

# CIVIL LAW - I

Maximum Marks: 200

Time: Three Hours

Notes:

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.

- Q1(a) On what grounds can pleadings be amended and can an amendment be allowed even if it is barred by limitation? (20 Marks)
- (b) On what grounds can an appellate court set aside the judgment of the trial court? (10 Marks)
- (c) On what grounds can a Judgment Debtor object to execution of decree for recovery of immovable property? (10 Marks)
- Q2(a) Explain the meaning of 'ex parte decree' and elaborate on the remedies available to a person against whom ex parte decree is passed? (10 Marks)
- (b) 'A' notified in the newspaper that he lost his watch worth INR 100000 while shifting his house and announced the award that anyone who found the watch and brought it to him will be rewarded with INR 10000 as the watch was gifted by his father and it is a precious watch for him. 'B' the person who transported his goods from his old house to the new one found his watch and brought it to 'A'. 'B' was not aware of the award announced in the newspaper. Coming to know subsequently about the reward that had been announced, 'B' decided to sue 'A' for recovery of the reward. Decide the dispute applying relevant provisions of law along with reasons. (10 Marks)
- (c) P applied for the post of headmaster in a school. The selection committee passed a resolution appointing him to the post, but the decision was not communicated to him. One of the members of the committee, however, in his individual capacity, informed P about the decision. Subsequently, the managing committee canceled its resolution and appointed someone else instead of P. P filed a petition against the decision. Decide the case applying relevant provisions of law along with reasons. (10 Marks)
- (d) (i) 'A' a minor was facing criminal prosecution for dacoity. He borrowed Rs. 2000/- from 'B' to defend himself. The creditor did not know that 'A' was a minor at the time of the agreement. Will the creditor succeed in recovering the amount under the Contract Act? Furnish reasons. (5 Marks)
- (ii) 'A's' marriage is scheduled for the 24<sup>th</sup> of March 2020. In furtherance of the same, he enters into a contract with a catering company 'C'. 'C' is hired to serve a buffet at the wedding. However, on 22<sup>nd</sup> March 2020, the Government puts a ban on gatherings of more than 10 people. This results in the cancellation of the wedding. Discuss the legal position. (5 Marks)

Q3 (a) Under what circumstances is a plaintiff bound to seek declaration of title in addition to recovery of possession of immovable property? (10 Marks)

(b) Can a co owner file a suit for injunction against another co owner? If so, under what circumstances? (10 Marks)

(c) Can an *ex parte* mandatory injunction be granted? If so, under what circumstances? (10 Marks)

(d) Do courts have discretion to deny specific performance? If so, under what circumstances? (10 Marks)

Q4(a) What is the 'best evidence' rule? Elaborate. (10 Marks)

(b) What is 'electronic evidence'? Explain under what circumstances, electronic records are admissible in any Court proceedings without further formal proof or production of the original. (10 Marks)

(c) Is a document procured by improper or illegal means admissible in evidence? If so, under what circumstances? (10 Marks)

(d) Four partners established a partnership for refining sugar. One of them was a wholesale grocer and had great skill in buying sugar at the right and proper time for the business. Accordingly, the business of selecting and purchasing sugar was entrusted to him. According to his skill and knowledge, he bought sugar for himself at a time when he thought the price was likely to rise. The sugar rose in value and the firm was in need of the same. He sold his own sugar to the firm without letting the partners know that it was his sugar that was sold. Is he accountable, if he makes any profit at the expense of the firm? Give reasons. (10 Marks)

Q5(a) Akanksha sold her scooter to Bhumika for a sum of Rs. 17000. Bhumika pays the whole price except Rs. 1000 which she promised to pay within a week. Akanksha holds possession of the scooter until the rest of the money is paid. But before the expiry of time, Bhumika becomes insolvent. Akanksha resold the scooter to Chetna for Rs. 17500 without giving notice to Bhumika. Whether the re-sale is valid? Can Bhumika claim Rs. 500, i.e., the profit on re-sale? Give reasons. (10 Marks)

(b) Yamini in Bombay places an online order to Vamika in Chennai to send a packet of patented medicine. Accordingly, Vamika dispatches the order and delivers the packet. Yamini finds some defects in the medicine on opening the bottle. Vamika refuses to refund as the bottle is now open. Can Yamini claim the refund? Give reasons. (10 Marks)

(c) What are the different classes of civil courts prescribed in the Punjab Courts Act 1918? (5 Marks)

(d) Under what circumstances can the Fair Rent fixed under the Haryana Urban (Control of Rent and Eviction) Act 1973, be revised? (5 Marks)

(e) Enumerate and explain the circumstances under which a landlord may set the law in motion for eviction of his tenant under the Haryana Urban (Control of Rent and Eviction) Act 1973? (10 Marks)

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## CIVIL LAW - II

**Time: Three Hours**

**Maximum Marks: 200**

**Notes:**

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.

