

District Judge (Entry Level) Competitive Mains Examination, 2013

Theory Paper-I

14.09.2013.

Maximum Time-3 Hours. Maximum Marks-75. Minimum Pass Marks-30.

In all 15 questions out of total 20 questions in all Parts together have to be answered as indicated in each part. Each question is of 5 marks.

Part-A (Indian Contract Act, 1872)

Answer any 3 questions out of 4 questions in this part.

1. 'A' sent an SMS to 'B' whose bitch has given birth to several puppies- "will you sell me one pup". 'B' replied the SMS minimum price is Rs.5000. 'A' sent another SMS to 'B'-"I agree to buy one pup for Rs.5000 but send me the pedigrees certificate first". 'B' did not respond. 'A' came to know that 'B' sold all the puppies at a higher price. 'A' intends to sue 'B' for breach of contract. Advise as to the rights and liabilities.
2. 'A' agreed to sell his car for Rs.2 lakhs to 'B' provided 'B' paid in cash within one week. Two days later 'A' got a better offer of Rs.3 lakhs from another person who was ready to pay in cash immediately. 'A' sold the car for Rs.3 lakhs immediately. Two days thereafter 'B' reached with Rs.2 lakhs cash and demanded the car. 'A' stated that the car was no more available as it had been sold. 'B' intends to sue 'A' for breach of agreement. Advise 'B'.
3. 'A' professional singer took advance of Rs.50,000 to sing at a Christmas eve party. A day prior to Christmas because of extreme cold weather 'A' caught a bad cold and had soar throat because of which she could not sing on the Christmas eve. She is sued for the refund of the advance as also for damages for failure to perform the contract. Decide with reasons.
4. 'A' accepts the proposal for sale of a mobile phone by 'B' by sending an SMS. 'B' being out of coverage area does not receive the SMS. Is 'A' still bound to sell the mobile to 'B'. Will it make any difference if 'A' had rung up 'B' to communicate the acceptance but the connection dropped? Discuss the consequences of communication of acceptance.

Part-B (Sales of Goods Act)

Answer any 3 questions out of 4 questions in this part.

5. Patna Municipal Corporation issues a tender for supply of fogging machine to combat mosquitoes. 'A' tenders a machine for a fixed price, but after seeing the machine, on negotiation price is reduced with a promise to pay within three

months of delivery. After receipt of the machine Patna Municipal Corporation uses the same for six months without paying and then when 'A' sues for payment, they repudiate the contract saying that the machine did not perform as per their expectations. Decide with reasons if 'A' can succeed in recovering the price.

6. What is the difference between sale on hypothecation and sale on hire purchase? What is the difference between the transfer of property in the goods in the two above cases? Decide.
 7. 'A' sells iron-sheets to 'B' with a clear stipulation that the property in the goods shall remain with 'A' till full price thereof is paid. 'B' without making payment sells it to 'C'. Can 'A' claim payment or return of goods from 'C'? Decide.
 8. (A) 'A' share broker sold 'B' shares of a company. He handed to 'B' the share certificate with share transfer deeds signed by the registered holder without any endorsement of the buyer's name, in consideration whereof the buyer paid by cheque which was dishonoured. The buyer in the meantime sold and delivered the shares along with the share transfer deeds to 'C'. The original seller having not received payment sued 'B' & 'C' claiming the return of the share certificates and transfer deeds and damages. To what relief the original seller is entitled in view of the provisions of the Sales of Goods Act.
- (B) 'A' intending to purchase a car for Rs.5 lakhs upon satisfaction of trial for four days. The car was delivered for purchase on satisfaction of trial. On the second day, the car was stolen. Decide whether the intending buyer can be sued for the price of the car with reference to Sales of Goods Act.

Part-C (Specific Relief Act, 1963)

Answer any 3 questions out of 4 questions in this part.

