

Goa Judiciary - Mains 2017

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Paper I (Civil Laws)

Q1. Draft Judgement on the following facts: i) Adhere to the contents of Judgment as required under the Code of Civil Procedure. ii) Frame and answer the issues properly. iii) Wherever necessary, fill up the details from your imagination. iv) Give legal, logical and proper reasons for your findings. v) Conclude the judgement with a proper order. Averments in the plaint The plaintiff is the owner of agricultural land bearing survey no.50 at Panjim. The defendant agreed to purchase the agricultural land for the consideration of Rs. 5 lakh. An agreement for sale was executed on 01.10.2016. The defendant had paid Rs. 1 lakh towards earnest amount. The defendant was put in possession of the land. As per the agreement the sale deed was to be executed within six months from the date of agreement. The defendant, despite repeated requests from the plaintiff, failed to pay the remaining amount of consideration and also failed to execute the sale deed. Hence, the suit by plaintiff for specific performance of contract. In alternative the plaintiff has prayed for compensation and also possession of his agricultural land. Averments in the written statement. Defendant claimed that he is ready and willing to execute the sale deed and to perform his part of contract. As per the defendant, the plaintiff was expected to bring no objection certificate from the Competent Authority to sell the agricultural land. As the plaintiff failed to perform his part of contract the sale deed cannot be executed. He has thus prayed for dismissal of the suit with costs.

Q2. Write short notes on any two of the followings: a. Rule against perpetuity under the Transfer of Property Act, 1882. (Sec. 14 of T.P. Act) b. When injunction can be refused. (S. 41 of the Specific Relief Act) c. Void agreements and voidable contracts. (Chapter II of the Indian Contract Act) d. Suits by or against minor. (Order XXXII of C.P.C.) e. Disinheritance and its grounds under Civil Code. (Art. 1875 to 1884 of Civil Code)

Q3. Discuss any four of the followings : a. Stay of suit. (Sec. 10 of C.P.C.) b. Dominant and Servient heritages and owners. (Sec.4 of the Indian Easements Act, 1882) c. Novation of contract. (Sec. 62 of the Indian Contract Act) d. Indemnity and Guarantee. (Chapter VIII of Indian Contract Act) e. Gift and onerous gift. (Sec.122 and 127-Chapter VII of T.P. Act) f. Interpleader suit. (Order XXXV of C.P.C.) g. Public Will and Closed Will under the Civil Code. (Art. 1911 to 1922)

Q4. Answer any two of the followings : a. Grounds to evict Mundkar from dwelling house and surrender by Mundkar under the Goa Daman and Diu Mundkars (Protection from Eviction) Act, 1975.(Sec. 12 and 14) b. Suit by or against Government. (Order XXVII of C.P.C.) c. Mode of execution of decree for immovable property. (Order XXI, Rule 35 of C.P.C.) d. Provisions relating to withdrawal of suit. (Order XXIII of C.P.C.) e. Grounds for contested divorce under the Law of Divorce. (Family Laws) in Goa.(Art.4 of Chapter II, Division I)

Q5. Write short notes on any four of the followings : a. Bailment and pledge. (Chapter IX of Indian Contract Act) b. Doctrine of election under Transfer of Property Act. (Sec. 35 of the T.P. Act, 1882) c. Suspension and revival of easement. (Sec. 49 and 51 of the Indian Easements Act, 1882) d. Consequence of the non appearance of a party in a suit. (Order IX of C.P.C.) e. Framing of issues. (Order XIV of the C.P.C.) f. Adjudgments in civil suits. (Order XVII of C.P.C.) g. Office of Administrator(Cabes-de-casal). (Art. 2068 of Civil Code)

Q6. Write short notes on any two of the followings: a. Procedure of mutual divorce under the Law of Divorce. (Family Laws) in Goa. (Art. 35 to 42, Chapter III) b. Effect of divorce on properties of spouses under the Law of Divorce. (Family Laws) in Goa.(Art.26 to 28) c. Discuss the procedure of listing of properties in inventory proceedings under the Civil Code. (Art. 2067) d. Discuss the rights of Mundkar to purchase dwelling house under the Goa Daman and Diu Mundkar^ (Protection from Eviction)Act, 1975. (Sec. 15) e. Discuss opening of inheritance in general under Civil Code. (Art. 2009, Chapter IV)

Paper II (Criminal Laws)

Q1. Write a judgement on the following facts : (Specify proper points for determination and give reasons for your conclusion on each point for determination. Conclude the judgement by proper and final order). The informant had parked his motor cycle in front of his shop. After closing the shop in the night, he found his motor cycle missing from the parking area. He lodged report with the police station. During investigation, police found the motor cycle parked in the court yard of the house of accused. The accused failed to give satisfactory account of the vehicle in his possession. Police seized the vehicle in the presence of Panchas and prepared the panchanama. Police filed charge sheet against accused for the offence punishable u/s. 379 of the IPC. The defence of accused is of total denial. He also denied the seizure of the vehicle from his possession. In the evidence the informant and the Investigating Officer supported the prosecution, whereas the Panch witnesses to the seizure did not support prosecution.

Q2. Write notes on any two of the followings: a. Police custody and Magisterial custody. (Sec. 167 Cri.P.C.) b. Summary Trials. (Chapter XXI Cri.P.C.) c. Offences relating to marriage and cruelty by husband. (Sec. 493, 498-A of IPC) d. Bail in bailable and non bailable offences by the Magistrate. (Sec. 436, 436-A and 437 of Cri.P.C.)

Q3. Write short notes on any four of the followings: a. Abetment. (Chapter V, in particular Sec.107, 108 of IPC) b. Voyeurism and Stalking. (Sec. 354-C and 354-D of IPC) c. Defamation. (Chapter XXI of IPC) d. Facts which need not be proved. (Chapter III of Indian Evidence Act) e. Criminal intimidation, insult and annoyance. (Chapter XXII of I.P.C.) f. Opinions of experts. (Sec. 45, 45A, 46 of Indian Evidence Act)

Q4. Discuss any four of the followings: a. Public documents and Private documents. (Sec. 74, 75 Indian Evidence Act) b. Presumptions u/s. 114 of the Indian Evidence Act. c. Alteration in the maintenance allowances and enforcement of the order of maintenance. (Sec. 127 and 128 of Cri.P.C.) d. Limitation for taking cognizance of certain offences. (Chapter XXXVI of Cri.P.C.) e. Burden of proof. (Chapter VII of Indian Evidence Act) f. Criminal breach of trust. (Sec. 405 to 409 of I.P.C.)

Q5. Write short notes on any two of the followings: a. Search warrants. (Sec. 93 to 98 of Cri.P.C.) b. Framing of charge and joinder of charges. (Chapter XVII of Cri.P.C.) c. Power to postpone and adjourn proceedings under the Code of Criminal Procedure.(Sec. 309 of Cri.P.C.) d. Presumption as to documents thirty years old. (Sec. 90 of the Indian Evidence Act.)

Q6. Write an essay on any one of the following topics: (Approx. 800 words) a. Importance of Alternate Dispute Resolution (ADR) techniques in the present judicial system. b. How to deal with the old pendency of cases in the Courts. c. Effect of media trials on the Court proceedings. d. Fundamental rights and reasonable restrictions.