



HARYANA CIVIL SERVICES (JUDICIAL BRANCH) MAIN WRITTEN EXAMINATION-2024

CIVIL LAW-I

Time: Three Hours

Maximum Marks: 200

Instructions for candidates:

1. Attempt all questions in the same order in which they appear in the question paper.
2. Marks for individual questions are indicated against each question.
3. Support your answers with relevant provisions and case law.
4. No extra answer sheet will be provided

Q 1.

- a) 'X' being owner of 10 acres of land, entered into an agreement for sale of the same with 'y' while giving description of specific khasra numbers. Earnest money was paid by through bank transaction. However, subsequently, refused to get the sale deed executed and registered. 'Y' sends a notice to X. X' replies that the agreement is unenforceable because the description of land mentioned in the agreement pertains to 09 acres only. Decide the remedies available to 'Y' if, the description in the agreement is qua 09 acres of land.

(15 Marks)

- b) Avinash, with the intention to sell his laptop keeps his status on WhatsApp with the following narrative:

"Refurbished 2 years old HP Pro Notebook, available for sale at Rs. 20,000/- only. Anyone desires to purchase the same can call me and confirm their acceptance by depositing Rs. 2000/- in my Google Pay. My WhatsApp number is my Google Pay number. Offer is valid for next 2 days only.

- A) Relying on the above status, Satyajit calls Avinash and expresses his desire to purchase the same at a given price and promises to deposit Rs. 2000/- in Google Pay, however, he does not deposit the same.
- B) Watching the status, Nishikant only replies with a Thumb Emoji to the WhatsApp status of Avinash and deposits Rs. 1000/- in Avinash's account through Google Pay and shares the screenshot immediately with Avinash.

In light of the above:

- i) Evaluate the validity of acceptance given by Satyajit.
- ii) Whether Thumb-Up emoji given in reply to the status of Avinash be considered as valid acceptance? If so, decide the validity of acceptance given by Nishikant.

(10 Marks)

- C) "Possession is the nine-tenth point of law" is one of the classic jurisprudential principles of property law. This classic principle is found to a greater extent reflected under section 6 of the Specific Relief Act, 1963 dealing with suit by person dispossessed of immovable property. Elucidate. Differentiate between Section 5 and Section 6 of Specific Relief Act.

(15 Marks)

Q 2.

- a) Can the Civil court entertain the suit for declaration that a decision given by an authority/tribunal of limited jurisdiction is void and illegal on the ground that no opportunity of hearing was given to the plaintiff though the jurisdiction of the civil court is expressly barred under the relevant statute? Discuss.

(10 Marks)



- b) Mr. Arya enters into a contract with Ms. Lolitha who is one of the famous jewelers in making antique jewelry. Ms. Lolitha made one designer piece for Mr. Arya costing 1 Crore and he paid 50 lakhs as advance for the same. After making the Necklace Ms. Lolitha posted the picture in her Facebook account. She received the comments that this is the work for life time and the design is exquisite which would not be made again. Some of her customers offered higher price to purchase it. Mr. Arya after looking at the post by Ms. Lolitha realized that she was trying to sell the necklace to another person at a higher price. Mr. Arya approaches you for legal advice as to what kind of injunction order can he seek. (10 Marks)
- c) Ms. Riva was looking for purchasing a property in Amritsar. She came across few online real estate platforms. Mr. Virendra and Ms. Riya connected through one of the online real estate platforms as Mr. Virendra wanted to sell his property. They both entered into an agreement for the sale of the property through the online real estate platform. Mails were exchanged between the parties to discuss the terms and conditions of the agreement to sell. On finalising the terms and conditions of the agreement, both the parties digitally signed the agreement with Ms. Riya making down payment of 2 Lakhs into Mr. Vijendra's bank account. After 3 months Mr. Vijendra backed out of the deal, claiming he had never agreed to the terms. Ms. Riya decided to sue Mr. Virendra for breach of contract and sought a specific performance to enforce the agreement. Whether the electronic records are relevant and material to the dispute in question. Discuss the provisions of Section 65A and 65B of the Indian Evidence Act, 1872 in light of the judgements of Supreme Court. (10 Marks)
- d) Ms. Sara obtains a money decree against Mr. Hukum from the court. Mr. Hukum fails to pay the decreed amount within the specified period. Subsequently, Ms. Sara files an execution petition before the court, seeking to execute the decree by the sale of Mr. Hukum's property. However, the said property of Mr. Hukum falls within the jurisdiction of another district. In what manner can the decree be executed? (10 Marks)

Q 3.

