

UTTARAKHAND HIGHER JUDICIAL SERVICE, LIMITED
COMPETITIVE EXAMINATION, 2013

Paper No.1

(CIVIL LAW, CRIMINAL LAW, CONSTITUTIONAL LAW
AND PROCEDURAL LAW)

Max: Marks- 100

Time- 2 Hours

- Note: 1- Credit will be given to the answers supported with case laws.
2- The candidate has a choice to answer the questions either in Hindi or in English.
3- Brevity in replying the questions shall be appreciated.

CIVIL LAW

(Attempt any three of the following questions)

1. Describe the modes under which immoveable property can be transferred?
(10 Marks)
2. What are the essentials of a contract? Describe the remedy available for breach of contract? (10 Marks)
3. Discuss Judge's power to put questions or order production of documents? (10 Marks)
4. How a partnership firm can institute a civil suit to enforce a right arising from a contract? How a partnership firm is dissolved? (10 Marks)

CRIMINAL LAW

(Attempt any three of the following questions)

5. Whether the concept of 'Bail and not Jail' has undergone a sea-change in recent times? Give the reasons in support of your argument? (10 Marks)
6. What is the law relating to jurisdiction of inquiries and trials in criminal cases? (10 Marks)
7. When the right of private defence of person and property is available to the accused? (10 Marks)
8. What do you mean by 'incriminating evidence'? How the same is put to the accused? Please illustrate by way of giving examples. (10 Marks)

CONSTITUTIONAL LAW
(Attempt any two of the following questions)

9. How 'criminal jurisprudence' is reflected in three important Articles of the Constitution of India? Please cite some important provisions of the Code of Criminal Procedure, 1973 under which such constitutional scheme is translated? (10 Marks)
10. Explain the meaning and concept of the words 'We The People of India' as they find place in the preamble of the Constitution of India? (10 Marks)
11. What do you mean by 'Court of Record'? What is the Importance of 'Court of Record' with respect to the making of Precedents and Contempt of Court proceeding? (10 Marks)

PROCEDURAL LAW
(Attempt any two of the following questions)

12. An application under Order XXXIX Rules 1 and 2 C.P.C. is presented by the plaintiff. The defendant files objections on the same. You, as a trial court, have heard the matter. You allow the application. Write an order indicating the essentials of such provision? (10 Marks)
13. Plaintiff moves an application for appointment of Receiver in respect of disputed property. Defendant objects to it on the grounds, *inter alia*, that the application under Order XXXIX Rules 1 and 2 C.P.C. filed on behalf of the plaintiff has been dismissed by the court concerned. How will you dispose of such an application? (10 Marks)
14. You are trying a civil suit for permanent prohibitory injunction in which the material pleas are denied by the defendant in his written statement. Kindly frame issues. Imagine the facts of the case yourself. (10 Marks).
