



MH Civil Judge (Main) Examination-2015

PAPER- I CIVIL LAW

**Civil Procedure Code, Transfer of Property Act, Specific Relief Act,
Law of Contracts, Sale of Goods Act and Partnership Act**

Time Allowed: 3 Hours

Maximum Marks: 100

Note:

- (1) All questions are compulsory.
- (2) Question No. 1 carries 20 marks. All other questions carry equal marks i.e., 16 marks each.
- (3) Your answers must be to the point, wherever possible quoting the specific provision of law.
- (4) Do not reproduce any question. Write only question's number against the answer.
- (5) Wherever option has been given only the required number of responses in the serial order attempted shall be assessed. Excess responses shall be ignored.
- (6) "Other than cited cases, candidate should not write roll number, any names (including their own), signature, address or any indication of their identity anywhere inside the answer book otherwise he will be penalised".
- (7) English version of the question shall be authentic in case of any type of ambiguity.
- (8) All questions can be attempted only in one language either in English or in Marathi as per the option given in the application form.
- (9) Candidates are expected to answer all the subquestions of a question together. If subquestion of a question is attempted elsewhere (after leaving a few pages or after attempting another question) the later subquestion shall be overlooked.

1. Write a Judgement on the basis of the facts narrated below :

While writing Judgement :

- (a) adhere to the contents of Judgement as required under the Code of Civil Procedure.
- (b) frame and answer the issues properly.
- (c) wherever necessary, fill up the details from your imagination.
- (d) give legal, logical and proper reasons for your findings.
- (e) conclude the Judgement with a proper operative order.

Facts:

'A', 'B' and 'C' are real brothers and sons of deceased 'X'. 'X' inherited Agricultural Lands (P1, P2 and P3).

During the lifetime of 'X', Agricultural Land (P4) was purchased.

Averments in plaint:

Written statement of Defendant No. 2 'C' : 'A', 'B' and 'C' are only Agriculturist by occupation. 'B', Plaintiff has contended that Lands (P1 to P4) are Joint family properties of plaintiff and defendants. There is no partition of these properties by metes and bounds. He claims 1/3rd share and separate possession in suit properties.





Written statement of Defendant No. 1 'A':

'A' claims that Land (P4) is his self acquired property and it stands in his name as per revenue records. He further claims that 'B' and 'C' have not challenged revenue entries till date. There is no dispute that Lands (P1 to P3) are joint family properties.

Written statement of Defendant No. 2 'C':

'C' contends that since during long illness of 'X' he has taken good care of 'X', Land (P4) is gifted orally by 'X' to him. Rest of contentions of plaintiff are admitted.

Evidence:

'A', 'B' and 'C' are only Agriculturist by occupation.

Lands (P1 to P3) are being cultivated separately by 'A', 'B' and 'C' after death of 'X' .

Land (P4) is in name of 'A' as per 7x12 extract.

4 Answer any two of the following sub-questions :

- Discuss, Rights and Liabilities of Seller and Buyer in the transaction of sale of immovable property.
- Rights and Liabilities of Partners inter se and with third parties — Discuss.
- Discuss essentials of a valid transfer of property. a

3. Write short notes on any four of the following:

- Return of plaint and Rejection of plaint
- Indemnity and Warranty
- Bailment and Pledge
- Condition and Warranty
- Stay of suit and Bar of further suit
- Conclusiveness and Presumptions of Foreign Judgements

4. Answer any two of the following sub-questions :

- Discuss Rights and Liabilities of a Mortgagor.
- Discuss Rights and Liabilities of Lessor and Lessee in respect of Lease of immovable property.
- In which circumstances is Agreement rendered void ?

5. Answer any four of the following sub-questions :

- Doctrine of Election
- Stoppage in Transit
- Fraudulent Transfer
- Compromise of Suit
- Interest, Cost and Compensatory Cost
- Contingent Contract

6. Answer any two of the following sub-questions :

- Suit by or against government or public officer (discuss relevant provisions).
- Determination of Lease of immovable property.
- Explain the difference between set-off and counterclaim.
- Deal with provisions regarding "suit by Indigent Person".





