

Telangana Judiciary - Mains 2021

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

Paper-I (Civil Laws)

Q1. (a) What are the principles governing impleadment of parties under Order 1 Rule 10 of the Code of Civil Procedure in a civil suit? (5 marks) (b) What are the principles to be applied for awarding damages for breach of a contract? (5 marks)

Q2. (a) Briefly explain the doctrine of Part performance enshrined in Section 53-A of the Transfer of Property Act, 1882? (7 marks) (b) Under what circumstances can a summary suit be filed under Section 6 of the Specific Relief Act, 1963? (3 marks)

Q3. (a) What are the essential conditions for granting interim injunction orders in a suit? Briefly explain. (5 marks) (b) Explain briefly "Attachment before Judgment"? Under what circumstances can the court pass an order for "Attachment before Judgment"? Explain briefly. (5 marks)

Q4. (a) Explain: What is a "Void Marriage", "Voidable Marriage", "Judicial Separation", "Divorce" and "Restitution of Conjugal Rights" under the provisions of Hindu Law? (5 marks) (b) What is "Burden of proof"? On whom does the initial burden of proof fall in a suit? Under what circumstances will the burden of proof shift to the other side? Explain in detail. (5 marks)

Q5. (a) "A" borrows Rs. 10,000/- from "B" and executes a promissory note evidencing that he has borrowed the said sum, with a promise that he will repay the amount within a period of 1 year. The period of 1 year expired on 01/01/2015. "A" did not pay the stipulated amount within 1 year as promised. When "B" was persistently following up with "A" to repay the borrowed amount, then "A" paid an amount of Rs. 1000/- on 01/01/2017 and made an endorsement to that effect in the promissory note. Thereafter he does not pay the amount and tells "B" that he will not repay the balance amount. What are the legal options available to "B" to recover the balance amount due from "A"? What is the period of limitation for filing a suit for recovery of the said amount? When does the period of limitation run in this particular case? Advise "B" by giving reasons for your answer. (5 marks) Legal Options and Limitation Period for Recovery of Debt under the Indian Limitation Act, 1963 (b) What are the different types of Evidence? Hearsay Evidence is not admissible - what are the six important exceptions to the said rule? (5 marks) 'A' filed a suit against the Government for perpetual injunction in the year 1990. The suit was decreed restraining the Government from interfering with the peaceful possession and enjoyment of 'A' without due process of law. An eviction order was passed under the provisions of the Land Encroachment Act against 'A' for his eviction from the disputed site. 'A' contended that summary proceedings under the Land Encroachment Act could not have been taken by the Government as the civil suit for injunction had been decreed in his favour. 'A' further contended that due process of law would mean evicting him only by instituting a civil suit for recovery of possession. Frame the issues and write a judgment, in brief, on the above subject. (10 marks)

Q6. (a) Under what circumstances would a unilateral cancellation of a contract be valid? Give illustrations. (2 ½ marks) (b) Can a contract of sale coupled with interest be cancelled after the demise of the Principal? (2 ½ marks) (c) Under what circumstances can a contract be held to be void, as being contrary to public policy? Give illustrations. (2 ½ marks) (d) Due to COVID-19 lockdown many business establishments have not done any business and suffered huge losses. One such business establishment - "PROTEC INDUSTRIES PVT. LTD.", which was running a corporate office in a building taken on lease, refused to pay rent to the landlord citing the reason that the company is not liable to pay rent during the lock down period by invoking force majeure clause in the lease deed. Explain whether force majeure clause would apply to the said business establishment/lessee during the COVID-19 lockdown period and what would be the options available to it. (2 ½ marks)

Q7. (a) Under what circumstances will the right of easement be extinguished? (5 marks) (b) Can a document, which is compulsorily registerable, be admitted in evidence? If yes, for what limited purpose? (5 marks)