- a) Reema married Sham in September 1963. The marriage was dissolved in May 1964 and she remarried in June 1964. A son was born to her during the subsistence of her second marriage in September 1964. It transpired that her second husband had access to her during the subsistence of her first marriage. On the death of Sham in 1970, the child laid a claim to his estate. In support, Reema deposed that he was begotten from the loins of Sham. Evidence was led to prove that the deceased Sham treated the child as his son. The other claimants to the estate of the deceased Sham put up a defence that the child was from the second husband and relied upon Section 112 of the Indian Evidence Act, 1872. Decide. (10 Marks)
- b) Write short notes on:
i) Child witness
ii) Circumstantial evidence (10 Marks)
- c) Mr. Saloman purchases 1000 Cement Bags from Mr. Gangoi. As per the agreement Mr. Satoman has to make the payment on 10th May, 2024 and Mr. Gangoi needs to supply the cement bags to Mr. Saloman on 11th May, 2024. Considering the distance of the place of delivery Mr. Gangoi hands over the Cement bags to M/s Avani Transportation Services on 9th May, 2024. On 10th May, 2024 Mr. Saloman fails to make the payment. Now Mr. Gangoi wants to stop the delivery of cement bags to Mr. Saloman. Explain the rights of Mr. Gangoi in the light of above facts with relevant judicial pronouncements. (10 Marks)





- d) The following are two illustrations necessitating a particular remedy as provided in the Specific Relief Act, 1963. Read the illustrations carefully and answer which specific relief suits the best interest of the aggrieved party. Discuss.
- Arvind is constructing his house. Midway, it is found that the construction is creating obstruction in the passage to his neighbour's house. His neighbour brings this to his attention but Arvind does not pay any heed and continues with the construction.
 - Dr. Mukesh who is medical advisor to Mr. Satish, threatens to publish certain communications between them showing that Mr. Satish has led an immoral life.
- (10 Marks)

Q 4.

- a) Aman, a resident of Delhi, allegedly executed a Will at Delhi, bequeathing the land Situated at Sonipat (to one of his sons Jaydeep. He died leaving behind two sons, Jaydeep and Premdeep. Premdeep wants to institute a suit for declaration that the said Will is bogus and not genuine. Premdeep is resident of Hisar, Jaydeep is resident of Sirsa. At what place the suit can be instituted? Explain with relevant provisions of the Code of Civil Procedure, 1908?
- (10 Marks)
- b) Under what circumstances a plaint can be rejected? Whether the grounds for rejection of the plaint enumerated in the Code of Civil Procedure, 1908 are exhaustive? What are the remedies available to the party in the event the plaint is rejected?
- (10 Marks)
- c) Substantive questions of law are required to be framed and answered while deciding Regular Second Appeal. Discuss the same in the light of the provisions of Punjab Courts Act and judgment passed by Hon'ble Supreme Court in Pankajakshi (Dead) through LRs and others v. Chandrika and others AIR 2016 SC 1213.
- (10 Marks)
- d) Explain the Rights of a tenant and liabilities of landlord in respect of certain amenities to be provided under Haryana (Urban Control of Rent & Eviction Act), 1973. Support your answer with relevant case law.
- (10 Marks)

Q 5.