Paper - II
Criminal Law

**Indian Penal Code, Evidence Act, Code of Criminal Procedure,
SC & ST (Prevention of Atrocities) Act, 1989 and Protection of Civil Rights
Act, 1955, Essay on Current Legal Topic**

Time Allowed: 3 Hours

Maximum Marks: 100

Note:

- (1) Question Nos. 9 and 10 are compulsory.
- (2) Answer any six from the remaining questions.
- (3) Marks to each question are indicated by a figure in the margin on the right hand side.
- (4) Wherever option has been given only the required number of responses in the serial order attempted shall be assessed. Excess responses shall be ignored.
- (5) Do not reproduce any question. Write only question's number against the answer.
- (6) "Other than cited cases, candidate should not write roll number, any names (including their own), signature, address or any indication of their identity anywhere inside the answer book otherwise he will be penalised."
- (7) English version of the question shall be authentic in case of any type of ambiguity.
- (8) All questions can be attempted only in one language either in English or in Marathi as per the option given in the application form.
- (9) Candidates are expected to answer all the subquestions of a question together. If subquestion of a question is attempted elsewhere (after leaving a few pages or after attempting another question) the later subquestion shall be overlooked.

1. Define 'admission', and explain :

[10]

'Admissions are not conclusive proof of the fact admitted, but they may operate as estoppels.'

2. When are statements made by a person who is dead relevant and admissible in evidence?

[10]

3. Write short notes (any four):

[10]

- (a) Expert Opinion
- (b) Presumption as to 30-year-old document
- (c) Hearsay Evidence
- (d) Estoppel
- (e) Secondary Evidence

- (f) Hostile Witness





4. **What do you mean by F.I.R. ? Explain in detail its significance and evidentiary value.** [10]
- (a) Bailable and Non-bailable offence
 - (b) Cognisable and Non-cognisable offence
 - (c) Discharge and Acquittal
 - (d) Release of the accused on admonition and on probation of good behaviour
 - (e) Fine and Compensation
5. **Write difference between (any four) :** [10]
- (a) Bailable and Non-bailable offence
 - (b) Cognisable and Non-cognisable offence
 - (c) Discharge and Acquittal
 - (d) Release of the accused on admonition and on probation of good behaviour
 - (e) Fine and Compensation
6. **Define and explain the following concepts with illustration :** [10]
- (a) Cruelty (U/S 498 A of I.P. Code)
 - (b) Dowry death
7. **Write short notes (any four):** [10]
- (a) Unlawful assembly
 - (b) Grievous hurt
 - (c) Good faith
 - (d) House trespass
 - (e) Robbery
 - (f) Abetment
8. **Define and explain :** [5+5]
- (a) Untouchability (with reference to Protection of Civil Rights Act)
 - (b) Atrocity (with reference to S.C. & S.T. (Prevention of Atrocities) Act]
9. **Write an essay on any one subject :** [20]
- (a) Is Uniform Civil Code really necessary?
 - (b) Increasing rate of atrocities against women
 - (c) Human Rights and their protection
10. **Write judgement on the following facts :** [20]





A lady by the name Gita was waiting for a bus near Pune Railway Station. A boy around 18 years came on a motorcycle, snatched Gita's gold necklace of 40 gms and escaped before that lady could see his face. She lodged a report with the Police. On the next day Samir aged about 19 years was arrested by the Police in connection with a similar offence. He gave information to the Police that the day before he had snatched gold necklace of a woman and sold it to Sonare Jeweller. He showed that shop. Police seized gold ingot of 40 gms and sale receipt bearing signature of Samir.

Police did further investigation and filed charge-sheet against Samir.

During trial sufficient evidence is led to connect accused with the theft. Samir denied everything in his statement and alleged that the Police falsely implicated him. Alternatively he claimed benefit of the Probation of Offenders Act.

