Telangana Civil Judge (Mains) 2024

Paper-I (Civil Laws) · compulsory paper

Date: 9th November, 2024

Time: 3 Hours, from 9:30 am to 12:30 pm · Maximum Marks: 100

Instructions to the candidates

a. Question paper consists of 10 questions. Answer all the questions. Marks are indicated against each question.

b. Questions must be answered only in English. If the answers are not legible, such answers will not be evaluated.

c. 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.

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

e. No candidate will be permitted to leave the examination room/hall before 10:30 am.

1. 'A' filed a suit against 'B' for recovery of Rs.5,00,000/- on a promissory note signed by 'B' in favour of 'A'. Summons was sent to 'B' by registered post by court. The registered packet came back with the postal endorsement 'Not claimed'.
(a) Can 'A' obtain an ex parte decree against 'B'? Give reasons.
(b) In the above case assume that an ex parte order and decree is passed in favour of 'A'. 'B' applies for setting aside the ex parte decree on the ground that the summons was not served on him. 'B' has no defence on merits. Write the order you would pass in the matter.
(c) 'B' prefers Revision against ex parte decree in the High Court under Article 227 of the Constitution of India. Is Revision maintainable or what is the remedy available to 'B'? Discuss with applicable provisions. (10 marks)

2. a) What is the distinction between a mortgage, a hypothecation, a pledge and a floating charge? (5 marks)
b) Discuss the distinction between a condition and a warranty. (5 marks)

3. a) What is the difference between 'estoppel' and 'promissory estoppel'? Write a brief note. (5 marks)
b) What is the difference between 'res judicata' and 'constructive res judicata'? Write a brief note. (5 marks)

4. a) Discuss the relevance of settlement of disputes outside the court in terms of Section 89 of the Code of Civil Procedure. (5 marks)
b) Under what circumstances an application to review a judgment can be filed under Order XLVII of the Code of Civil Procedure. (5 marks)

5. a) Discuss the relevance of 'legal disability' in terms of Section 6 of the Limitation Act, 1963. (5 marks)
b) Briefly narrate procedure to lay counter-claim by defendant in terms of Section 6 (A) of the Code of Civil Procedure. (5 marks)

6. a) Discuss the classes of suits in which summary procedure is to be followed in terms of Order XXXVII of the Code of Civil Procedure. (5 marks)
b) Husband filed a petition against wife seeking dissolution of marriage. Wife was set ex parte and on completion of evidence of husband, matter was posted for judgment on a particular day. What is the remedy available to the wife? Discuss. (5 marks)

7. a) What is the difference between survivorship and testamentary succession? (5 marks)
b) What is the purport of Hindu Succession (Amendment) Act, 2005 (39 of 2005)? (5 marks)

8. a) Write brief note on pre-requisites of a Will and proof thereof. (5 marks)
b) Point out five situations whereunder lease of an immovable property is determined by referring to the relevant provisions of law under the Transfer of Property Act, 1882. (5 marks)

9. Discuss the factors to be considered by the Controller in determination of 'fair rent' in terms of the Telangana State Buildings (Lease, Rent and Eviction) Control Act, 1960. (10 marks)

10. a) Discuss relevance of 'specified value' as defined under Section 2 (i) of the Commercial Courts Act, 2015. (5 marks)
b) Discuss 'acquisition by prescription' with specific reference to Section 15 of the Easements Act, 1882. (5 marks)