9. 'A' being a tenant of a house is evicted by 'B' with the help of police claiming to be purchaser of the house and 'A' to be a trespasser. 'A' approaches the Collector of the District who does not help. Then, he approaches the Superintendent of police who does not help. He spends more than a year before these two authorities. He then files a suit in a Civil Court, having jurisdiction, praying for restoration of possession. What is he required to establish to get relief? Would it make any difference if he had instituted the suit immediately on being dispossessed instead of moving the Collector and the Superintendent of Police? Discuss and explain.
10. 'A' files a suit against 'B' for declaring his title in respect of certain properties and claims no further relief. In the written statement, 'B' claims that he has been put in possession of the said property by 'C' who is the owner of the

property and 'B' claims to be tenant in the property of 'C'. 'A' adds 'C' as a defendant by amendment to the plaint and claims declaratory relief against 'C' as well. Is the suit as now framed maintainable? Discuss with reasons and statutory provisions.

11. Two months before the date of travelling, 'A' purchases Airline of Air India tickets for a group of 10 persons for travel from Patna to Delhi. One month before departure, Airline informs him that the flight is cancelled. 'A' sues for specific performance of contract and seeks direction from the Court to the Airline to arrange for a flight in accordance with the tickets issued by the Airline and purchased by 'A'. Will 'A' succeed on basis of a valid enforceable contract? Discuss with reference to statutory provisions.
12. In an execution proceeding pending before the District Judge, certain immovable properties having been ordered to be sold. A third party preferred an objection, which was disallowed. He thereupon brought a suit in the Sub-Judge's Court for declaration of his right to property and also applied for injunction to stay the sale of that property. The Sub-Judge granted temporary injunction. This was brought to the notice of the District Judge. The decree-holder prayed with reference to Section-41 (b) of the Specific Relief Act that Sub-Judge incompetently granted the injunction. The plaintiff before the Sub-Judge appeared before the District Judge and prayed that the District Judge should honour the temporary injunction granted by the Sub-Judge. The District Judge in accordance with the temporary injunction granted by the Sub-Judge postpones the same. Is he correct? Discuss with reference to the statutory provisions.

Part-D (Negotiable Instruments Act, 1881)

Answer any 3 questions out of 4 questions in this part.

13. Cheques issued are usually crossed generally or specially in different manners being "account payee", "& Co" and "not negotiable". What are the differences in such crossings and endorsements? Discuss.
14. 'A' receives a post-dated cheque from 'B' with an assurance that it would be duly honoured. On presentation, after one month of due date, it is dishonoured for lack of funds. 'A' within a week sends registered notice demanding payment from 'B'. 'B' does not respond. 'A' begs for another month and then redeposits the cheques, which is again dishonoured as account has been closed. 'A' sends a registered notice demanding payment. There being no response from 'B' within 15 days he files an application in terms of Section-138 of the Negotiable

Instruments Act. Can the Magistrate proceed in the matter decide with reasons?

15. A cheque is drawn by 'A' in favour of 'B' and crossed account payee. The cheque is drawn on State Bank of India, Bailey Road, Patna. A person turns up before the Manager of State Bank of India, Bailey Road and states he is 'B' and is in urgent need of money and cannot wait for the cheque to be encashed through account and requests for cash payment. The Manager pays cash to the said person purporting to be 'B'. 'B' complains that the cheque was lost in transit and demands payment from the Manager, State Bank of India, Bailey Road, Patna in his account. Decide the rights and liability of 'A', 'B', the Manager and the Bank.
16. 'A' issues a blank post-dated cheque duly signed to 'B'. After the due date, 'B' fills up the cheque for Rs.50,000.00 and deposits the same. It is dishonoured. 'B' in his complaint admits that it was a blank post-dated cheque he has received. Can 'A' take the defence that the cheque being post-dated and blank, as admitted by 'B', was not intended for payment of any amount and was thus invalid when issues, he can thus be not liable under it for the payment? Decide.

Part-E (Limitation Act, 1963)

Answer any 3 questions out of 4 questions in this part.

