

## Jharkhand Judiciary - Mains 2015 (Backlog)

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

### Law Paper - I

**Q1. - (a) What is meant by attachment? Under What circumstances may a court order attachment before judgement ? [ 10 Marks] - (b) Distinguish Between any two of the following : [10 Marks] - (i) Non-joinder and mis-joinder of parties - (ii) Rejection of a plaint and dismissal of a suit - (iii) Reference and revision.**

**Q2. - (a) What questions are to be determined by a Court of Law before it orders execution of a decree? [10 Marks] - (b) Giving suitable illustrations discuss the inherent powers of the Court. Are there any limitations on such powers ? [10 Marks] ### Section B**

**Q3. - (a) What is the difference between summon Trial And warrant Trial? Can a summary trial be converted into a Warrant Trial ? Discuss with reasons in the light relevant provisions. [10 Marks] - (b) Write short notes on the following : [15 Marks] - (i) Joinder of charges - (ii) Compoundable offences - (iii) Anticipatory Bail.**

**Q4. - (a) Explain the appellate and revisional powers of the High Court in criminal Cases. [10 Marks] - (a) (i) Can a court alter a judgement after it has been delivered? If yes, how? [5 Marks] - (a) (ii) If a person having sufficient funds refuses to maintain his wife and parents, what remedy is provided to them under Cr.P.C. ? [5 Marks] ### Section C**

**Q5. - (a) With the help of case law, explain the circumstances under which a person can even cause death while exercising the right of private defence of property. [10 Marks] - (b) i) 'A' provokes a quarrel with 'B' and tries to hit him. 'A', afterwards runs for his safety but finding that he can not escape, turns round and hits 'B' who dies three days after. Has any offence been committed ? Give a reason. [5 Marks] - (b) ii) 'A' incites a dog to spring upon 'B' with the consent of 'B'. Has any offence been committed ? If so, what ? Discuss. [5 Marks]**

**Q6. - (a) "In all robbery, there is either theft or extortion" explain and distinguish between robbery and dacoity. [10 Marks] - (b) i) Distinguish between Rioting and Affray. [4 Marks] - (b) ii) 'A', a Hindu husband drags his minor wife forcibly to his house for not committing any offence but to keep her in the house. Discuss what offence, if any, has been committed ? [3 Marks] - (b) iii) A railway ticket booking clerk receives money in excess of the fixed amount but does not credit the excess amount to the railway administration. What offence has been committed ? Give reasons. [3 Marks] ### Section D**

**Q7. - (a) What Do You Understand By admission and confession? Distinguish Between the two and explain the value of extra-judicial admissions. [10 Marks] - (b) i) What are the facts which are judicially noticeable and the facts of which the court must take judicial notice ? [05 Marks] - (b) ii) What are the rules of evidence regarding legitimacy of a child. Decide the legitimacy in the following : 'A', a woman, and her paramour 'B' lived together without being married for a period of one year and thereafter they legally married on 5th September 2013. 'B' died on 10th October 2013. 'A' again married 'C' on 10 December 2013. After five days of this marriage i.e. on 15th December 2013, 'D' was born to 'A'. Whether 'D' is a legitimate child ? If so, whose legitimate son ? [05 Marks]**

Q8. - (a) i) What is patent and latent ambiguity ? In what cases oral evidence may and may not be given to explain or amend ambiguous documents? [5 Marks] - (a) ii) A' sells to B' by deed "My house in Calcutta". A' had no house in Calcutta but it appears that he has a house at Howrah of which B' had been in possession since the execution of the deed. Can these facts be shown to prove that his house at Howrah was meant to be sold? Discuss the principle. [05 Marks] - (b) i) "Relevancy and admissibility are not coextensive terms". Comment on this statement. [05 Marks] - (b) ii) Explain any two of the following : [05 Marks] - (I) Value of dying declaration - (II) 'Admissibility Of Secondary Evidence Of Documents III) Res Gestae. ### Section E

Q9. - (a) What are the various rules as to disability under sections 6, 7 and 8 of the Limitation Act ? [10 Marks] - (b) i) Extension of limitation period in case of appeals. [5 Marks] - (b) ii) Extension of limitation period in case of debts by paying some amount towards principal or interest. [5 Marks] - (b) iii) Extension of limitation period in case of suits on the ground of disability. [5 Marks]

Q10. - (a) "When a suit to recover the property is barred by limitations, the right to such property is extinguished". Comment in the light of provisions of the Act and case law.[10 Marks] - (b) i) "Where once time has begun to run, no subsequent disability to institute a suit stops it". Explain the maxim by giving suitable examples. [05 Marks] - (b) ii) A' takes a loan from a firm of which B', C' and D' are partners. 'B' and C' are insane and D' is minor. When can A' be sued ? [05 Marks]

