

## Haryana Judiciary - Mains 2022

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

### Civil Law

**Q1. - (a) on what grounds can pleadings be amended and can an amendment be allowed even if it is barred by limitation? - (b) On what grounds can an appellate court set aside the judgement of the trial court? - (c) On what grounds can be a judgement Debtor object to execution of decree for recovery of immovable property?**

**Q2. - (a) Explain the meaning of 'ex parte decree' and elaborate on the remedies available to a person against whom ex parte decree is passed? - (b) 'A' notified in the newspaper that he lost his watch worth INR 1,00,000 while shifting his house and announced the award that anyone who found the watch and brought it to him will be rewarded with INR 10,000 as the watch was gifted by his father and it is a precious watch for him. 'B' the person who transported his goods from his old house to the new one found his watch and brought it to 'A'. 'B' was not aware of the award announced in the newspaper. Coming to know subsequently about the reward that had been announced, 'B' :decided to Sue 'A' for recovery of the reward. Decide the dispute applying relevant provisions of law along with reasons. - (c) P applied (or the post of headmaster in a school. The selection committee passed a resolution appointing him to the post, but the decision was not communicated to him. One of the members of the committee, however., in his individual capacity, informed P about the decision. Subsequently, the managing committee cancelled its resolution and appointed someone else instead of P. P filed a petition against the decision. Decide the case applying relevant provisions of law along with reasons. - (d) (i) 'A' a minor was facing criminal prosecution for dacoity. He borrowed Rs.2000/-from 'B' to defend himself. The creditor did not know that 'A' was a minor at the time of the agreement. Will the creditor succeed in recovering the amount under the Contract Act? Furnish reasons. (ii) 'A's marriage is scheduled for the 24th of march 2020. In furtherance of the same, the enters into a contract with a catering company 'C'. 'C' is hired to serve a buffet at the wedding. However, on 22nd March 2020, the Government puts a ban on gatherings of more than 10 people. This results in the cancellation of the wedding. Discuss the legal position.**

**Q3. - (a) Under what circumstances is a plaintiff bound to seek declaration of title in addition to recovery of possession of immovable property? - (b) Can a co owner file a suit for injunction against another co owner? If so, under what circumstances? - (c) Can an ex parte mandatory injunction be granted? If so, under what circumstances? - (d) Do court have discretion to deny specific performance? If so, under what circumstances?**

**Q4. - (a) What is the 'best evidence' rule? Elaborate. - (b) What is 'electronic evidence'? - Explain under what circumstances, electronic records are admissible in any Court proceedings without further formal proof or production of the original. - (c) Is a document procured by improper or illegal means admissible in evidence? If so, under what circumstances? - (d) Four panthers a partnership for refining sugar. One of them was a wholesale grocer and had great skill in buying sugar at the right and proper time for the business. Accordingly, the business of selecting and purchasing sugar was entrusted to him. According to his skill and knowledge, he bought sugar for himself at a time when he thought the price was likely to rise. The sugar rose in value and the firm was in need of the same. He sold his own sugar to the firm without letting the partners know that it was his sugar that was sold. Is he accountable, if he makes any profit at the expense of the firm? Give reasons.**

Q5. - (a) Akanksha sold her scooter to Bhumika for a sum of Rs.17000. Bhumika pays the whole price except Rs.1000 which she promised to pay within a week. Akanksha holds possession of the scooter until the rest of the money is paid. But before the expiry of time, Bhumika becomes insolvent. Akanksha resold the scooter to Chetna for Rs.1750 without giving notice to Bhumika. Whether the re-sale is valid? Can Bhumika claim Rs.500, i.e., the profit on re-sale? Give reasons. - (b) Yamini in Bombay places an online order to Vamika in Chennai to send a packet of patented medicine. Accordingly, Vamika dispatches the order and delivers the packet. Yamini finds some defects in the medicine on opening the bottle. Vamika refuses to refund as the bottle is now open. Can Yamini claim the refund? Give reasons. - (c) What are the different classes of civil courts prescribed in the Punjab Courts Act 1918? - (d) Under what circumstances can the Fair Rent fixed under the Haryana Urban (Control of Rent and Eviction) Act 1973, be revised? - (e) Enumerate and explain the circumstances under which a landlord may set the law in motion for eviction of his tenant under the Haryana Urban (Control of Rent and Eviction) Act 1973?

## Civil Law - II

Q1. - (a) What are the changes made in the Hindu Succession Act 1956 by Act 39 of 2005 as regards succession to ancestral property by a Hindu female? Cite latest case law on the point. 15 Marks - (b) 'A' a Hindu alienates coparcenary property in the lifetime of his son B without B's consent and without justifying necessity. B dies 2 years after the sale. 6 months after B's death, another son C is born to A's wife from A. Advise about C's right to challenge the alienation of property made by his father. 10 Marks - (c) Anjali, a Hindu girl wants to marry a Muslim boy, without relinquishing her faith. Discuss in detail with relevant provisions and procedure under which law she can marry? 15 Marks

