

UTTARAKHAND HIGHER JUDICIAL SERVICE, LIMITED COMPETITIVE  
EXAMINATION, 2014

Paper No. 2

Maximum marks -100

Time : 2 hours.

- Note: 1. Credit will be given to the answers supported with case laws and relevant provisions of law.
2. The candidate has a choice to answer the questions either in Hindi or in English.
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Q.1. What do you mean by 'Injunction' ? Write briefly about the types of Injunction. When Injunction can be refused?

(10 marks)

Q.2. Describe 'Vested Interest' and 'Contingent Interest'. Distinguish between Vested Interest and Contingent Interest. Is a vested interest defeated by the death of transferee before he obtains possession?

(10 marks)

Q.3. What is 'Void Marriage' and 'Voidable Marriage'? Explain. Comment upon the legitimacy and rights of children of void and voidable marriages?

(10 marks)

Q.4. (A) What is the difference between Order 9 Rule 4 CPC, Order 9 Rule 7 CPC, Order 9 Rule 9 CPC and Order 9 Rule 13 CPC?

(5 marks)

Q.4. (B) Plaintiff moves an application for appointment of Receiver in respect of certain property. The application of the plaintiff under Order 39 Rules 1 & 2 of CPC has already been dismissed. Defendant objects to it on the ground that since temporary injunction application has been dismissed, therefore, application for appointment of Receiver cannot be allowed. How will you dispose of such an application?

(5 marks)

- Q.5. (A) You are trying a civil suit for partition, in which although pedigree is admitted but other material pleas are denied by the defendant in his written statement. Kindly frame issues. You may imagine the facts of the case yourself.
- (5 marks)
- Q.5.(B). Kindly frame charge in respect of offence punishable under Section 302 IPC read with Section 34 IPC. Imagine the facts of the case on your own.
- (5 marks)
- Q.6. Explain and illustrate "Taking Cognizance of an Offence". Can a Court of Additional Session Judge take direct cognizance of an offence? If so, under what circumstances?
- (10 marks)
- Q.7. Under what circumstances a right to private defence of person and property may be exercised by any person ? Briefly comment upon the various provisions of the Indian Penal Code, 1960 in this context ?
- (10 marks)
- Q.8. Describe the salient features of the Juvenile Justice (Care and Protection of Children) Act, 2000.
- (10 marks)
- Q.9. Mention the grounds on the basis of which a Member of Parliament and Legislative Assembly or Legislative Council of a State can be disqualified? Whose decision in this regard is final?
- (10 marks)
- Q.10. How 'Service Jurisprudence' is reflected in Part XIV Chapter I of the Constitution of India ?
- (10 marks)