not binding upon the plaintiff.

Defendant Shakuntla, while filing the written statement, contended that she was the sole heir after Hari Shankar's death and had every right to dispose of the property. The adoption is invalid and hence, plaintiff acquired no right. She executed the sale deed in 2020 much before the plaintiff challenged it, and Ramesh is a bonafide purchaser for value without notice. The Doctrine of Relation Back is not applicable.

On the basis of the above facts, frame the issues and write a reasoned judgement.