

# **DISTRICT JUDGE (ENTRY LEVEL), DIRECT FROM BAR EXAM-2020**

## **Theory Paper-I**

**Time Allowed : Three Hours**

**Total Marks : 100**

### **Instructions**

1. *Answer all questions.*
2. *All questions carry equal marks*
3. *If any question is divided into parts, all parts would carry equal marks.*

1. "Minority can only be claimed as a shield but not as a sword." Explain the statement and mention the situations when a minor is liable under the law of contract.

2. "Section 74 of the Indian Contract Act, 1872 has cut down the most troublesome knot of Common Law doctrine of awarding damages." Discuss the statement.

3. "Right of private defence to the extent of causing death cannot be based on the surmises and speculation. The accused must be under a bonafide fear of death or grievous hurt would otherwise be the consequence of the assault, if he does not defend. To determine the existence of apprehension is always a question of fact." Explain the above proposition in the light of existing legal provisions and judicial decisions.

4. A group of persons decided to act in concert with common intention to commit rape on victim (V). More than one person from the group, in furtherance of common intention, acted in concert in the commission of rape as per pre-arranged plan. One lady member of the group facilitated the commission of such rape by many persons of the group.

The essence of liability in such situation being the existence of common intention. Decide the criminal liability of the following members of the group:

- (i) Who were members of the plan but did not participate in the act
- (ii) Who committed rape
- (iii) The sole lady member who lend full facilities for the commission of rape.

5. Whether a certificate under section 65(B)(4) of the Indian Evidence Act, 1872 is a mandatory requirement for admission of electronic evidence in judicial proceedings or whether it would be waived in certain circumstances. Discuss with reference to a 3-Judge Bench decision of Supreme in Anvar P.V. vs. P.K. Basheer & Ors.

6. Can a person recover possession of immovable property if he was dispossessed-

- (i) being a tenant holding over after the expiry of the term of the tenancy;
- (ii) being a trespasser;
- (iii) by a person having good title;
- (iv) only partially;
- (v) by the Government.

7. Under what circumstances can the payee of a cheque sue and on compliance of what procedural formalities?

8. Explain the difference between the law relating to bail in cases relating to the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 prior to Amendment Act, 2015 and after the Amendment Act, 2015.

9. Discuss difference between Expression “sufficient cause” available under Section 5 of the Limitation Act and sub-section (3) of Section 34 of the Arbitration and Conciliation Act, 1996.

10. A, posted as Patwari, is convicted for offences under Sections 7 and 13(1)(d) read with Section 13(2) of Prevention of Corruption Act, 1988 and sentenced to undergo Rigorous Imprisonment for 5 years and to pay a fine of Rs.2,000/- with default stipulation. He challenges the judgment of conviction and sentence. Appeal is admitted. On an application, Appellate Court stays conviction.

(i) Is there any difference between suspension of conviction and suspension of sentence?

(ii) As to when and under what circumstances, Court should suspend conviction.

(iii) As to when and under what circumstances, Court should suspend sentence and grant bail under Section 389 Cr.P.C?

# **DISTRICT JUDGE (ENTRY LEVEL), DIRECT FROM BAR EXAM-2020**

## **Theory Paper-II**

**Time Allowed : Three Hours**

**Total Marks : 100**

### **Instructions**

1. *Answer all questions.*
2. *All questions carry equal marks*
3. *If any question is divided into parts, all parts would carry equal marks.*

1. "In a contract of sale of goods property or ownership in the goods will pass from seller to the buyer which the parties intend to pass." Explain the statement with necessary legal provisions and case law.

2. "Approximate justice with finality by the way of arbitration is against the basic principle of administration of justice in the courts." Examine the statement in the light of latest developments of alternative dispute resolution system in India.

3. Do you think the current trends in judicial activism in India are inconsistent with the Principles of Separation of Powers, which is considered to be one of the basic features of the Constitution?

4. "The 'Rule of Law' is based on the principle of legality and is opposed to exercise of arbitrary powers." Discuss. Explain whether failure to give reasons amounts to exercising power arbitrarily.

5. A Mohammedan gentleman executes one Hiba-Bil-Ewaj in respect of an immovable property. The valuation of the property is more than Rs.100/- (Rupees one hundred). Whether the Hiba-Bil-Ewaj could be executed by an unregistered document?

6. What principles are laid down by the Supreme Court of India for grant of anticipatory bail? Answer must be supported by the decisions of the Supreme Court of India.

7. How would you determine compensation or damages in case of a housewife, between 34 and 59 years of age, who was not earning when she left this world, as a result of accident? How would you determine compensation or damages in case of an elder lady between 62 and 72 years of age, who had no source of income, and died as a result of accident?

8.(a) “The foundation of the doctrine of election is that one may not approbate and reprobate at the same time”. Comment.

(b) A Hindu widow dies making a Will in respect of property which she inherited from her husband. She bequeathed Rs.2000 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.

9. Suits of what nature can be tried by a Civil Court? What type of civil cases cannot be tried by a Civil Court? Support your answer with illustrations?

10. Distinguish between a decree passed by a court lacking territorial or pecuniary jurisdiction and a decree passed by the court lacking jurisdiction in respect of subject matter.