Uttarakhand Civil Judge (Mains) 2023

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

CJS · 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) Agreement without consideration is void, unless it is in writing and registered or is a promise to compensate for something done or is a promise to pay a debt barred by limitation law. Illustrate. 15
(Words limit: Maximum 100 Words)

1. (b) Define and differentiate “Lessor” and “Mortgagee”. Also comment with regard to right to acquire easement and right to privacy under Transfer of Property Act, 1882. 15
(Words limit: Maximum 100 Words)

1. (c) Comment on “Spec Successionis”. Also discuss agreement made by reversionary to relinquish his right with the help of decided case law. 10
(Words limit: Maximum 50 Words)

2. (a) Mention additional grounds available to a wife for divorce under Hindu Marriage Act, 1955 and mention recently decided cases too. 15
(Words limit: Maximum 100 Words)

2. (b) Define the Partnership and Joint family. Discuss their rights and liabilities. 15
(Words limit: Maximum 100 Words)

2. (c) Discuss on the concept of ‘option of puberty’ and how it is different under Hindu law ? Discuss. 10
(Words limit: Maximum 50 Words)

3. (a) “It is pious obligation of a son to pay the debts of his deceased father.” Mention the extent and limitations of this duty. 10
(Words limit: Maximum 50 Words)

3. (b) Discuss the concept of “Freezing of Account” and “Unjust enrichment” with the help of decided case law. 10
(Words limit: Maximum 50 Words)

3. (c) Describe the extent and limitation of the right of pre-emption under Muslim Law. 10
(Words limit: Maximum 50 Words)

4. (a) A and B jointly promise to paint a wedding portrait of ‘C’ who is 16 years old. ‘C’ agreed in consideration to give one 2 BHK House adjoining to her house or in kind equivalent to the value of ₹ 2 crores. Discuss the provisions under which ‘A’ and ‘B’ have remedies to compel ‘C’ for performance of the promises with the help of decided case law. 10
(Words limit: Maximum 50 Words)

4. (b) With the help of relevant legal provisions and decided cases, explain the rights and duties of bailor and bailee. 10
(Words limit: Maximum 50 Words)

4. (c) Define with the help of decided cases and cyber law, the evolving concept of "Libel" and "Slander". 10
(Words limit: Maximum 50 Words)

5. (a) Explain the principle 'damnum sine injuria' and 'injuria sine damnum' in connection with the action of 'refusal to register vote' and 'loss of one academic year'. 10
(Words limit: Maximum 50 Words)

5. (b) Define "Release" and "Acquiescence" with the relevant provisions of law and decided case law and differentiate between the two. 10
(Words limit: Maximum 50 Words)

5. (c) Discuss the class of heirs under Muslim Law. Also comment on "Principle of increase" (Aul) and "Principle of Return" (Radd) with the help of suitable examples. 10
(Words limit: Maximum 50 Words)

6. (a) Discuss the impact on Marriage institutions on waiver of waiting period after the recent judgment of Supreme Court Constitution Bench on the divorce under Section 13-B of Hindu Marriage Act in the light of "Courts try to make the Marriage Institutions and not to break the marriage". Discuss. 10
(Words limit: Maximum 50 Words)

6. (b) A, B, C and D are different Motor owners, they agree to ply their motor between Delhi and Haridwar at fixed fare and to divide the proceed equally. Are A, B, C and D partners ? Discuss with the help of statutory provisions. 10
(Words limit: Maximum 50 Words)

6. (c) Comment with the help of decided case law on "Dwelling House" and "Injunction against stranger transferee" in the light of transfer of property by one co-owner. 10
(Words limit: Maximum 50 Words)

7. (a) "X" and "Y" are husband and wife. "X" files a suit against her husband to grant injunction against "Y" restraining him from marrying a second wife. Comment with the help of statutory provisions and decided case law, whether "X" suit for injunction is maintainable. 10
(Words limit: Maximum 50 Words)

7. (b) Define and differentiate between "Novation" and "Recession" of Contract. 10
(Words limit: Maximum 50 Words)

7. (c) Comment on the evolving definition of "testamentary guardian" and "parents" in the present times. 10
(Words limit: Maximum 50 Words)

8. (a) A Hindu male dies intestate. He left behind his widow, two sons S-1 and S-2, daughter of pre-deceased daughter, his mother and his brother. Discuss who will succeed to the property of deceased and what will be the share under Hindu Succession Act ? 10
(Words limit: Maximum 50 Words)

8. (b) Define and differentiate between "Trespass by joint owner and Trespass by animals" with the help of decided case law. 10
(Words limit: Maximum 50 Words)

8. (c) Comment with the help of statutory provision and decided case law, when can unborn person acquires vested interest on transfer of his rights. 10
(Words limit: Maximum 50 Words)

9. (a) Illustrate the evolving concept of liability by relation with "reference to master and servant" and "servant and independent contractor" with the help of decided cases and statutory provision. 10
(Words limit: Maximum 50 Words)

9. (b) Define and differentiate between "Hiba-bil Iwaz" and "Hiba-ba-shart-ul-Iwaz" with the help of example. 10
(Words limit: Maximum 50 Words)

9. (c) Comment on the partner's "Personal Trade Mark" and "Partner's Tenancy Rights" while using the Partner's property in firm with the help of decided case law. 10
(Words limit: Maximum 50 Words)

10. (a) Comment critically on the "Child born in Muslim family do not enjoy the property jointly and in common" whereas a child born in Hindu family is "born with Silver Spoon". 10
(Words limit: Maximum 50 Words)

10. (b) "It is very easy to occupy the post of a trustee but very difficult to discharge the duty of a trustee." While explaining the statement, mention the disabilities of a trustee. 10
(Words limit: Maximum 50 Words)

10. (c) Discuss the merits and demerits of the principle of "subrogation". 10
(Words limit: Maximum 50 Words)