17. 'A' lent Rs.1 lakh to 'B' with a promise from 'B' that he would repay the money by 25.12.2005. 'B' defaults. 'A' sends a notice to 'B' to repay the reminding him of his default and his commitment. 'B' telephones 'A' on receipt of notice and requests for one year's time up to 25.12.2006. 'B' again defaults. 'A' waits and then ultimately files a money suit on 1st of December, 2009 claiming the same from 'B'. 'B' in his written statement takes objection that the suit is barred by limitation. 'A' files an application stating that in view of acknowledgment and promise to pay as made on telephone by 'B', the suit is not barred by limitation and in case the Court opines otherwise the delay in filing the suit may be condoned under Section-5 of the Limitation Act as 'A' was under wrong impression with regard to limitation. Decide.
18. What is the difference between the Doctrines of Limitation, Prescription, Laches and Acquiescence? Explain.
19. As per the contract between 'A' & 'B', 'A' was to receive Rs.50,000.00 from 'B' by 01.07.2005. 'B' defaulted. 'A' filed a suit on 02.01.2009 alleging that 'B' having defaulted as per contractual date in making the payment. He was reminded on several occasions and lastly by phone on 01.12.2007 wherein

allegedly 'B' agreed to pay the amount by the end of the year 2007. 'B' filed a written statement taking objection that the Money Suit was barred by limitation as it was beyond three years from the contractual due date. 'A' states that suit is within time from 01.12.2007 in view of the facts as alleged in the plaint. By way of abundant caution 'A' files an application for condonation of delay under Section-5 of the Limitation Act. Decide.

20. 'A' had advanced a loan of Rs.3 lakhs to 'B' by cheque dated 27.08.1999. The loan was to bear interest of 12% per annum. 'B' paid due interest up to 27.02.2000. For the period 28.02.2000 to 31.03.2001 'B' paid by cheque dated 16.04.2002 the interest due. The cheque was dishonoured for want of fund. 'A' instituted a suit on 04.04.2005. 'B' raises objection that the suit is barred by limitation. Decide.

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District Judge (Entry Level) Competitive Mains Examination, 2013

Theory Paper-2

14.09.2013

Maximum Time-2 hours. Maximum Marks-50. Pass Marks-20.

In all 10 questions out of total 14 questions in all parts together have to be answered as indicated in each part. Each question is of 5 marks.

Part-A (The Code of Criminal Procedure, 1973)

Answer any 3 questions out of 4 questions in this part.

1. What are provisions for set off and remission or commutation of sentence under Cr.P.C.? A person is charged of murder. He is convicted under Section-302 of the Indian Penal Code and sentenced to life imprisonment on 01.04.1995. He spent five years as under trail prisoner. State Government's policy on the date of conviction was that a life convict, who has suffered physical imprisonment for fourteen years and with remission twenty years, will be released. In the year 2000, State modified the policy of remission removing the stipulation of twenty years. When will the said life convict be released? Give reasons and the case law.
2. A lady files a petition in terms of Section-125 Cr.P.C. claiming maintenance from her husband before the Principal Judge, Family Court. The Court awards her monthly maintenance of Rs.5,000.00. Husband does not pay claiming inability to pay as the maintenance is excessive and he is out of employment. What is the remedy to the wife and what is the jurisdiction and procedure in regard to enforcement and recovery of maintenance?
3. 'A' files a complaint accusing 'B' of defaming 'A's wife with false imputation of unchastity. While the complaint is pending, 'A' & 'B' compromise the matter and they file application under Section-320 (2) Cr.P.C. to compound the offence under Section-500 of the Indian Penal Code. Decide.
4. Two persons were tried for a gruesome series of murders. The Trial Court acquitted one and awarded life sentence to the other. State and informant are aggrieved by the acquittal of one and inadequacy of sentence to the other. What are the remedies available to the State and the informant whose parents, brother and sister were killed in relation to both the matters. Discuss.

Part-B (The Indian Evidence Act, 1872)

Answer any 3 questions out of 4 questions in this part.

