



MH Civil Judge (Main) Examination-2022

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 judgment on following facts. You must pay attention to following points:

- (a) Judgment must be in proper format;
- (b) Frame proper issues and record findings on them;
- (c) Conclude the judgment with operative order.

Facts for Judgment:

Plaintiff's Case is as follows:

Ram and Prakash are friends. Prakash is cloth merchant and Ram is L.I.C. agent. Both were having financial transactions in the past. Prakash was in need of money, therefore on dt. 5.2.2020 he approached Ram and requested to lend him an amount of 1,00,000/- for business purpose. Ram extended the said amount to Prakash on dt. 6.2.2020 by withdrawing it from his bank account. Prakash had promised to return the said amount within 6 months. It was agreed between them that no interest will be charged on the said amount, if the same is returned within stipulated period.

Prakash failed to return the said amount within 6 months. Therefore on dt. 1.11.2020 Ram issued notice through his Advocate to Prakash calling upon him to return the amount within 7 days. Prakash received the said notice on dt. 5.11.2020. There after Prakash issued a cheque bearing No. 56789 dt. 10.11.2020 drawn on Bank of Baroda, Gandhi Nagar





branch, Kolhapur for 1,00,000/- in favour of Ram. On dt. 11.11.2020 Ram presented the said cheque in his bank. The said cheque came to be dishonoured due to "funds insufficient" in the account of Prakash.

Again on dt. 15.11.2020 Ram issued notice through his Advocate to Prakash calling upon him to make full payment on or before dt. 25.11.2020. Prakash received the said notice on dt. 17.11.2020 but he failed to comply with the same. Hence Ram has filed the present suit against Prakash for recovery of 110,000/-. The claim includes interest from the date of expiry of 6 months and notice charges. Future interest is also claimed.

Defence taken in the written statement

Prakash admits that he had taken the amount from Ram in the past, time he denied to have taken the am insurance policy through Ram and had issued blank signed cheque towards of policy premium. Ram has misused the said cheque.

Ram has filed complaint under Sec. 138 of Negotiable Instrument Act against him in respect of the said cheque which is pending. He denied specifically all other adverse averments in the plaint.

Parties have adduced evidence. Imagine the evidence and record findings.

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

- Transfer of property for benefit of unborn person.
- Rule against perpetuity under Transfer of Property Act.
- In which cases plaint can be rejected ?
- What are the consequences of disobedience or breach of injunction ?
- When partner may be retired ?
- Insolvency of a partner.

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

- Conditional transfer
- Transfer by ostensible owner
- When cancellation of instruments may be ordered ?
- How dispute can be settled outside the court and modes of Alternate dispute resolution
- Undue influence
- Misrepresentation

4. Answer any two of the following:

- Right of mortgagor to redeem. Explain.
- When court may pass an order of attachment before Judgment and such attachment shall be void ?
- What are the mutual rights and liabilities of partners?

5. Answer any two of the following:

- When injunction can not be granted under Specific Relief Act?
- Perpetual injunction and Mandatory injunction. Explain in detail.
- Define - "unpaid seller" and what are its right?





6. Write short notes on any four :

- (a) Transfer by one co-owner.
- (b) Rights and liabilities of the lessor.
- (c) Procedure for service of summons when defendant refuses to accept service or can not be found.
- (d) What is a sound mind of a person for the purpose of contracting?
- (e) Sale of goods by a person not the owner.
- (e) Buyer's right of examining the goods.





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. Distinguish the lawing (Any four) :

[10]

- (a) Discharge and acquittal
- (b) Presumptions of fact and presumptions of law
- (c) F.I.R. and complaint
- (d) Inquiry and Investigation
- (e) Common Intention and Common Object

2. Write notes (Any two):

[10]

- (a) Detention of accused in custody during Investigation.
- (b) Restrictive use of statement recorded by Police officer during investigation.
- (c) Disposal of property at conclusion of trial.

3. Discuss trial of warrant cases by Magistrates, instituted on Police report.

[10]

4. What is the general rule of law regarding the place of trial of an offender? What are exceptions to it? State place of trial in case of theft.

[10]





5. [10]
- (a) What is confession?
 - (b) What is its evidentiary value?
 - (c) How much information received from accused is provable? Explain with example.
6. **Write differences between (Any two)** [10]
- (a) Theft and extortion
 - (b) Abetment and Criminal conspiracy.
 - (c) Forgery and Making of False documents
7. **Write short notes (Any four):** [10]
- (a) Mischief
 - (b) Grievous Hurt
 - (c) Dishonestly
 - (d) Valuable Security
 - (e) Fine
8. (a) Presumptions as to offences under S.C. and S.T. (Prevention of Atrocities) Act 1989. [5]
- (b) When unlawful compulsory labour can be deemed to be a practice of untouchability under Protection of Civil Rights Act 1955. [5]
9. **Write Essay on. (Any one)** [20]
- (a) Offences against
 - (b) Law of Sedition
 - (c) Age of Marriage
10. **Write judgement on the following facts.** [20]
- (Candidates shall write the facts in detail and write the judgement based on their power of imagination for missing facts).
- 'A' is a married woman - used to reside with her husband 'B' at Pratap Nagar, Amravati. 'B' runs shop there - Accused 'C' is distant relative of 'B' - He Frequently visits their house - On date of incident 'A' raised shouts from her house - Neighbourers and 'B' came there - She revealed that 'C' has outraged her modesty.
- At trial, victim A and B stick up to their statements - Neighbourers did not support prosecution case -
- Defence of accused is that the false implication on count of hand loan given to 'B'.

