Telangana Civil Judge (Mains) 2022

Paper-III (English – Translation, Essay Writing and Grammar Vocabulary) · compulsory paper

Date: 26th November, 2022

Time: 3 Hours, from 2:00 pm to 5:00 pm · Maximum Marks: 100

Instructions to the candidates

1. English translation is for 30 marks consisting of two questions of 15 marks each. Essay writing is for 40 marks consisting of two questions of 20 marks each. English Grammar is for 30 marks consisting of 5 questions.

2. Translation has to be made from English language to either Hindi or Telugu language only.

3. Essay writing must be written in English only.

4. If the answers are not legible, such answers will not be evaluated.

5. Write your hall ticket number only in the space provided in the first page of the main answer booklet. Do not write either your name or hall ticket number or any mark, anywhere in the main answer booklet/additional answer sheets.

6. Any attempt by the candidate to disclose his/her identity in any manner in the answer sheets will disqualify him/her.

7. No candidate will be permitted to leave the examination room/hall before 3:00 pm.

I. English Translation — 30 marks — Two questions (15) marks each.

1. There is one important feature which distinguishes wills from other documents. Unlike other documents, the will speaks from the death of the testator, and so, when it is propounded or produced before a Court, the testator who has already departed the world cannot say whether it is his will or not; and this aspect naturally introduces an element of solemnity in the decision of the question as to whether the document propounded is proved to be the last will and testament of the departed testator. Even so, in dealing with the proof of wills, the Court will start on the same enquiry as in the case of the proof of documents. The propounder would be called upon to show by satisfactory evidence that the will was signed by the testator, that the testator at the relevant time was in a sound and disposing state of mind, that he understood the nature and effect of the dispositions and put his signature to the document of his own free will. Ordinarily, when the evidence adduced in support of the will is disinterested, satisfactory, and sufficient to prove the sound and disposing state of the testator's mind and his signature as required by law, Courts would be justified in making a finding in favour of the propounder. In other words, the onus on the propounder can be taken to be discharged on proof of the essential facts just indicated.

There may, however, be cases in which the execution of the will may be surrounded by suspicious circumstances. The alleged signature of the testator may be very shaky and doubtful, and evidence in support of the propounder's case that the signature in question is the signature of the testator may not remove the doubt created by the appearance of the signature; the condition of the testator's mind may appear to be very feeble and debilitated; and evidence adduced may not succeed in removing the legitimate doubt as to the mental capacity of the testator; the dispositions made in the will may appear to be unnatural, improbable, or unfair in the light of relevant circumstances; or, the will may otherwise

indicate that the said dispositions may not be the result of the testator's free will and mind. In such cases, the Court would naturally expect that all legitimate suspicions should be completely removed before the document is accepted as the last will of the testator. The presence of such suspicious circumstances naturally tends to make the initial onus very heavy; and, unless it is satisfactorily discharged, Courts would be reluctant to treat the document as the last will of the testator.

2. The factors to be considered while deciding a suit for injunction simpliciter are as under:

(a) Where a cloud is raised over plaintiff's title and he does not have possession, a suit for declaration and possession, with or without a consequential injunction, is the remedy. Where the plaintiff's title is not in dispute or under a cloud, but he is out of possession, he has to sue for possession with a consequential injunction. Where there is merely an interference with plaintiff's lawful possession or threat of dispossession, it is sufficient to sue for an injunction simpliciter.

(b) As a suit for injunction simpliciter is concerned only with possession, normally the issue of title will not be directly and substantially in issue. The prayer for injunction will be decided with reference to the finding on possession. But in cases where de jure possession has to be established on the basis of title to the property, as in the case of vacant sites, the issue of title may directly and substantially arise for consideration, as without a finding thereon, it will not be possible to decide the issue of possession.

(c) But a finding on title cannot be recorded in a suit for injunction, unless there are necessary pleadings and appropriate issue regarding. Where the averments regarding title are absent in a plaint and where there is no issue relating to title, the court will not investigate or examine or render a finding on a question of title, in a suit for injunction. Even where there are necessary pleadings and issue, if the matter involves complicated questions of fact and law relating to title, the court will relegate the parties to the remedy by way of comprehensive suit for declaration of title, instead of deciding the issue in a suit for mere injunction.

(d) Where there are necessary pleadings regarding title, and appropriate issue relating to title on which parties lead evidence, if the matter involved is simple and straightforward, the court may decide upon the issue regarding title, even in a suit for injunction. But such cases are the exception to the normal rule that question of title will not be decided in suits for injunction. But persons having clear title and possession suing for injunction should not be driven to the costlier and more cumbersome remedy of a suit for declaration, merely because some meddler vexatiously or wrongfully makes a claim or tries to encroach upon his property. The court should use its discretion carefully to identify cases where it will enquire into title and cases where it will refer to plaintiff to a more comprehensive declaratory suit, depending upon the facts of the case.

II. English Essay writing not less than 800 words – 40 marks. Write on any two of the following: (20) marks each.

1. “Fundamentals of Electronic Evidence under Evidence Act”.

2. Role of DNA Test in Legal Adjudication.

3. Victim Compensation.

4. Legal aid to an accused.

III. English Grammar – 30 marks.

5 questions (Marks given against each question).

1. Match the words in column A with their meanings given in column B: (5 marks)

Column A	Column B
a. content	1. impolite
b. rude	2. inactive
c. lethargic	3. adjust
d. wise	4. satisfied
e. accustom	5. aware

2. Fill in the blanks using “a”, “an”, “the”, or “no article”. (5 marks)

a. Can you reach _____ port in _____ hour?

b. _____ activist mentioned in your story must be _____ upright person.

c. Is this _____ person you were speaking to when you developed _____ headache?

d. It is said that _____ practice makes _____ person perfect.

e. I like _____ evening sunset more than _____ moonlit night.

3. Match the words in column A with their opposites given in column B: (5 marks)

Column A	Column B
1. boon	a) sadness
2. explicit	b) clear
3. core	c) margin
4. joy	d) curse
5. blurred	e) implied

4. Fill in the blanks using suitable prepositions. (10 marks)

a. We live _____ a villa that is _____ the main road.

b. I went _____ the shop _____ the corner.

c. My friend told me _____ the person who walks _____ the park every morning.

d. My father found _____ the table the ball which was thrown _____ my brother.

e. _____ fruits, I love bananas, and I consume them often _____ travelling.

5. Write a request letter to the Manager of your bank asking him to furnish you with details of your savings and deposits. (5 marks)