## Law Paper - II

Q1. - (a) "Performance of conditions of a proposal is an acceptance of the proposal". Discuss. [15 Marks] - (b) . A's pet dog was missing and therefore A instructed his servant to trace the dog. Subsequently A offered a reward of Rs. 10,000 to anybody who found the dog. The servant found the dog but he was unaware of the offer made by A. Later the servant comes to know of the offer and claims the award. Is he entitled to it ? Decide. [ 05 Marks]

Q2. - (a) What do you mean by 'Agency by operation'? Can there be any agency relationship between husband and wife ? [15 Marks] - (b) A Was the Manager of a hotel where his wife B also worked as Dy. Manager. They were living together in the same hotel but did not have any separate establishment of their own. B purchased some clothes from Z on credit. Z demanded payment from A. Is A liable to pay ? Decide giving reasons. [ 5 Marks] ### Section B

Q3. - (a) "In a contract for the sale of goods, there is no implied condition or warranty to the quality of goods or their fitness for any particular purpose". Comment. [10 Marks] - (b) Explain the term unpaid seller'. Elaborate upon the rights of an unpaid seller. [10 Marks]

Q4. - (a) Nemo dat quod non Habet comment upon this maxim alongwith exceptions, if any. [15 Marks] - (a) 'A' was shopping in a self-service supermarket. He picked up a bottle of soft- drink from a shelf. The bottle exploded in his hand and as a result, hand was injured. He sued the manufacturers of the soft drink to recover damages for breach of condition arising from the sale of the bottle. Will 'A' succeed ? Discuss. [05 Marks] ### Section C

Q5. - (a) What do you understand by material alteration of a negotiable instrument? [10 Marks] - (b) What is meant by dishonour for non-acceptance and dishonour for non-payment ? State the cases when notice of dishonour is not necessary. [10 Marks]

Q6. - (a) What is a bill of exchange? How does it differ from a promissory note and a cheque ? [15 Marks] - (b) The holder of an instrument lost it. He did not give notice of loss to the Parties liable for it. He also did not give a public notice of the loss. A approached the drawer to obtain the duplicate but he refused to entertain A.What remedy is available to A ? [05 Marks] ### Section D

- Q7. - (a) Arbitration agreement is not discharged by death of party. [10 Marks] - (b) Administrative assistance and communication between conciliator and parties.[10 Marks]
- Q8. - (a) What are the grounds for setting aside an arbitral award?[10 Marks] - (b) Can an arbitrator pass an ex parte order? [10 Marks] ### Section E
- Q9. - (a) "Property can be transferred only between living persons". Elaborate. - (b) "A mere right to sue cannot be transferred". Explain.
- Q10. - (a) "He who takes benefit under the instrument must adopt the whole of it". Explain the statement in the light of section 35 of the Transfer of property Act. - (b) Distinguish between mortgage and charge.

### Law Paper - III

- Q1. - (a) Can we, after passing of the Hindu Marriage Act, 1955, still say that Hindu marriage is a sacrament ? Critically analyse the nature of Hindu marriage. [10 Marks] - (b) 'A's wife 'W' has deserted him for a long time and ignored all his attempts to resume cohabitation so much so that she never replied to even his single letter. Ultimately 'A' obtained a decree of judicial separation against her. Therefore, having no son, he adopted a son without further reference to 'W'. Discuss the validity of the adoption.[10 Marks]
- Q2. - (a) i) Discuss the 'Doctrine of Pious Obligation'. Is The liability of son personal in nature?[5 Marks] - (a) ii) Comment on the 'Presumption relating legitimacy. [5 Marks] - (b) i). Discuss the powers of a testamentary guardian to dispose of the property of a minor. [5 Marks] - (b) ii). 'A' male Hindu has two wives 'B' and 'O'. He adopts a son after consulting his senior wife 'B' but without consulting wife 'C' who is of sound mind. The second wife challenges the validity of the adoption. Decide. [5 Marks] ### Section B
- Q3. Which of the following marriages are Fasid, Batil or Sahih ? Give reasons for your answers- [20 marks, 5 Each] a) A marriage under Sunni School without witnesses b) A marriage with a woman undergoing iddat c) A marriage with the sister of step-mother d) A marriage with sister's foster-mother e) A muta marriage by a Shia man of Isha Ashari Sect who has already four living wives.
- Q4. - (a) What is the nature of the widow's right to the husband's property in case her dower remains unpaid ? Whether this right of retention is heritable and transferable ? Cite case law to support your answer. [10 Marks] - (b) i) In what cases Hiba can be revoked? [ 5 Marks] - (b) ii) 'A' executes a deed in favour of his wife whereby he grants certain immovable property to her in lieu of her Dower. Possession of the property is not delivered to the wife. Whether The transaction is valid ? Discuss. [ 5 Marks] ### Section C
- Q5. - (a) i) What do you mean by Standard Rent under Jharkhand Building (Lease, Rent and Eviction) Control Act, 2011 ? Who fixes it and how ? Explain the procedure. [ 5 Marks] - (a) ii) Enumerate the buildings which are exempted from the operation of Jharkhand Building (Lease, Rent and Eviction) Control Act, 2011.[ 5 Marks] - (b) Point out the cases and relevant provisions of law where right to recover immediate possession of building accrues.[10 Marks]
- Q6. - (a) Discuss the special procedure for disposal of cases for eviction on the ground of bonafide requirement. [10 Marks] - (b) i) If any party is aggrieved by the decision of the controller, what remedy is available to him ? [5 Marks] - (b) ii) Critically discuss the provisions of the Jharkhand Building (Lease, Rent and Eviction) Control Act, 2011 for appeal and revision. [5 Marks] ### Section D