- a) Explain the instances of contracts with respect to online markets. Do you think, the Indian Contract Act, 1872, which is an older legislation is sufficient to govern E-contracts, which are comparatively of modern origin? Substantiate your views.
- (10 Marks)
- b) Anwar is a seller of antique leather goods. Bali buys a bag for 3 lakhs based on the poster outside the store that claims "Genuine Leather antiques sold here". Bali after purchasing the bag gets it tested by a professional and finds that it is not made of genuine leather. What recourse does Bali have under the Indian Contract Act, 1872?
- (10 Marks)
- c) 'Mirchi is a partnership firm consisting of Farfalle, Rigoti, Fusili who are running a chain of restaurants exclusively serving South East Asian cuisine (single cuisine only) in a metropolitan city. The partners take pride in their achievements of past 10 years. They want to expand it to other parts of the city. Rigoti is tasked with identifying an appropriate place in the New Metropolis area of the city which has recently started bustling with economic activity. Three months later Farfalle and Fusili get to know from a food blogger that a multi-cuisine restaurant named 'Chilli' is serving great South East Asian food in the New Metropolis. Upon visiting Chilli, Farfalle and Fusili are surprised to see Rigoti, running the said restaurant. Upon being questioned, Rigoti conveniently ignores their questions in respect of 'Chilli'. Farfalle and Fusili send a notice to Rigoti to cease and desist from operating 'Chilli' and instead handover Chilli' to them. The notice also mentions that out of their

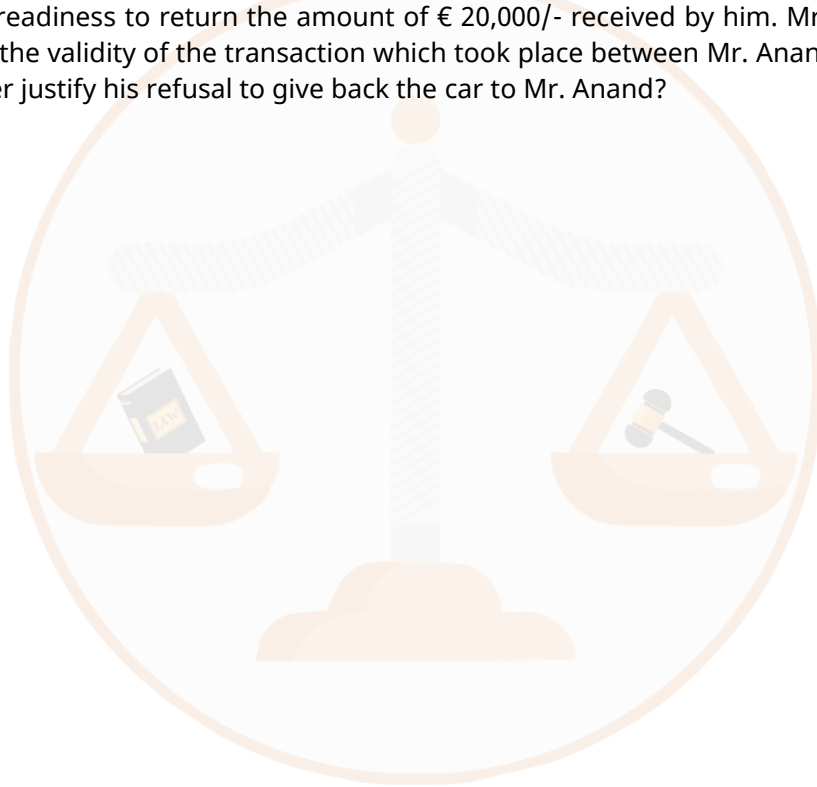


mutual friendship they are ready to spare Rigoti from account of profits earned by him at 'Chilli', but they just want him to quit the 'Mirchi' as well. Advise Rigoti about his legal remedies.

(10 Marks)

d) Mr. Anand, in dire need of money owing to medical contingency, offers his newly purchased car to Mr. Bhasker at 20,000/-. The market price of the car is 4,50,000/-. Mr. Bhasker accepts the offer and on the same day, he makes a payment of 20,000/- to Mr. Anand and delivery of the car is given by Mr. Anand to Mr Bhasker. One hour after the delivery of the car, one car dealer approaches Mr. Anand offering him 3,00,000/- for the same car. Now Mr. Anand is under repentance as he has already sold his car much below the market price, he asks Mr. Bhasker to give back his car and also shows his readiness to return the amount of ₹ 20,000/- received by him. Mr. Bhasker refuses to do so. Decide the validity of the transaction which took place between Mr. Anand and Mr. Bhasker. Can Mr. Bhasker justify his refusal to give back the car to Mr. Anand?

