Uttarakhand Civil Judge (Mains) 2012

Law I (Substantive Law) · compulsory paper

Time allowed : Three Hours · Maximum Marks : 200

Notes: 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. The parts of same question must be answered together.

1(a). What are the grounds of exclusion from inheritance under the Hindu Succession Act, 1956 ? Can a lunatic person inherit property ? [15 marks]

1(b). How are heirs classified under Hanafi Law and Shia Law in case of intestate succession ? [15 marks]

1(c). What constitute Coparcenary Property ? Explain. [10 marks]

2(a). What are the modes of recovery of possession of specific movable and improvable property as provided in the Specific Relief Act ? [15 marks]

2(b). Mention the circumstances under which specific performance of a contract cannot be enforced. [15 marks]

2(c). What do you understand by a Wagering Agreement ? What are its essential characteristics ? [10 marks]

Question 3 · Write notes on any three of the following

3(a). He who seeks equity must do equity. [10 marks]

3(b). Contract of bailment and pledge. [10 marks]

3(c). Prompt and deferred dower. [10 marks]

3(d). Doctrine of holding out. [10 marks]

4(a). Define the nature of Marriage under Hindu Law. What are the characteristics of sacramental marriage among Hindus ? How far these have been affected by the Hindu Marriage Act, 1955 ? Refer to recent decided cases. [20 marks]

4(b). 'A' was granted divorce by the Court against 'B'. 'A' got remarried before the expiry of the period of appeal. 'B' filed an appeal against the decree of divorce and it has been allowed. Discuss the legality of the second marriage of 'A'. Will it make any difference if the appeal is dismissed ? [10 marks]

5(a). Define Mortgage and distinguish between Simple, Usufructuary, Conditional and English Mortgages. [20 marks]

5(b). Explain the maxim "redeem up, foreclose down". [10 marks]

6(a). "Life estate is unknown to Muslim Law as administered in India, but life interest can be created." Discuss with the help of decided cases. [20 marks]

6(b). "Equity will not suffer a wrong to be without a remedy." Discuss. [10 marks]

Question 7 · With the help of decided cases, discuss the following

7(a). Maintenance of wife in Hindu Law. [10 marks]

7(b). Maintenance of divorced wife in Muslim Law. [10 marks]

7(c). Extinction and revocation of trust. [10 marks]

8(a). "The distinction between 'void' and 'illegal' agreements under Indian Contract Act is clear and logical." Explain referring to the Provisions of the Act. [15 marks]

8(b). Explain with illustrations "Constructive Notice" under Transfer of Property Act. [15 marks]

9(a). With the help of decided cases, discuss the tortious liability of the State. [15 marks]

9(b). Discuss the rights and liabilities of a minor admitted to the benefit of a partnership. [15 marks]

10(a). Can the mother of a minor become first or equal guardian even when the father is alive under the Hindu Minority and Guardianship Act, 1956 ? Explain. Refer to recent decided cases. [10 marks]

10(b). The workers of a factory go on strike. The management of the factory announced that additional payments will be made to such workers, who will continue to work during strike period. When the strike ended, the management refused to make additional payments to such workers.
Discuss the remedies available to such workers, if any, under The Indian Contract Act. [10 marks]

10(c). Distinguish between an easement and a licence. [10 marks]