Q2. - (a) Elaborate on concept of void and voidable marriages regarding Hindus? What is the status of children born to persons whose marriages are void and what are rights of such a child? 10 Marks - (b) A boy and a girl want to marry each other. The boy is the girl's paternal aunt's son. Explain whether the marriage in this relationship would be valid as per the Hindu Marriage Act. 10 Marks - (c) A widower or a bachelor adopts a child. He later marries. What would be the status of the wife viz a viz the child? Give reasons for your answer. 10 Marks - (d) Sunaina and Kartik got married as per the norms of Hindu law. When they were not blessed with a child for more than 3 years they consulted a Doctor. After examining both of them, the doctor disclosed that Medical issues are with Sunaina. She started taking the necessary treatment for infertility but could not conceive. She insisted that Kartik should divorce her and marry another woman and get a progeny for himself. Frustrated, Kartik adopted a baby boy without consulting his wife. Can the child be considered the adopted child of Sunaina and Kartik under the Hindu Adoption and Maintenance Act, 1956. Explain the conditions for a valid adoption under the Hindu Adoption and Maintenance Act, 1956. 10 Marks

Q3. - (a) What are the grounds on which an order granting maintenance by a court be varied by it later? Explain. 10 Marks - (b) Can a child in the womb at the time of death of an intestate inherit the property of the intestate? If so, when does such inheritance vest in him? 5 Marks - (c) Explain the concept of adverse possession briefly with reference to case law. - (d) Explain the difference between applicability of Section 5 and Section 14 of Limitation Act 1963 to suits.

Q4. - (a) Can a property, in the absence of any evidence as to who created the wakf, be considered a wakf property? Explain. Also, discuss the circumstances wherein any sale, gift, lease, mortgage or transfer of waqf property shall be void ab initio under the Waqf Act 1995. - (b) Explain the legal position regarding talaq-e-biddat in Muslim Law. - (c) Elaborate on the concept of Judicial Separation and Divorce and also the difference between them.

**Q5. - (a) Write in detail the grounds for dissolution of a Muslim marriage and emphasise on the effect of conversation to another faith with regards to dissolution of Muslim marriage? - (b) Explain as to whether a document which narrates only the pre-existing title to a property, is compulsory registrable under the Registration Act? - (c) What is the effect of non-registration of a document which is required to be registered? - (d) Write Short Notes on - (i) Natural, De Facto and De Jure Guardian. (ii) Easementary Right.**

### **Criminal Law**

**Q1. - (a) Elaborate the powers of a Magistrate under S. 145 CrPC and the procedure prescribed. - (b) A police report forwarded to the Magistrate under S. 173(2) of the CrPC stated that a person Om Prakash has committed an offence. A protest petition was also filed referring to some statements recorded under S.161 CrPC whereby it was suggested that another person named Sanjiv is also involved in the crime. Magistrate took cognizance under S. 190 (1)(b) CrPC and issued process against both the persons. Sanjiv has challenged the order on the grounds that Magistrate should have followed the procedure under S. 200 CrPC before issuing process against him as he acted on the protest petition. Decide and give reasons. - (c) Write short notes on i) Victim and Criminal Justice System ii) Difference between statements recorded U/s 161 CrPC and recorded U/s 164 CrPC. iii) Parameters to be considered while granting anticipatory bail and regular bail. iv) Cancellation of bail.**

**Q2. - (a) What are the principles to be followed by a Court while exercising its powers under Section 427 CrPC. as regards concurrent running of sentences? - (b) Under what circumstances can change once framed be altered and at what stage? Explain with relevant case law - (c) What are circumstances under which prosecution can be withdrawn? Explain with relevant case law - (d) What is the law governing summoning of a person to face trial as an additional accused?**

**Q3. - (a) Write short notes on: i) Difference between Dacoity and Robbery ii) Limitations on exercise of right of Private Defence? iii) Difference between 'Hurt' and 'Grievous hurt' iv) Difference between 'Common intention' and 'Common object' v) What are the ingredients of an offence Under Section 295-A IPC? - (b) Discuss admissibility of multiple dying declarations under the Evidence Act with reference to case law**

**Q4. - (a) What are the protection given to a public servant who is accused of committing an offence? - (b) Critically analyse the difference between 'Murder' and 'Culpable homicide' with the help of case law - (c) X while studying in undergraduate class became intimate with Y, while the latter was not much interested in the relationship and always informed X about her position. After they passed out from college, X met with Y who in the mean time had got engaged elsewhere and told her that she should not marry anyone else. This put Y in a very difficult position. She informed the same to her parents. Upon call by the parents of Y, X demanded a sum of Rs.2 lakh to be out of the scene for the marriage of Y. Even the family of X told him that if the said amount is not paid to their son, he can do anything. Y's father did not accept this and filed FIR with the police. Identify what type of crime is committed by X? Can it be said that the family of X is also guilty?**

**Q5. - (a) Distinguish between admissions and confessions and also explain when confessions made to a police officer become admissible in evidence - (b) Write short notes on i) Facts which need not be proved. ii) 'May presume' and 'shall presume'. iii) Accomplice's evidence. iv) Burden of proof - (c) What is the role reserved for the doctrine of res ipsa loquitur in criminal law?**