(10 Marks)



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HARYANA CIVIL SERVICES (JUDICIAL BRANCH) MAIN WRITTEN EXAMINATION-2024

CIVIL LAW-II

Time: Three Hours

Maximum Marks: 200

Instructions for candidates:

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2. Marks for individual questions are indicated against each question.
3. Support your answers with relevant provisions and case law.
4. No extra answer sheet will be provided

Q 1.

- a) Ramesh and Anju were married for several years; they are now going through a contentious divorce. After the birth of their child, Anju quit her job. Ramesh alleges that Anju's decision to stay unemployed is intentional. Anju, on the other hand, claims that she quit her job to take care of their child. Since Anju is unemployed, she seeks maintenance from Ramesh under Section 18 of Hindu Adoption and Maintenance Act, 1956. What factors will the court consider in determining whether Anju is entitled to maintenance, and whether Ramesh's claim of Anju's intentional unemployment is a valid justification to object to Anju's claim? (10 Marks)
- b) Ravi is an IT professional while Priya is a doctor. Ravi deliberately provides inaccurate information about his finances to impress Priya's rich family, during their marriage negotiations. Post-marriage, Priya discovers the deception, leading to a profound sense of betrayal and financial strain. How does the Hindu Marriage Act, 1955 address marriages where vital information is misrepresented and significantly impacts the dynamics of the marriage including the voluntary consent of the parties involved? (10 Marks)
- c) A female Hindu dies intestate leaving behind her brother and her husband's brother. While citing the provisions of Hindu Succession Act, 1956 decide:
i) Devolution of her property self-acquired property.
ii) Devolution of her property that she received from her husband. (10 Marks)
- d) Father died in the year 1983 leaving behind three sons and one daughter. Their sons continue to occupy the property whereas the daughter is married. In the year 2022, she decides to seek partition of the ancestral/coparcenary property. The sons contend that there was an oral partition in the year 1990 and therefore the daughter cannot get any right in the property. In the light of Vineeta Sharma v. Rakesh Sharma, AIR 2020 SC 3717, decide whether daughter has any merit in her claim. (10 Marks)

Q 2

- a) If a person is suffering from a legal disability, can he file a suit after the legal disability ceases to exist? If so, what is the prescribed period of Limitation? Cite the relevant provisions of the Indian Limitation Act, 1963. (10 Marks)



b) "Impotency can be proved by medical examination or by the conduct of the parties after their marriage or it can be established even by the uncorroborated testimony of the petitioner if the same is plausible." Discuss this statement in the light of various judicial pronouncements of the Supreme Court of India.

(10 Marks)

c) The plaintiff filed a suit on 01.01.2015. The summons were served on the defendant on 01-06-2015. The defendant filed a written statement on 20.08.2015. The defendant raised the defence of set-off. The period of limitation qua the recovery of amount sought to be set-off for the defendant expired on 01.06.2015. Whether the defence of set-off raised by the defendant would be admissible?

(10 Marks)

d) A Muslim man cohabited with a Muslim lady on the promise of marriage. Later the lady claimed the status of a wife and asserted that there was an offer from the husband to marry her and the cohabitation amounted to acceptance from her side. Decide the validity of the claim of marriage and discuss the essential requisites of marriage under Muslim law.

(10 Marks)

Q 3.

a) Anil executed a mortgage deed in favor of a bank for a loan, but the deed was not registered. Upon default, the bank sought to enforce the terms/conditions of the mortgage. Discuss the enforceability of the unregistered mortgage deed and the legal recourse available to the bank under The Registration Act, 1908.

(10 Marks)

b) Sumit and Anita were married in 2004 according to Hindu rituals and customs. Six years later, a joint petition for divorce by mutual consent was filed by them under the Hindu Marriage Act, 1955. About seven months after filing of the petition, Sumit alone moved the court and pressed his application for divorce. A notice was sent to the wife and on the request of both the parties, the case was adjourned. There were several adjournments thereafter and unsuccessful attempts were made by the court for bringing about a reconciliation between the parties. However, since the efforts were in vain, Anita withdrew her consent for mutual divorce, and sought dismissal of the petition, which prayer remained pending for appropriate orders of the Court. Sumit, strongly objected to the same and argued that she could not withdraw her consent after expiry of six months period. Thereafter, Sumit remarried. After learning about the second marriage of Sumit, Anita filed a civil case for declaring the second marriage as illegal and void. Decide?