Q7. - (a) i) 'A' had given his house on rent to B for one year. After expiry of the one year's period, 'B' neither vacated the house nor paid any rent and continuously remained in occupation. After six months, 'A' with his friends entered the house and got the house vacated by putting all the goods of 'B' out of the house. Discuss the remedies available to 'A and 'B'. [5 Marks] - (a) ii) If a person having possession of a particular article of movable property is not the owner of it, then to whom he should deliver the possession and in which cases ? Elaborate. [5 Marks] - (b) If a person, having no title or only an imperfect title, sells or lets certain immovable property, what rights shall be available to the purchaser or lessee ? Explain. [10 Marks]

Q8. - (a) Are there some contracts which cannot be specifically enforced under the Specific Relief Act, 1963 ? Discuss by giving suitable examples. [10 Marks] b) What do you understand about the Discretionary Jurisdiction of the court ? Whether discretionary is arbitrary ? Explain the cases where the court may properly exercise discretion not to decree specific performance. [10 Marks] ### Section E

Q9. - (a) What do you mean by 'Social Engineering Theory' ? Is such social engineering possible in India ? Explain. [10 Marks] - (b) Examine the legal status of the following: [10 Marks] - (i) Child in womb - (ii) Dead person - (iii) Mosque - (iv) Joint Hindu Family

Q10. - (a) Are rights and duties always co-relative ? Discuss. Explain the characteristics of a legal right. [10 Marks] - (b) . Write short notes on the following: [10 Marks] - (i) Law and morality - (ii) Subordinate legislation

#### Law Paper - IV

Q1. Write an essay on any one of the following topics : [15 Marks Each] a) India's Space Programme. b) Scope for Judicial Reforms in India. c) Media and the Judiciary. d) Swachh Bharat Mission.

**Q2. Write a precis with an appropriate title, of the following passage : [10 Marks]** Industrialization of a new sort is gripping the western world gradually but inexorably. It is the industrialization of the mind. The best brains throughout the European and the American lands are making a genuine and fruitful endeavour to make imagination a companion to the force of reason, leading to double edged advancement. On the one hand, it is forcing commonplace intelligence to think but only in scientific terms, however, for the more fertile intelligence, it is blending imagination with higher levels of scientific learning. The result is humankind leaping towards a synthesis of artistic capability and logical sense. Architectural marvels and technological wonders today are not merely contraptions cobbled together but memorable works of art. Aesthetic sensibility reigns supreme everywhere, some say, even in weapons of mass destruction. They aim at surgical precision of annihilation, separating the civilian from the military and the enemy from the friend. Still, mistakes are made in instances of what is called friendly fire -firing mistakenly at one's own fellow citizens. Read the following passage carefully and answer the questions below by choosing the correct option : [15 Marks]

Beginning in the 1990s, a particular kind of suburban expansion began to spread out from Delhi into the surrounding farmland, particularly in the south and west. These are, for the large part, individual developments, usually on substantial plots of land, and while for tax purposes many of the properties are called farms, they are anything but. This area has some of the city's largest and most luxurious homes, and these new constructions on open land have been an opportunity to experiment with new architectural ideas and modern interior design. The original impetus for building on farmland was the tax break on land classified as agricultural, and the first properties were usually second homes. Now, however, the very term 'farm' has status, and a growing number of properties are primary residences. Each of the houses, in its own way, is an example of spacious, open style of domestic architecture that is relatively new to the country. The 'colony' style of house that evolved during the 1960s followed a Western model in abandoning the courtyard and a conventional arrangement of rooms. These 'farms', on the other hand, make use of the much greater available land area, and they do it both through interior spaces that are large and free flowing, and by creating a more interesting interpenetration of the house and garden. The space available on these former farmland plots, together with the lack of any necessity to complement and fit in with neighbouring properties, make this area a fertile experimental ground for new architects and designers.