5. In course of police investigation, an accused states before the Investigating Officer that "the knife by which I have killed has been hidden by me which I can show". On this information, police recovers the knife with blood stains. State with reasons whether the whole of the statement made by the accused or which part thereof is admissible in evidence.
6. A person is charge under Section-304 B of the Indian Penal Code. His wife died of extensive third degree burns in their matrimonial house seven years after her marriage. Prosecution alleges that she was killed by her husband. Prosecution establishes demand of dowry. Husband alleges she died of accidental burns while cooking. As a Sessions Court how you would conduct the proceeding and what will be the conviction and punishment, if any? Can Section-106 of the Evidence Act be invoked in any manner?
7. 'B' was prosecuted for murder of 'A'. The widow of 'A' deposed against 'B' that two days before the murder 'A' had showed her a letter written by 'B's wife that 'A' should go to Behrampur to collect the money. She further deposed that 'A' had also told that the next day, he would proceed to Behrampur. Is the evidence of 'A's widows admissible? Answer with reasons.
8. (i) The village priest tells the man accused of murder that if he does not tell the truth he will go to hell and his family will suffer. The accused confesses. Is the confession relevant?
(ii) A person came to a Doctor for treatment of injuries. Doctor asked him about it and he confessed that he had a fight with another to whom he killed and he had received injuries in course of the fight. Would the conversation and confession of a patient before the Doctor be admissible in evidence?

Part-C (The Prevention of Corruption Act)

Answer any 2 questions out of 3 questions in this part.

9. A Panchayat Secretary is an accused in a case instituted under Section-13 of the Prevention of Corruption Act read with Section-120 B, 409, 468 of the Indian Penal Code. While the case is under investigation, he superannuates. A charge-sheet under the said sections is then filed. A plea is raised by the accused with regard to permissibility of taking cognizance of offences as aforesaid. Decide.
10. An Executive Engineer of CPWD is deputed by the Central Government to the Building Construction Department, Government of Bihar where he is caught receiving illegal gratification and a case under Prevention of Corruption Act is

instituted. At the time when the charge-sheet is filed, he has been reverted back to the parent Department CPWD. Who would be the authority to sanction his prosecution decide?

11. In the State, Government doctors are prohibited from indulging in private practice. A Government doctor is caught charging fee of Rs.100 after examining a patient in his private clinic. A case is registered under Prevention of Corruption Act in respect of money unauthorisedly received by him. Whether he can be prosecuted under the said Act. Decide.

Part-D [The SC & ST (Prevention of Atrocities) Act, 1989]

Answer any 2 questions out of 3 questions in this part.

12. A municipal gutter is choked with filth. A person is standing there with a broom and a garbage cart. There are other people around. One of them seeing the overflowing gutter calls out "You 'Bhungi' why do not you clean the gutter". The sweeper goes to lodge an F.I.R. under the SC & ST Act. Has the person committed any offence under the said Act? Decide.
13. 'A' & 'B' are neighbours. 'A' seeing 'B' making a drain between their houses threatens him with dire consequences if he does not stop. 'B' rushes into his house. 'A' charges in the house of 'B' shouting "I will teach you Chamar a lesson". Can 'A' be charged under the SC & ST Act, if so, how and why decide?
14. A Pandit in a temple refuses to give Aarti to a person unless he gives offering of Rs.5. The person shouts "Why are you behaving like a Dome". Pandit seeks your advice whether he can lodge an F.I.R. with the SC & ST Police Station for an offence under the provisions of SC & ST Act. What would be your advice?

District Judge (Entry Level) Competitive Mains Examination, 2013

Theory Paper-3

15.09.2013

Maximum Time-3 hours. Maximum Marks-75. Pass Marks-30.

In all 15 questions out of total 19 questions in all parts together have to be answered as indicated in each part. Each question is of 5 marks.

Part-A (The Constitution of India)

Answer any 4 questions out of 5 questions in this part.