Q8. 'A' started constructing a house by taking permission from the GHMC. The permission was granted for Ground + 2 upper floors. 'A' constructed Ground + 3 floors. Thereby 'A' constructed an unauthorized third floor. Without issuing any notice under the provisions of the GHMC Act, GHMC demolished the third floor. 'A' instituted a suit for damages against GHMC for the loss caused to him on account of demolition of the third floor and for not following the provisions of the GHMC Act. a) Is the suit for damages maintainable? b) On what count can the GHMC be made responsible for damages. c) Even if, admittedly, the third floor is an unauthorised construction, can 'A' maintain a suit for damages on the plea of non-compliance of the provisions of the GHMC Act? d) What relief can be granted by the Court in such a dispute? (10 marks)

Q9. (a) What are conditions precedent for instituting a summary suit under Order 37 of the Code of Civil Procedure? (2 ½ marks) (b) Is the Court required to conduct a preliminary enquiry by recording evidence while entertaining an application for leave to defend filed by the defendant under Order 37 of the Code of Civil Procedure? (2 ½ marks) (c) Who is an Advocate Commissioner? Under what circumstances can the Court appoint an Advocate Commissioner? (2 ½ marks) (d) What is a Caveat? Under what provision of law is it filed? What is the effect of filing a caveat? (2 ½ marks)

Paper-II (Criminal Laws)

Q1. (a) Whether a complaint for an offence under Section 138 of the Negotiable Instruments Act can be filed through Power of Attorney? If so, under what circumstances? Explain with relevant provisions. (2 ½ marks) (b) Whether an offence under Section 138 of the Negotiable Instruments Act, 1881 be committed by a Company? If so, who is liable to be proceeded against and punished accordingly? Is there any exception to any class of persons? (2 ½ marks) (c) 'A' filed a complaint under Section 200 of the Criminal Procedure Code for the offence under Section 138 of the Negotiable Instruments Act, 1881 against 'B' and his wife contending that both of them approached him for hand loan for which he has accepted and extended the said loan to them. 'B' issued a cheque signed by him alone. Wife of 'B' takes defence that she is not a signatory to the said cheque and therefore the said complaint is not maintainable against her - Decide. (5 marks)

Q2. (a) Narrate the offences against public tranquility. (5 marks) (b) When does the right of private defence of the body extend to causing death? State when such a right extends to causing any harm, other than death. (5 marks)

- Q3. (a) Write a short note with regard to Police Custody of an accused. (3 marks) (b) Narrate the circumstances in which F.I.R is issued. What procedure Magistrate has to follow on receipt of the same? (3 marks) (c) State the procedure, followed by a Magistrate to record the confessional statement of the accused. (4 marks)**
- Q4. (a) Dying declaration is an exception to hearsay evidence - Discuss its admissibility. (5 marks) (b) Whether Section 27 is an exception to Sections 25 and 26 of the Indian Evidence Act. State the conditions necessary for applicability of Section 27, with reference to case laws. (5 marks)**
- Q5. (a) When can a person be arrested by a police officer and what are the rights of an arrested person? (5 marks) (b) An accused on bail did not cooperate with trial court in concluding the trial and absconded. Explain the steps to be taken by the trial court to ensure the presence of the accused in concluding the trial. Support your answer with relevant provisions of law. (5 marks)**
- Q6. Distinguish between: (a) 'Rioting' and 'Affray' (b) Criminal misappropriation and Criminal breach of trust (c) Culpable homicide and murder (d) Wrongful restraint and wrongful confinement (2 ½ marks each)**
- Q7. (a) 'A', a juvenile committed an offence along with 'B' who is not a juvenile. 'B' filed a petition seeking joint trial. Is it permissible under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015? Elaborate your answer with specific reference to Section 23 of the said Act. (5 marks) (b) 'X' is a child of 'Y' who is an employee of 'Z'. 'Y' is staying with his family including 'X' in the free accommodation provided by 'Z'. Can 'Z' use 'X' for peddling? Discuss with specific reference to the Juvenile Justice (Care and Protection of Children) Act, 2015. (5 marks)**
- Q8. (a) When can bail be granted in case of a non-bailable offence? Can bail be granted subject to conditions? (3 marks) (b) Under what circumstances can a Magistrate demand security for good behaviour? (2 marks) (c) For every distinct offence, there shall be a separate charge and every such charge shall be tried separately. Explain the above statement. (5 marks)**
- Q9. Write exhaustive but brief notes on any Two of the following: a) Privileged communications. b) Sexual harassment at workplace. c) Expert opinion (5 marks each)**
- Q10. (a) Define 'Domestic Violence' as stipulated under Section 3 of the Protection of Women from Domestic Violence Act, 2005. (5 marks) (b) Point out differences between trial procedure provided for warrant cases instituted on police report and that provided for cases instituted otherwise than on police report. Explain reasons for providing different procedures. (5 marks)**