(10 Marks)

c) "Once adopted is always adopted" Discuss the provisions of Hindu Adoption and Maintenance Act, 1956 in the light of the above statement.

(10 Marks)

d) The word 'after' used in Section 6 (a) The Hindu Minority and Guardianship Act, 1956 does give an impression that the mother can be considered to be the natural guardian of the minor, only after the life-time of the father. If the said section is interpreted as such, whether, the same can be termed unconstitutional being violative of gender equality. Discuss the meaning and interpretation given by the Supreme Court of India to the word 'after' in Section 6 (a) of The Hindu Minority and Guardianship Act, 1956.

(10 Marks)



Q 4

a) Joint Hindu Family consisting of Prahlad, his wife Jayanti, four children, 'A', 'B', 'C' and 'D' aged 29 years, 27 years, 21 years and 14 years respectively was owner of owner of 10 acres of land situated in village Ramgarh, District Una. In the year 2023, unfortunately, Prahlad, the Karta died. The property was inherited by the remaining members, including his widow and four children. The family decides to shift to Chandigarh and in order to purchase a house in Chandigarh, it is unanimously decided to sell the land, so as to generate funds. 10 acres of the inherited land is jointly sold by the widow and all four children to 'X' for a sum of 40 lakhs by a registered sale deed. In March, 2024, the family purchases a house in Chandigarh with the sale proceeds. All the members jointly start residing in the said house. In May, 2024, 'D', the youngest son of Prahlad raises a dispute stating since he is a minor and no permission for sale of the inherisited land was taken from the Court nor was any guardian appointed, thus, the said sale to was void to the extent of his share. 'D' serves a legal notice upon 'X'. Explain whether the claim raised is sustainable keeping in view the provisions of Hindu Minority and Guardianship Act, 1956.

(15 Marks)

b) Rakesh and his wife Rekha adopted Sam fulfilling all necessary formalities, according to Hindu rites and ceremonies, on 20.01.1955. The adoption deed was duly registered. Sometime later, upon the death of Rakesh, Sam and Rekha, his adoptive mother, inherited the properties belonging to Rakesh. Subsequently, because of some differences between the two regarding the management of those properties, Rekha wanted to alienate them. Sam, realizing what was in store for him, filed a petition for partition of the properties, which was challenged by Rekha, who questioned the very validity of Sam's adoption since he was basing his claim for partition on the same. Consequently, she contended, among other things, that her late husband, Rakesh, had not taken her consent while adopting Sam. More importantly, it was contended that, since the adoption was prior to the commencement of the Hindu Adoption and Maintenance Act, 1956, its validity must be determined on the basis of the traditional principles practiced by the Hindu community prior to the enactment of the said legislation. Decide the validity of adoption, both prior to and after the enactment of the Hindu Adoption and Maintenance Act, 1956.

(15 Marks)

c) On 13.11.2008, Madhu took a loan of ₹ 75000/- from Sunil. He paid ₹ 15,000/- to him on 31st August 2011 towards partial payment of loan. Despite a demand being raised, Madhu failed to pay the remaining amount. Subsequently, Sunil filed a suit for recovery from Madhu but after the expiry of 2 years from the date of part payment. Discuss whether the said part payment can be treated as an acknowledgment?

(10 Marks)

Q 5.

a) 'A' executed a sale document of his house in Delhi outside India on 02.01.2024 respecting his house in Delhi. He came to India on 06.06.2024 and presented the document for registration. Can the Sub-Registrar accept the said document for registration? If registered, from which date the said document would operate.