1. The Bihar State Excise and Prohibition Department, on payment of fixed licence fee and with fixed number of dry days licensed liquor shop for a year. On public demand, several days were additionally declared as dry days. A licensee wants to challenge the same on the ground that it is unreasonable restrictions on his business and is arbitrary. Advice with case law.
2. State announces policy of settling sand collection and selling rights to be settled by public auction. In auction, the highest bidder was selected. Later, another person came and offered 1½ times the settlement amount. The Collector settles with him saying that it is purely a contractual matter and State has a right to get the maximum price. The bidder intends to file a writ petition. Advice.
3. Finding it to be a lucrative business the State Government decides to go into the business of liquor manufacturing and selling. Established manufacturers challenge that the State Legislature has passed no law authorising State to indulge in liquor business and, as such, High Court must restrain the State. State takes a stand that no legislation is required. Decide with reference to case law.
4. Indian Railways starts an express cargo train non-stop between Delhi and Kolkata passing through Bihar. Government of Bihar issues an order directing that it must stop at Patna to receive and deliver goods and permitting it to inspect goods in transit. Discuss the validity of State Government actions on both counts.
5. What led to first constitutional amendment and what were the significant amendments made to the Constitution by it.

Part-B (The Code of Civil Procedure)

Answer any 4 questions out of 5 questions in this part.

6. Under Municipal laws of the State no decision of Municipal Authorities can be questioned in a Civil Court and they are final. Municipal Authorities direct a person to demolish a part of house, which they alleged is an encroachment on Municipal road. He moves Civil Court for injunction restraining the Municipal Authorities. Can Civil Court grant injunction, if so, on what grounds and why?
7. 'A' files a suit for partition against his two brothers 'B' & 'C'. 'A', who was unmarried, dies during pendency of the suit. 'B' pleads that the suit abates. Can 'C' file an application for being transposed as plaintiff and seek partition? Decide the competing contentions.
8. 'A' files a suit for declaring his title and recovery of possession in respect of certain properties against 'B'. The suit is decreed in full. 'A' puts the decree in execution when 'C' objects saying that he is in possession and the decree cannot be executed in respect of the recovery of possession in respect of property. 'A' pleads that the executing Court cannot go behind the decree. 'B' pleads that the decree of recovery of possession is nullity as against him. What are the provisions of Civil Procedure Code which are relevant for the decision of the Court and who should succeed?
9. 'A' files a suit for recovery of money from 'B'. 'B' in course of evidence consistent with his written statement seeks to establish that money was in fact given to 'B' & 'C' jointly. By then five years have gone by. 'A' seeks to amend the plaint adding 'C' as a defendant claiming money from him as well. Can 'A' be permitted to do so, if not, for what reasons?
10. 'A' files a suit for declaration of his title and recovery of possession of a house against 'B' and makes 'C' being 'B's son, who is exclusively residing therein as a defendant as well. 'B' dies and is not substituted by his wife who also survives him. 'C' pleads that for non-substitution the suit abates. 'A' claims that as 'B's son being 'C' is a defendant from before, the suit will not abate upon non substitution. Decide giving reasons.

Part-C (The Indian Partnership Act)

Answer any 3 questions out of 4 questions in this part.

11. 'A', 'B' & 'C' joined in a business venture with a clear stipulation amongst themselves that 'A' would lend his name but would neither give his labour nor money nor would he receive any profits from the venture. The firm and all three

partners are sued jointly and severably for recovery of certain money by 'D'. 'A' pleads non-liability, in view of the special agreement between 'A', 'B' & 'C'. Can he be made liable to 'D' as a partner in the firm? Discuss.

12. 'A', 'B' & 'C' join in a business venture to share profits equally. 'C' happens to be minor. The firm incurs heavy losses and is sued along with its partners by the creditors. To what extent and against whom the creditors would succeed? Discuss.
13. 'A', 'B' & 'C' constitute a partnership firm for running a restaurant. The deed of partnership stipulates that no partner would independently carry on competitive business even after retiring from partnership for a period of two years in the neighbour. 'C' is expelled from the partnership on the grounds of not contributing full share towards the capital of the firm. 'C' opens a restaurant in the neighbourhood. Can he be restrained by a suit brought by 'A' & 'B'? Will it make any difference if the firm was not registered? Discuss with reasons.
14. 'A' & 'B' joined in trading business as partners under the firm name and style of 'A', 'B' & Company. 'B' resigned and separated. 'A' continued the business under the same name and he used the earlier bills and letter heads of the firm bearing the names of both partners. 'A' incurred debts in trading. Creditors sue 'A' & 'B'. To what extent the creditors will succeed against 'A' and 'B'. Discuss.

