Uttarakhand Civil Judge (Mains) 2014

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. The parts of same question must be answered together.

1(a) [15 marks]

"Once a mortgage is always a mortgage." Discuss the statement.

1(b) [10 marks]

What remedies are available under Specific Relief Act, 1963 to a person who has been dispossessed from his immovable property? Illustrate.

1(c) [15 marks]

"Acceptance is to proposal what a lighted match-stick is to a train full of gun-powder." (Prof. Anson) Explain the statement and mention the definition of acceptance and describe the relationship of acceptance with proposal.

2(a) [15 marks]

"A stranger to a contract has no rights in the Law of Contract." Explaining the statement, mention its exceptions which have been given under Indian Contract Act, 1872.

2(b) [15 marks]

"Lease of an immovable property does not come to an end automatically." Describe those circumstances due to which lease of an immovable property comes to an end and also mention the difference between lease and license.

2(c) [10 marks]

"Indian Partnership Act, 1932 has made the registration of a firm effectively compulsory without making it compulsory." Explaining the statement, mention the consequences of non-registration of a partnership firm.

3(a) [10 marks]

Explain the "Doctrine of Election" mentioned under Transfer of Property Act, 1882.

3(b) [10 marks]

Discuss the law relating to Permanent Alimony and Maintenance as has been provided under Hindu Marriage Act, 1955 and also mention the decided cases relating to the same.

3(c) [10 marks]

Defining the "Doctrine of Frustration of Contract", mention its exceptions too.

4(a) [10 marks]

Explain the unlawful consideration and objects which have been given under the Indian Contract Act, 1872.

4(b) [10 marks]

Explain the law relating to right of redemption as has been provided under Transfer of Property Act, 1882 and also mention the relevant case laws relating to it.

4(c) [10 marks]

"Sharing of profit is a prima-facie evidence of the existence of a partnership but not as a conclusive evidence." Explaining the statement, mention its exceptions and the relevant case laws too.

5(a) [10 marks]

"Trustee is like an Agent, Principal, Owner, Director and a Bailee. Hence, he enjoys variety of rights and duties." Explain the statement.

5(b) [10 marks]

Who are those persons under the law of torts who are required to profess to have greater skill and care and for exercising ordinary care, they are made responsible for negligence? Illustrate.

5(c) [10 marks]

"Section 74 of Indian Contract Act, 1872 has cut-down the most troublesome knot of common law doctrine of awarding damages for breach of a contract." (Justice Shah) in Seth Fateh Chand V/s Balkishan Das 1963 S.C. Explaining the statement, mention the difference between Section-73 and 74 of the Contract Act.

6(a) [10 marks]

Critically examine the law relating to rectification of instruments and documents as has been provided under Specific Relief Act, 1963. Give examples too.

6(b) [10 marks]

Discuss the law relating to disabilities of a trustee as has been provided under Indian Trust Act, 1882. Give examples.

6(c) [10 marks]

"Under Muslim law, a Muslim woman enjoys equal to zero percent of rights in the matter of dissolution of marriage." Explaining the statement, mention its exceptions.

7(a) [10 marks]

What are the required conditions for exercising a right of pre-emption? Mention its exceptions too.

7(b) [10 marks]

"In the present times formal sources under Muslim law have received an important place as a sources of Muslim law." Explaining the statement, mention those sources too.

7(c) [10 marks]

Explain the law relating to easement of necessity and quasi-easement, as has been provided under Indian Easement Act, 1882.

8(a) [10 marks]

Define Equity and explain the statement that "equity follows the law".

8(b) [10 marks]

Explaining the principle of "Vicarious liability", which has been provided in the Law of Torts, mention its exceptions too.

8(c) [10 marks]

Explain the law relating to extinction of a trust as has been provided under Indian Trust Act, 1882.

9(a) [10 marks]

Explain the difference between "Batil" and "Fasid" forms of marriage provided under Muslim law and also define these.

9(b) [10 marks]

"A surety is like a favoured creditor." Do you agree with the statement? Explain your answer with examples and arguments.

9(c) [10 marks]

Mention the difference between the "Void" and "Voidable" marriages provided under Hindu Law.

10(a) [10 marks]

What are the essential conditions for a valid adoption as has been provided under Hindu Adoption and Maintenance Act, 1956?

10(b) [10 marks]

Explain the rules relating to succession of a female Hindu as has been provided under Hindu Succession Act, 1956.

10(c) [10 marks]

Explain the law relating to maintenance of a Hindu wife as has been provided under Hindu Adoption and Maintenance Act, 1956. Mention relevant case law.