Uttarakhand Civil Judge (Mains) 2011

Law I (Substantive Law) · compulsory paper

Time allowed: Three Hours · Maximum Marks: 200

Note: 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]

Explain the essential conditions of valid acknowledgement under Muslim Law. What are the legal effects of acknowledgement? Elucidate.

1(b)(i) [10 marks]

Discuss the validity of the following marriage: A Muslim male marries a Muslim girl on high seas during Hajja Journey.

1(b)(ii) [10 marks]

Discuss the validity of the following marriage: A Muslim girl marries an idolater (Idolworshipper).

2(a) [15 marks]

What do you understand by incoming and outgoing partner? Discuss the rights and liabilities of outgoing partner.

2(b) [15 marks]

Discuss the contractual and statutory restrictions imposed on implied authority of a partner.

2(c) [10 marks]

What is the property of partnership firm? Whether goodwill of a firm is property. Elucidate.

3(a) [15 marks]

Define “easement”. Explain its essential elements. Distinguish between easement and licence.

3(b)(i) [8 marks]

Explain when a licence can be transferred.

3(b)(ii) [7 marks]

Explain when a licence is deemed to be revoked.

4(a) [15 marks]

“Sec 53-A of the Transfer of Property Act is a shield not a sword.” Comment.

4(b) [15 marks]

“Transferability of the property is the general rule, its non-transferability is an exception.” Explain the above statement.

5(a) [15 marks]

Discuss the principle of remoteness of damages as laid down in Hadley Vs. Baxendale [(1854) 9 Exch. 341] and as contained in Sec. 73 of the Indian Contract Act, 1872.

5(b) [15 marks]

Distinguish between liquidated damages and penalty. Point out the difference between English Law and Indian Law in this regard.

6(a) [15 marks]

"A trust never fails for want of a trustee." Examine this statement and show how this gap is fulfilled.

6(b) [15 marks]

Define equity. Explain equity jurisdiction known as exclusive, concurrent and auxiliary.

7(a) [15 marks]

Enumerate the grounds on which a decree for judicial separation may be obtained under Hindu Marriage Act, 1955 as amended upto-date. How does a decree for judicial separation differ from that of a decree of divorce?

7(b)(i) [5 marks]

Discuss with reasons the validity of adoption: 'B' an issueless male Hindu adopts a son 'S' and also a daughter 'D' on the same day.

7(b)(ii) [5 marks]

Discuss with reasons the validity of adoption: 'F', a female Hindu adopts a married boy 'B' of twenty years age.

7(b)(iii) [5 marks]

Discuss with reasons the validity of adoption: 'M', a male Hindu rears a child 'C', who was found abandoned and gives away the child in adoption at his volition.

8(a) [15 marks]

What is quasi-contract? What kinds of quasi-contracts have been recognized in Indian Law? Explain with illustrations.

8(b) [15 marks]

Which contract can be specifically enforced under The Specific Relief Act, 1963? Explain.

9(a) [15 marks]

Discuss the statement that 'In law the immediate or proximate, not the remote cause of any event is taken into account'.

9(b)(i) [8 marks]

Decide: A sees B starving and omits and even refuses to give him food on demand. Will A be liable in tort to B for such conduct?

9(b)(ii) [7 marks]

Decide: A donkey is left on the road with its legs tied. A scooter runs over and injures it. Can the owner of the donkey recover damages from the scooter driver?

10(a) [10 marks]

To whom does Hindu Law apply? Explain specially the position of the converts and reconverts to Hinduism.

10(b) [10 marks]

Discuss 'Avyavaharik debt'. Under what circumstances a Hindu son is bound to pay his father's Avyavaharik debts?

10(c) [10 marks]

What is the difference between the powers of a karta and a father in respect of the alienation of the

coparcenary property?

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