Part-D (The Transfer of Property Act)

Answer any 4 questions out of 5 questions in this part.

15. 'A' sues 'B' seeking his eviction from a house pleading that he is a tenant in default of payment of rent. 'B' takes the plea based on a letter duly written and signed by 'A' that he had received Rs.12,000 as advance for the sale of the house from 'B' and would execute the sale deed after 'A's son returns to India. 'B' pleads that this was a contract for sale of the house for which he had advanced money and had been put in possession by 'A' and, as such, pleads for specific performance of contract for sale as he was ready and willing to pay the balance price. Is plea of 'B' tenable? Discuss with reference to statutory provisions.
16. 'A' leases out land to 'B'. 'B' then builds a room thereon and opens a shop. 'A' sues for ejection of 'B'. 'B' takes the plea that as no notice under Section-106 of the Transfer of Property Act has been issued terminating the tenancy by 'A', suit is not maintainable. Decide.

17. 'A' leases a vacant land to 'B' for a period of 30 years. 'B' builds a house thereon and sells the same after five years of the lease to 'C'. Is the sale valid and, if so, to what extent?
18. A testator died leaving his property to his wife for life. He also gave power to his wife to arrange for their son and his issues in such a manner as she thought fit. The wife died leaving the Will whereby she gave the property to her son for life, with remainder to some of his children leaving after her death as they attained the age of 25 years. All the sons' children attained 25 years of age before the wife died. Examine the validity of the transfers.
19. 'A' executes a sale deed in favour of 'B' on 01.01.2012. 'A' then subsequently executes another sale deed for the same property in favour of 'C' on 01.02.2012. 'B' carries out search in the Office of the Registrar on 01.03.2012 and gets a report that no sale deed has been registered in respect of the property. On 02.03.2012 'C' presents the sale deed in his favour before the Registrar and gets it registered. Subsequently, 'B' on 05.03.2012 gets his sale deed registered. Discuss the question of priority and validity of sale of the property as between 'B' & 'C' with reasons.

District Judge (Entry Level) Competitive Mains Examination, 2013

Theory Paper-4

15.09.2013

Maximum Time-2 hours. Maximum Marks-50. Pass Marks-20.

In all 10 questions out of total 14 questions in all parts together have to be answered as indicated in each part. Each question is of 5 marks.

Part-A (The Arbitration and Conciliation Act, 1996)

Answer any 2 questions out of 3 questions in this part.

1. 'A' & 'B' entered into a contract for certain work and matters ancillary thereto. There being a dispute. 'A' moves the High Court for referring the matter to arbitration. 'B' objects firstly that the application is beyond 30 days of dispute and as such not maintainable. Secondly, that there was no arbitration clause. High Court referral Judge holds otherwise and refers the matter to sole-arbitrator in relation to the dispute arising from the contract. What are the remedies of 'B' and whether 'B' in the arbitration proceedings can raise the question of jurisdiction of the arbitrator as well? Decide.
2. An agreement to refer the disputes to arbitration clearly stated that the arbitral tribunal need not give reasons for the award. The tribunal makes an award but very briefly states the cases of the parties, nature of dispute and basis for calculating the damages awarded. Party wants to assail the award that there was wrong application of principles of law. The other party states that as no reasons was required to be given, this issue cannot be gone into. Decide.
3. An award is made and communicated to the parties on 1st of January, 2013. An application is made to the Court for setting aside the award on 20th of April, 2013. The other party files an application for enforcement of the award taking the plea that the challenge to the award being beyond three months, award had attained finality and should be enforced. Will it make any difference if the party challenging award seeks condonation? What would be the situation if the application to challenge the award was filed on 1st of May, 2013? Discuss.