Paper-III (English - Translation, Essay Writing, and Grammar Vocabulary)

- Q1. English Translation - 30 marks - Two questions (15 marks each).**

Q2. Child marriage denies girls their rights, often forcing them to drop out of school, exposing them to violence (sexual, physical, and emotional) and driving them into experiences that their young minds and bodies are not ready for, like motherhood. Of course, boys are married too, but child marriage is an issue that disproportionately affects girls. In the world's poorest countries, millions of children are engaged in hazardous and exploitative child labour that is considered detrimental to their health and development. An estimated 263 million children and youth around the world are currently out of school, including an estimated 130 million girls, with the highest proportion aged between 15 and 17. Every child has the right to an education, and learning is crucial for development. It's also one of the most powerful tools in breaking the cycle of poverty and ensuring children are empowered to reach their full potential. Many girls face a unique set of barriers that prevent them from achieving an education, including long distances to school, lack of safe washrooms, local gender norms, and early pregnancy. Today, it is estimated that tens of thousands of children - some as young as 8 years old - are involved in at least 15 armed conflicts around the world. These children are forced to endure the horrors of warfare - a reality which not only robs them of their childhoods but also has detrimental effects on their mental and emotional development. Every child has the right to be protected from war. Many people lack safe drinking water and safe sanitation such as toilets at home. Without these basics, the lives of millions of children are at risk. For children under 5, water- and sanitation-related diseases is one of the leading causes of death. In fact, every day, over 800 children die from preventable diseases caused by poor water, and a lack of sanitation and hygiene.

Q3. The ideologies, practices, and traditions related throughout ages are now being looked into by people and the crimes, inhumanity, and brutality related to it are being slowly revealed to the world. These are awarded with the status of superstitions and considered to be a huge social menace in India. Superstitions have become a part of every individual's life if not a criminal act, even the belief of using a particular pen for success in exams or wearing a ring that is considered to be lucky is also a superstition. Superstitions are not country, religion, culture, community, region, caste, or class-specific, it is widespread and found in every corner of the world. Although all superstitions are not harmful or fatal, the superstitions that violate the fundamental rights of humans and animals cannot be ignored. Years of ignorance have placed India in such a position that change of mentality and introduction of new laws are considered to be the last resort. Experts and behavioural scientists believe that at times of uncertainty, apprehension or emergency, with no more ways around, humans chose to incline towards supernatural beliefs and practices. When all ways are closed and resources worn out, emotions too could lead people towards superstitious practices. With people getting accustomed to the internet and social media, the spread of advertisements on magic healers are often seen doing rounds. This is where emotions are used to commit fraud and cheat people. People often think it is the easy way out to achieve what they want. Human sacrifices, cheating, exploitation, fraud and abuses are still glorified in several parts of India. Time and again India has felt the requirement for anti-superstitious laws. The pre-existing laws, for instance, the Indian Penal Code is not well equipped to take account of all crimes committed as a matter of superstitious practices. Even though the constitution gives us the right to believe in things and practices which do not have any scientific backing, it is high time that new legislations are required to oppose inhumanity, brutality, fraud and human sacrifices made in the name of religion.