Uttarakhand Civil Judge (Mains) 2009

Law I (Substantive Law) · compulsory paper

Time allowed: Three Hours · Maximum Marks: 200

Candidates should attempt Question Nos. 1 and 2 as compulsory and not more than four of the remaining ones. Total six questions are to be attempted. Marks carried by each question are indicated at its end.

1(a) [20 marks]

What is the Rule of Rylands v. Fletcher? To what extent the Rule is applicable in India? Refer to cases decided by the Supreme Court.

1(b)(i) [10 marks]

Distinguish between deceit and negligent misrepresentation.

1(b)(ii) [10 marks]

Distinguish between fair comment and qualified privilege.

2(a) [20 marks]

State the principles according to which quantum of damages is determined in cases of breach of contract.

2(b)(i) [10 marks]

Distinguish between stranger to consideration and stranger to contract.

2(b)(ii) [10 marks]

Distinguish between pledge and bailment.

3(a) [15 marks]

What is the meaning of 'Rule against perpetuity'? What are exceptions to this Rule?

3(b)(i) [8 marks]

Are following transferable? (i) Actionable claims.

3(b)(ii) [7 marks]

(ii) A mere right to sue.

4(a) [15 marks]

On what principles easements of necessity are founded?

4(b) [15 marks]

What are the rights that cannot be created by easement?

5(a) [15 marks]

"Indian Partnership Act has effectively ensured the registration of firms without making it compulsory." Discuss and also mention the consequences of non-registration of a firm.

5(b)(i) [8 marks]

Write short notes on the following: (i) Holding out.

5(b)(ii) [7 marks]

(ii) Objects of the Limited Liability Partnership Act, 2008.

6(a) [15 marks]

Under what circumstances a trust comes to an end? What happens to trust property as a consequence of extinction of trust?

6(b)(i) [5 marks]

Write short notes on any three of the following: (i) One who seeks equity must do equity.

6(b)(ii) [5 marks]

(ii) Delay defeats equity.

6(b)(iii) [5 marks]

(iii) Doctrine of part performance.

6(b)(iv) [5 marks]

(iv) Doctrine of election.

7(a) [15 marks]

Discuss the conditions in which a Hindu wife, living separately from her husband, can claim maintenance from him.

7(b) [15 marks]

What are essential conditions of a valid adoption under the Hindu Adoption and Maintenance Act, 1956? Can a Hindu adopt a child when he has an illegitimate son?

8(a) [15 marks]

Can a Muslim wife divorce her husband? If so, under what circumstances? Can a divorced wife remarry her husband?

8(b)(i) [5 marks]

Discuss the validity of the following marriages: (i) A Sunni Muslim marries a Christian woman.

8(b)(ii) [5 marks]

(ii) A Shia Muslim marries a Sunni divorced woman, observing iddat.

8(b)(iii) [5 marks]

(iii) A Sunni woman marries a Jew male.

9(a) [15 marks]

"The distinction between 'void' and 'illegal' agreement under the Indian Contract Act is clear and logical." Explain referring to the provisions of the Act.

9(b) [15 marks]

Explain clearly the essential elements of 'wagering contract'. How is it different from speculative transactions? Explain with illustrations. Are both of these valid under the law of contract?

10(a) [15 marks]

Discuss the position of residuaries (asabat) in Hanafi and Shia laws of Muslim inheritance.

10(b) [15 marks]

Explain the scope of the benefits conferred on Hindu woman by Section 14 of the Hindu Succession Act. Refer to decided cases.