(10 Marks)

b) 'A', a husband who is medical practitioner was ill-treating his wife, and committing atrocities upon her. He would often rape her. Resultantly, she left her matrimonial home and moved to her parental house. She filed a divorce petition on the ground of marital rape before the Family Court. 'A' filed a petition for restitution of conjugal rights. 'A' contended that marital rape is not recognised in Indian Courts and her divorce petition is not maintainable. Decide the divorce and restitution of conjugal rights petitions filed by the parties.

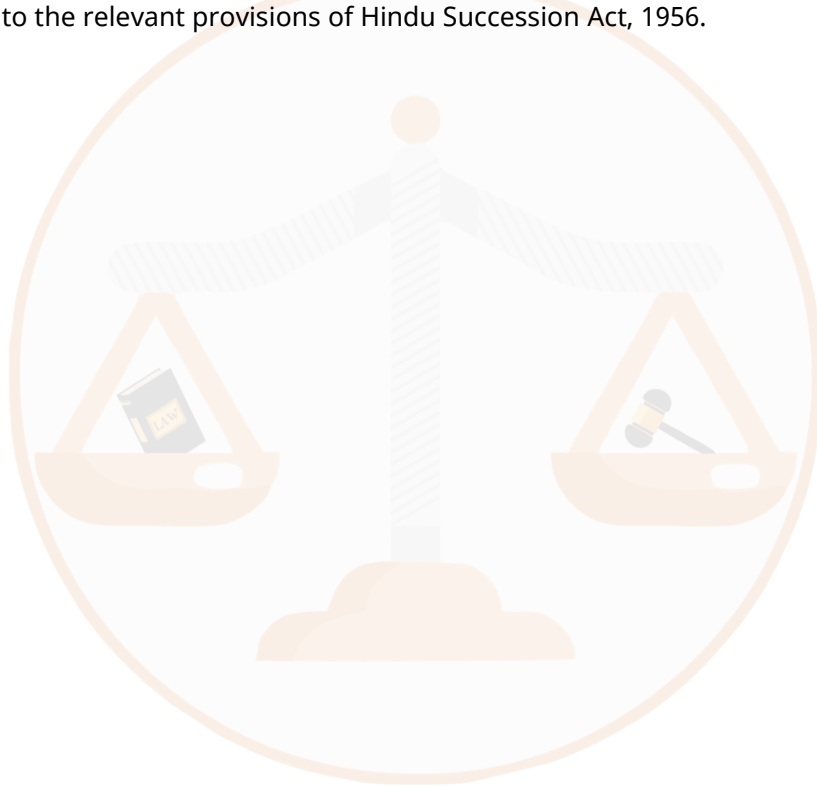
(10 Marks)





c) Write a short note on the concept of Iddat and the validity of a marriage with a woman undergoing Iddat with relevant case laws. (10 Marks)

d) Anand Kumar died leaving behind his widow Basanti; a son Swapan Kumar; Charulathe widow of a predeceased son Kishore Kumar; Smitha, Ramesh, Satish and Shriya- the widow, two sons and daughter respectively of another predeceased son Himesh Kumar; a daughter Shilpe Devi and Sangeet, Swapna and Sudha- the son and two daughters of a predeceased daughter Basundhara Devi. Anand Kumar has left behind a property worth 50 lakhs. Divide the property and appropriate the share to each heir according to the relevant provisions of Hindu Succession Act, 1956. (10 Marks)



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ENGLISH

Time: Three Hours

Maximum Marks: 200

Instructions for candidates:

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2. Marks for individual questions are indicated against each question.
3. No extra answer sheet will be provided.

Q 1. Write an essay on any one of the following topics in about 1000-1100 words:

- i) India: A Vibrant Electoral Democracy
- ii) Judiciary and Indian Democracy
- iii) Criminals as Public representatives
- iv) Mental Health Crisis: A new Epidemic in the Making
- v) The 70 -hour Work Week Debate: Its Implications

(100 Marks)

Q2. Make sentences using the following words:

- | | | |
|-----------------|-------------------|--------------|
| i) obscure | ii) cognitive | iii) Taconic |
| iv) voluble | v) reminisce | vi) slack |
| vii) concentric | viii) deferential | ix) incisive |
| x) eloquent | | |

(25 Marks)

Q3. Make précis of the following passage in about one-third of its original length, and also assign a suitable title to it:

Trees contribute to the environment by providing oxygen, improving air quality, conserving water, preserving soil and supporting wildlife. During the process of photosynthesis, trees absorb carbon dioxide and produce the oxygen we breathe. According to the U.S. Department of Agriculture, "One acre of forest absorbs six tons of carbon dioxide and puts out four tons of oxygen. This is enough to meet the annual needs of 18 people." Trees, shrubs and turf also filter air by removing dust and absorbing other pollutants like carbon monoxide, sulphur dioxide and nitrogen dioxide. After trees intercept unhealthy particles, rain washes them to the ground. Trees control climate by moderating the effects of the sun, rain and wind. Leaves absorb and filter the sun's radiant energy, keeping things cool in summer. Trees also preserve warmth by providing a screen from harsh wind. In addition to influencing wind speed and direction, they shield us from the downfall of rain, sleet and hail. Trees also lower the air temperature and reduce the heat intensity of the greenhouse effect by maintaining low levels of carbon dioxide. Both above and below ground, trees are essential to the eco-systems in which they exist. Far reaching roots hold soil in place and fight erosion. Trees absorb and store rainwater which reduces runoff and sediment deposits after storms. This helps the ground water supply recharge, prevents the transport of chemicals into streams and prevents flooding. Fallen leaves make excellent compost that enriches soil. Many animals, including elephants, koalas and giraffes eat leaves for nourishment. Flowers are eaten by monkeys, and nectar is a favorite of birds, bats and many insects. Animals also eat much of the same fruit that we enjoy. This process helps disperse seeds over great distances. Of course, hundreds of living





creatures call trees their home. Leaf covered branches keep many animals, such as birds and squirrels, out of the reach of predators.

(314 words)

(25 Marks)

Q4. Read the following passage carefully and answer the questions given below:

Sportsmanship can be understood as a stable and enduring characteristic, distinguishing how individuals typically behave in difficult situations in the field of sports. It encompasses virtues such as fairness, self control, courage and persistence, and relates to concepts of interpersonal conduct, such as treating others fairly, maintaining self-control in interactions, and respecting authority and opponents. True sportsmanship is demonstrated through good form, the will to win, equity and fairness. Balancing these four elements is essential for genuine sportsmanship. Conflicts may arise when the desire to win overshadows the commitment to equity and fairness, undermining the essence of sportsmanship. When athletes become too self-centered, the principles of sportsmanship are often neglected. In contemporary sports culture especially at the elite level, competition and winning are highly emphasized, often at the expense of sportsmanship. Elite athletes set the standards for sportsmanship and are seen as leaders and role models, regardless of their personal preferences. Given that every sport is governed by rules, the most common form of poor sportsmanship is cheating or breaking the rules to gain an unfair advantage. A competitor who exhibits poor sportsmanship after losing is often termed as a 'sore loser', while one who does so after winning is called a 'bad winner'. Sore loser's behavior includes blaming others for the loss, refusing to accept responsibility for one's actions, reacting immaturely to the defeat making excuses, and citing trivial reasons for the loss. Conversely, a bad winner behaves shallowly after a victory, gloating, rubbing the win in opponents' faces, and diminishing their opponents' self-esteem by constantly reminding them of their inferior performance.

- i) What are the key components of sportsmanship?
- ii) Enlist the behaviours which can undermine spirit of sportsmanship?
- iii) What is the most common attribute of bad sportsmanship?
- iv) What are the competitors who exhibit poor sportsmanship after losing or winning a game, called?
- v) When does the spirit of sportsmanship die?

(25 Marks)

Q5. Correct the following sentences:

- i) I do not approve to your smoking in public.
- ii) I was so angry by the way I had been treated.
- iii) Make sure to summarize your points in the conclusive paragraph.
- iv) He entered the room and stood quietly for few moments.
- v) Astronauts brought back specimen of moon rock.
- vi) He participated in a five miles race.
- vii) If interest rates would have been lower, I would have applied for a home loan.
- viii) This farmer has five cattles and four dogs.
- ix) Although he is so short, but he plays basketball.
- x) He is reading the book since morning.

(25 Marks)