Part-B (The Motor Vehicles Act, 1988)

Answer any 2 questions out of 3 questions in this part.

4. Explain the maxim "res ipsa loquitur". How will it apply to a case where before a Motor Vehicles Accident Claims Tribunal claimant for compensation alleges that the deceased riding a cycle was run over by the bus being rashly and negligently driven whereas the owner of the bus alleges that the deceased was negligently

riding the cycle on the road. The driver is absconding and no one had seen the accident.

5. 'A' being the owner of a car, which was insured against third party claim as well, met with an accident while being driven by 'B' who had no driving licence. There was a death in the accident. A motor accident claim was filed before the Tribunal where the owner of the vehicle remained absent in spite of notice. Insurance Company contested the matter on the ground that it was not liable as the vehicle was driven by an unlicensed driver. The Tribunal found that the claimant was entitled to an award of Rs.1,50,000.00. It further held that as the vehicle was driven by an unlicensed person the Insurance Company was not liable. But, finding that the owner of the vehicle had not turned up it directed the Insurance Company to pay the claimant and thereafter recover the same from the owner. Is the order of the Tribunal correct or not discuss?
6. A vehicle being rashly driven, crashes on a pavement at night. Two rickshaw pullers sleeping on the pavement are grievously injured. One died. The other is saved but both his legs are amputated. Claim cases are filed on behalf the two rickshaw pullers. Would the compensation awarded be the same in respect of both or different, how different and for what reason? Discuss.

Part-C [The Personal laws (Hindu, Muslim and Christian)]

Answer any 3 questions out of 4 questions in this part.

7. What are the similarities and distinctions between a right to adopt a child as between a male Hindu and a female Hindu adult? Can a Hindu couple adopt a Muslim child or a Hindu orphan child? Give reasons.
8. A Hindu Mitakshra family consists of father, mother, two adult sons and a minor daughter. There is yet another married daughter of the family. The elder son files a suit for partition. You are the Court and have to order partition and division of properties. It is on record that the mother is pregnant once again. How will you divide the property in the partition suit?
9. What is the concept and difference between prohibited relationship in respect of marriage as between Hindus, Muslims and Christians?
10. A Muslim wife claims divorce on ground of cruelty by reason of her husband marrying a second time. Husband pleads that he is entitled in law to polygamy and the plea of cruelty cannot be taken. Decide.

Part-D (The Family Courts Act, 1984)

Answer any 3 questions out of 4 questions in this part.

11. After marriage a lady was persuaded by her husband to stand as a surety for her brother-in-law who had taken loan from a Bank. Brother-in-law having defaulted, the lady had no option but to pay the dues as surety. She files a suit before the Principal Judge, Family Court alleging that she was forced to stand surety in circumstances arising out of matrimonial relationship and as such the brother-in-law be directed to indemnify her. Is the suit maintainable before the Family Court?
12. In a matrimonial dispute before the Family Court wife alleges that her brother who was alive had received a letter demanding dowry from her father-in-law. The letter was written by a family friend on behalf of the father-in-law. She produces the letter in Court. Husband objects to the admissibility of this letter as evidence in this case as it is neither proved by the person who has written it nor by the person to whom it is addressed. Decide.
13. An estranged wife files a suit for return of her Stridhan. Some of which she claims from her husband and some against her in-laws. In-laws take an objection that the suit and the relief in so far as they are concerned is not maintainable before the Family Court and the wife must sue them before the Civil Court though she can continue with her suit against the husband before the Family Court. Decide.
14. There is a matrimonial dispute pending before a Family Court. The wife is a practising Lawyer whereas husband is a businessman. Husband prays that he be allowed to be represented by an Advocate. Keeping in view the provisions of the Family Court Act, decide with reasons whether Court can grant his prayer with or without condition. What would be the conditions, if any?