

11th Limited Competitive Examination for promotion to the cadre of District Judge (Entry Level) against 10% quota

Date of Examination : 10th October, 2020 (Saturday)

Paper : Theory

Total Marks : 100

Pass Marks : 40

Time : 3 hours

Answer all the ten questions. Each question carries 10 marks.

1. Write short notes on –

- (a) Judicial Immunity
- (b) Doctrine of necessity
- (c) Good faith
- (d) Grave and sudden provocation.

2. Explain general rules of succession in the case of female Hindus. In what order and manner the property of a female Hindu shall be distributed among the heirs.

3. (a) Nine Akali Sikhs sue for removal of the mahant of a religious institution. The suit is dismissed on the ground that the institution is a Hindu Dera and not a Sikh Gurudwara. Subsequently and after the passing of the Sikh Gurudwara Act, 1925, sixty-four Sikhs sue for a declaration that the institution is a Sikh Gurudwara. Is the suit barred by *res judicata* ?

(b) A alleging that he is the adopted son of X sues B to recover certain property granted to him by X under a deed and forming part of the estate of X, the Court finds that A is not the adopted son of X, but that he is entitled to the property under the deed and a decree is passed in favour of A. Will the finding that A is not the adopted son of X operate as *res judicata* in a subsequent suit between A and B in which the question of adoption is again put in issue?

4. (a) Two Muslims A and B were married on 18-6-85. It is agreed by the parties that if A took a second wife, B will have a right to pronounce divorce to herself. A took a second wife on 10-4-87. B pronounced divorce on 20-4-87. Is it a valid divorce?

- (b) A Mohammedan husband becomes a convert to Christianity. The wife then marries another man before expiration of the period of *Iddat*. State if she is guilty of bigamy under section 498 IPC.
- (c) *T*, a Muslim wife, seeks dissolution of her marriage with *P* on the ground that *P* neglected to maintain her for a period of 3 years. *T* had in fact, voluntarily left when *P* took a second wife. Decide.
5. (a) Describe the law and procedure for maintenance of wife, children and parents in Cr.P.C.

Under what circumstances and by whom maintenance may be claimed under the provisions of Cr.P.C.?

- (b) *A* and *B* were married at Calcutta. They last resided together at Delhi. *A* came on transfer to Jaipur leaving *B* with her brother at Delhi. He neglected and refused to maintain *B*. At what place application for maintenance under Sec. 125, Cr.P.C. can be filed?
6. "The foundation of the doctrine of election is that one may not approbate and reprobate at the same time." Comment.

A Hindu widow dies making a Will in respect of property which she inherited from her husband. She bequeathed Rs.2,000 as a legacy to the plaintiff, and the immovable property to the defendant's father. The plaintiff and the defendant's father were the heirs of her husband. The plaintiff sued for the legacy under the Will and for half of the immovable property as heir. Will the plaintiff succeed? Answer with reasons.

7. Whether provisions of Section 50 of Narcotic Drugs and Psychotropic Substances Act are attracted in case of search of any premises etc.
8. *B*, the wife of *A*, a public servant, receives a diamond necklace from *X*, for soliciting *A* to provide some Government land at a cheaper rate (than the rate fixed) for establishing a hotel near airport. *A* agrees and allots the said land to *X*.

Fix the liability of *A* in this case, under provisions of the Prevention of Corruption Act, 1988. Also state the liability of *B*, if any. Give reasons for your Answer.

9. A, an extremely backward class girl and B, a Scheduled Caste boy were class fellows. They fell in love with each other and ultimately married in 2001. They were living in a village where B had some agricultural property in addition to his job as a teacher in Government School. In the absence of B, A used to take care of agricultural land. One day she had some altercation with X, an adjacent landowner, who abused her with derogatory words relating to caste in which she has married. On the complaint of A, can X be prosecuted for the offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Justify your answer.
10. (a) 'A' lodges FIR alleging that in morning, he had hacked his aunt with an axe and the dead body was lying in the house. The dead body and blood-stained axe were recovered therefrom by the police. 'A' is prosecuted for murder. There is no eye-witness or any other evidence against him. Prosecution seeks 'A's conviction for murder on the basis of his version contained in the FIR. Decide.
- (b) Whether extra-judicial confession made before a home guard on duty is admissible in evidence?