Uttarakhand Civil Judge (Mains) 2013

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 any other 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) [15 marks]

Briefly state rights and duties of the partner inter-se under the Partnership Act.

1(b) [10 marks]

Can a Partner be expelled? Discuss.

1(c) [15 marks]

Explain with illustrations anticipatory breach of contract. How damages are measured in such breach of contract?

2(a) [15 marks]

Discuss with the help of the Supreme Court judgements, the doctrine of "irretrievable breakdown of marriage," as a ground of divorce under Hindu Law.

2(b) [15 marks]

A divorced Muslim woman is entitled to get fair and reasonable provisions made for her livelihood under Section 3(1) of the Muslim Woman (Protection of Right on Divorce), Act, 1986 after the iddat period, apart from her right to get maintenance during the period of 'iddat'. Despite this discuss the liability of Muslim husband to maintain his divorced wife during her life time, if she does not marry. Refer to recent cases.

2(c) [10 marks]

Discuss the validity of the following marriages under Hindu Marriage Act, 1955, and discuss also what remedies are open to the wife in the following cases?
(i) The husband had wife, at the time of marriage, the first marriage having been performed in U.S.A. before 1955.
(ii) The age of the bride at the time of marriage was below 15 years.

3(a) [10 marks]

Discuss the doctrine of lis-pendens. Does this doctrine apply to suit decided ex-parte? Refer to Case Law.

3(b) [10 marks]

'X' intentionally and falsely leads 'Y' to believe that certain lands belongs to 'X', and there by induces 'Y' to buy and pay for it. Afterwards, the land becomes the property of 'Y' and 'X' seeks to set-aside the sale on the ground that at the time of the sale he had no title to the property. Can he be allowed to prove his want of title?

3(c) [10 marks]

'X' made a gift of a house to 'Y' whom he had past illicit cohabitation. Is this transfer valid? Will it make any difference, if 'X' connection with 'Y' is adulterous?

4. Write notes on any three of the following

4(a) [10 marks]

Novation of a Contract

4(b) [10 marks]

Doctrine of Restitution (as applied under Law of Contract)

4(c) [10 marks]

Public Nuisance

4(d) [10 marks]

Onerous gift

5. Distinguish between the following

5(a) [10 marks]

Libel and slander

5(b) [10 marks]

Coercion and Undue influence

5(c) [10 marks]

Fraud and Misrepresentation

6(a) [15 marks]

Discuss briefly the necessary conditions and effects of the acknowledgement of Paternity under Muslim Law. Refer to Case Law.

6(b) [15 marks]

Examine the effect of Section 6 of the Hindu Succession Act, 1956 on course of devolution of property of a deceased Hindu. Further point out the effect of Hindu Succession (Amendment) Act, 2005 on devolution of property.

7(a) [15 marks]

Discuss contracts which can not be specifically enforced. Discuss with relevant Case Law.

7(b) [15 marks]

Can the following contracts be enforced specifically?

(i) 'A' contracts to write a book for 'B'. He writes the Book but refuses to assign copyright and handover the manuscript to 'B' who then sues for specific performance.

(ii) Mere agreement to enter into contract.

(iii) Contract to marry.

8. Discuss fully the following

8(a) [10 marks]

Rule laid down in Rylands Vs. Fletcher

8(b) [10 marks]

Rule laid down in M.C. Mehta Vs. Union of India (Shri Ram Fertilizer Case)

8(c) [10 marks]

Rule laid down in Bhopal Gas Disaster Case

9. Write notes on any three of the following

9(a) [10 marks]

Termination of Guardianship in Islam

9(b) [10 marks]

Hizanat

9(c) [10 marks]

Option of Puberty under Hindu and Muslim Laws

9(d) [10 marks]

Equality is equity.

9(e) [10 marks]

Delay defeats equity.

10(a) [15 marks]

Explain — Apostasy does not automatically dissolve marriage already solemnized under Hindu Marriage Act, 1955. Discuss with relevant cases.

10(b) [15 marks]

Distinguish between Quantum Meriot (as printed) and Claim for Damages.