Uttarakhand Civil Judge (Mains) 2021

Law — I (Substantive Law) (First Paper) · compulsory paper

SLJ · 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) 'Consideration is a necessary element for a binding contract.' Discuss this statement and also state its exception. Refer to the decided cases. 15
(Words limit: Maximum 100 Words)

1. (b) Define 'Sale'. While pointing out distinction between 'sale' and 'contract for sale', also present suitable illustrations. 15
(Words limit: Maximum 100 Words)

1. (c) How a owner of the land will exercise his right to the column of air space above the surface ad infinitum and how he can stop trespass in law of tort ? Elucidate. 10
(Words limit: Maximum 50 Words)

2. (a) What do you understand by 'Partnership' ? How does it arise ? State differences between 'partnership' and 'firm'. 15
(Words limit: Maximum 100 Words)

2. (b) "A 'contract of guarantee' is a contract to perform the promise, or discharge the liability, of a third person in case of his default." Explain and distinguish it with 'contract of indemnity'. 15
(Words limit: Maximum 100 Words)

2. (c) What is 'right to foreclosure' ? When a restriction can be imposed on this right ? 10
(Words limit: Maximum 50 Words)

3. (a) Whether Partner's contribution, made to 'Firm', is a 'Transfer' ? Referring to statutory provisions, explain it. 10
(Words limit: Maximum 50 Words)

3. (b) According to ancient Hindu Law, marriage is a sacrament. How far the new enactment in Hindu Law has affected this approach ? Explain. 10
(Words limit: Maximum 50 Words)

3. (c) Discuss the consequences of divorce under Muslim Law. Refer to relevant cases. 10
(Words limit: Maximum 50 Words)

4. (a) What do you mean by 'Easement' ? Point out differences between 'easement' and 'licence'. 10
(Words limit: Maximum 50 Words)

4. (b) Distinguish between void contract and voidable agreement. 10
(Words limit: Maximum 50 Words)

4. (c) What are the conditions restraining alienation (transfer) of the property ? Explain its exceptions also. 10
(Words limit: Maximum 50 Words)

5. (a) 'A' transfers to 'B' an estate to which 'C' is entitled, and as a part of the same transaction gives 'C' a coal-mine. 'C' takes possession of the mine and exhausts it. Whether 'B' thereby confirms the transfer of the estate ? Decide with the help of statutory provisions. 10
(Words limit: Maximum 50 Words)

5. (b) What are major features of the Muslim Women (Protection of Rights of Marriage) Act, 2019 ? How far this Act will be helpful in bringing gender-equality ? Explain. 10
(Words limit: Maximum 50 Words)

5. (c) Explain the law relating to the Defamation. What is difference between libel and slander ? State the position of Indian law and English law on this issue. 10
(Words limit: Maximum 50 Words)

6. (a) Although nuisance is no branch of the law of negligence, however, it may be caused by negligence. Critically examine this statement. 10
(Words limit: Maximum 50 Words)

6. (b) A mortgages certain plot for building land to B and afterwards erects a house on the plot. Keeping in view of the security of B, decide the entitlement of accession property in between A and B with the help of legal provision. 10
(Words limit: Maximum 50 Words)

6. (c) Distinguish between the Mitakshara and Dayabhaga law of succession. 10
(Words limit: Maximum 50 Words)

7. (a) How a firm is to be dissolved ? Explain while referring to statutory provisions. 10
(Words limit: Maximum 50 Words)

7. (b) Who may obtain specific performance of a contract ? Explain. 10
(Words limit: Maximum 50 Words)

7. (c) Who is eligible for adoption under the Hindu Adoption and Maintenance Act, 1956 ? Discuss the capacity of a female Hindu to take in adoption. 10
(Words limit: Maximum 50 Words)

8. (a) Explain concept of Guardianship under the Muslim Law. 10
(Words limit: Maximum 50 Words)

8. (b) What is declaratory decree ? Explain with illustrations. 10
(Words limit: Maximum 50 Words)

8. (c) Discuss the cancellation of licence. 10
(Words limit: Maximum 50 Words)

9. (a) A in consideration that B will employ C in collecting the rents of B's Zamindari, promises B to be responsible, to the amount of 5,000 rupees, for the due collection and payment by C of those rents. In this way, what is 'promise' under the law of contract ? Support the answer with the legal provisions. 10
(Words limit: Maximum 50 Words)

9. (b) What are essentials of a valid gift (Hiba) under Muslim Law ? Explain. 10
(Words limit: Maximum 50 Words)

9. (c) Explain the followings : (i) 'Foreign Sovereign' as personal capacity under Law of Tort. (ii) damnum sine (or absque) injuria 10
(Words limit: Maximum 50 Words)

10. (a) What are duties and liabilities of Trustees ? Discuss critically. 10
(Words limit: Maximum 50 Words)

10. (b) Under the Hindu Law, cruelty may be physical or mental or both for divorce, but it is not necessary to be intentional. In the light of this statement, explain the approach of courts. 10
(Words limit: Maximum 50 Words)

10. (c) Discuss the following with the help of case laws : (i) Stridhan (ii) Public and private endowment
(Words limit: Maximum 50 Words) 10