

## Bihar Judiciary - Mains 2000

54 questions. Source: lawmock.com - free previous-year papers & mock tests.

### Law of Evidence and Procedure

- Q1. (a) Explain a suit of civil nature 1(b) Explain the basic rules governing the jurisdiction of civil courts.
- Q2. (a) What remedies are available for setting aside ex parte decree? 2(b) Explain the rules governing the grant of temporary injunction.
- Q3. (a) What properties of a judgement debtor cannot be attached and sold in execution of a decree? 3(b) Explain in brief the various stages in a civil suit. ### GROUP B
- Q4. (a) Explain admissibility of a fact and relevancy of a fact. 4(b) What is the evidentiary value of a confession made by an accused person in police custody?
- Q5. (a) Explain evidence and kinds of evidence. 5(b) Explain the importance of cross-examination of a witness.
- Q6. (a) Explain an Accomplice. How far and to what extent testimony of an accomplice can be relied upon. 6(b) Explain Estoppel and kinds of estoppel. ### GROUP C
- Q7. (a) Explain legal misconduct of an arbitrator 7(b) When can an arbitrator be appointed pending a suit?
- Q8. (a) What is the effect of an award? 8(b) What matters can be referred to an Arbitrator? ### GROUP D
- 9 (a) What are the provisions contained in Criminal Procedure Code regarding death Sentence? 9(b) When can Bail be granted? What are the remedies available to a person to whom bail is refused by the Court?
- Q10. (a) What are the provisions contained in Criminal Procedure Code regarding maintenance of a wife? Under what circumstances the amount of maintenance fixed by a Court be modified? 10(b) When can police arrest a person without warrant?

### Section-A

- Q1. Discuss the following: (a) Secular Character of Indian Constitution. 1(b) Public Interest Litigation
- Q2. Discuss the original jurisdiction of the Supreme Court of India.
- Q3. Explain what is meant by the expression "failure of constitutional machinery in a state" under Article 356 of the Constitution of India. Which situation will fall and which will not fall within the expression?
- Q4. The Power of Parliament to amend the Constitution is limited. Examine this statement critically in view of 24th and 42nd Amendment and Supreme Court decisions in that regard.
- Q5. Write notes on: (a) Preamble to the Constitution of India 5(b) Uniform Civil Code

### HINDU LAW AND MUSLIM LAW

- Q1. Explain Hindu Coparcenary. Show how it forms and enumerate the rights of a coparcener.

Q2. Who are the persons governed by Hindu Law? Who are the persons entitled to share in a partition of joint Hindu Family?

Q3. How will the property of a Hindu male dying intestate devolve on his death under the Hindu Succession Act, 1956?

Q4. What are the essentials of a valid Hindu Marriage? Explain divorce by mutual consent under the Hindu Marriage Act.

Q5. Who can give in adoption? Who can adopt? What are the effects of adoption? ### Part-B

Q6. Write short notes on: (a) Mutawali 6(b) Iddat

Q7. Explain valid, irregular and void marriage under Muslim Law and state the distinction between them.

Q8. Mention chief provisions of Shariat Act, 1937 and state the changes brought by it.

Q9. What are the limitations on a Muslim on his power of making a will.

Q10. Write short notes on: (a) Testamentary guardian and his powers 10(b) Maintenance of a wife

## TRANSFER OF PROPERTY AND PRINCIPLES OF EQUITY INCLUDING LAW OF TRUST AND SPECIFIC RELIEF

Q1. (a) Define property and mention which properties are transferable? 1(b) Explain the difference between an agreement to sell and sale.

Q2. (a) "Transfer for the benefit of an unborn person is void." Discuss this statement with reference to the rule against perpetuity. 2(b) Define gift.

Q3. (a) Define a Mortgage. What are the different kinds of mortgage? 3(b) Explain the liability of buyer of immovable property.

Q4. (a) Explain the doctrine of part performance. 4(b) Explain the lease of an immovable property.

Q5. (a) Distinguish between condition precedent and condition subsequent. 5(b) Distinguish between a sale and a lease. ### Part- B

Q6. Explain the following maxims (a) Equity follows the law 6(b) Delay defeats equity

Q7. Explain the following maxims: (a) He who seeks equity must do equity 7(b) He who comes to equity must come with clean hands

Q8. Discuss the essentials of trust. How does a private trust differ from a public trust?

Q9. Discuss the rights and duties of trustee.

Q10. Discuss between a temporary injunction and permanent injunction. Explain the circumstances when temporary injunction can be granted?

## LAW OF CONTRACT AND TORTS

Q1. Discuss fully the provisions in the Indian Contract Act regarding performance of Contract.

Q2. Explain void agreements. Discuss the rules regarding void agreements.

- Q3. Write short notes on: (a) Anticipatory Breach of Contract 3(b) Undue Influence
- Q4. (a) An agreement without consideration is void. Explain this rule with exceptions. 4(b) Doctrine of quantum meruit.
- Q5. (a) Define Bailment. Discuss the essentials of a contract of bailment. 5(b) Explain in detail the discharge of surety. ### Part-B
- Q6. Define a tort. How does a tort differ from a crime and breach of contract?
- Q7. Explain the rule of vicarious liability. When is the master liable for the tort of his servant?
- Q8. Explain with illustrations the maxim "volenti non fit injuria".
- Q9. Explain the following: (a) Special Damages and General Damages 9(b) Ubi jus ibi remedium
- Q10. Briefly state the facts and explain the principle contained in the following decisions: (a) Ashby v. White 10 (b) Armory v. Delamere:

## COMMERCIAL LAW

- Q1. Explain the meaning of "Conditions and Warranties". Discuss the implied conditions and warranties in a contract of sale.
- Q2. Define Unpaid Seller. Discuss the right to stoppage in transit. ### Part - B
- Q3. (a) Define a promissory note and discuss its ingredients. 3(b) When a forced cheque is encashed on presentation to a bank, what is the liability of the paying bank?
- Q4. (a) Who is a holder in due course? What rights are available to him as such holder? 4(b) Explain the penal provision regarding a cheque that bounces for insufficiency of funds. ### Part - C
- Q5. Define a Company. How does a company differ from a partnership?
- Q6. Explain the difference between articles of association and memorandum of company.
- Q7. (a) Discuss the position of company directors. 7(b) Under what circumstances can a company be wound up by the Court? ### Part-D
- Q8. What are the rights and obligations of a retiring partner?
- Q9. (a) How can a partnership be dissolved? 9(b) Write short notes on: (i) Registration of Firm 9(b)(ii) Property the firm
- Q10. (a) Under what circumstances can a partnership firm be dissolved by the court? 10(b) What are the consequences if a partnership firm is not registered?