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- Q1 (a) What are the changes made in the Hindu Succession Act 1956 by Act 39 of 2005 as regards succession to ancestral property by a Hindu female? Cite latest case law on the point. (15 Marks)
- (b) 'A' a Hindu alienates coparcenary property in the lifetime of his son B without B's consent and without justifying necessity. B dies 2 years after the sale. 6 months after B's death, another son C is born to A's wife from A. Advise about C's right to challenge the alienation of property made by his father. (10 Marks)
- (c) Anjali, a Hindu girl wants to marry a Muslim boy, without relinquishing her faith. Discuss in detail with relevant provisions and procedure under which law she can marry? (15 Marks)
- Q2 (a) Elaborate on concept of void and voidable marriages regarding Hindus? What is the status of children born to persons whose marriages are void and what are rights of such a child? (10 Marks)
- (b) A boy and a girl want to marry each other. The boy is the girl's paternal aunt's son. Explain whether the marriage in this relationship would be valid as per the Hindu Marriage Act. (10 Marks)
- (c) A widower or a bachelor adopts a child. He later marries. What would be the status of the wife viz a viz the child? Give reasons for your answer. (10 Marks)
- (d) Sunaina and Kartik got married as per the norms of Hindu law. When they were not blessed with a child for more than 3 years they consulted a Doctor. After examining both of them, the doctor disclosed that medical issues are with Sunaina. She started taking the necessary treatment for infertility but could not conceive. She insisted that Kartik should divorce her and marry another woman and get a progeny for himself. Frustrated, Kartik adopted a baby boy without consulting his wife. Can the child be considered the adopted child of Sunaina and Kartik under the Hindu Adoption and Maintenance Act, 1956. Explain the conditions for a valid adoption under the Hindu Adoption and Maintenance Act, 1956. (10 Marks)
- Q3 (a) What are the grounds on which an order granting maintenance by a court be varied by it later? Explain. (10 Marks)

- (b) Can a child in the womb at the time of death of an intestate inherit the property of the intestate? If so, when does such inheritance vest in him? . (5 Marks)
- (c) Explain the concept of adverse possession briefly with reference to case law. (15 Marks)
- (d) Explain the difference between applicability of Section 5 and Section 14 of Limitation Act 1963 to suits. (10 Marks)
- Q4 (a) Can a property, in the absence of any evidence as to who created the wakf, be considered a wakf property? Explain. Also, discuss the circumstances wherein any sale, gift, lease, exchange, mortgage or transfer of waqf property shall be void ab initio under the Waqf Act 1995. (15 Marks)
- (b) Explain the legal position regarding talaq-e-biddat in Muslim Law. (10 Marks)
- (c) Elaborate on the concept of Judicial Separation and Divorce and also the difference between them. (15 Marks)
- Q5 (a) Write in detail the grounds for dissolution of a Muslim marriage and emphasize on the effect of conversion to another faith with regards to dissolution of Muslim marriage? (10 Marks)
- (b) Explain as to whether a document which narrates only the pre-existing title to a property, is compulsorily registrable under the Registration Act? (5 Marks)
- (c) What is the effect of non-registration of a document which is required to be registered? (5 Marks)
- (d) Write Short Notes on
- (i) Natural, De Facto and De Jure Guardian. (10 Marks)
- (ii) Easementary Right. (10 Marks)

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## CRIMINAL LAW

**Time: Three Hours**

**Maximum Marks: 200**

**Notes:**

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.

Q1(a) Elaborate the powers of a Magistrate under S. 145 CrPC and the procedure prescribed. (10 Marks)

(b) A police report forwarded to the Magistrate under S. 173(2) of the CrPC stated that a person Om Prakash has committed an offence. A protest petition was also filed referring to some statements recorded under S.161 CrPC whereby it was suggested that another person named Sanjiv is also involved in the crime. Magistrate took cognizance under S. 190 (1)(b) CrPC and issued process against both the persons. Sanjiv has challenged the order on the grounds that Magistrate should have followed the procedure under S. 200 CrPC before issuing process against him as he acted on the protest petition. Decide and give reasons. (10 Marks)

(c) Write short notes on

- i) Victim and Criminal Justice System (5Marks)
- ii) Difference between statements recorded U/s 161 CrPC and recorded U/s 164 CrPC. (5Marks)
- iii) Parameters to be considered while granting anticipatory bail and regular bail. (5Marks)
- iv) Cancellation of bail. (5Marks)

Q2(a) What are the principles to be followed by a Court while exercising its powers under Section 427 CrPC. as regards concurrent running of sentences? (10Marks)

(b) Under what circumstances can charge once framed be altered and at what stage? Explain with relevant case law (15Marks)

(c) What are circumstances under which prosecution can be withdrawn? Explain with relevant case law (10Marks)

d) What is the law governing summoning of a person to face trial as an additional accused? (5Marks)

Q3(a) Write short notes on:

- i) Difference between Dacoity and Robbery (5Marks)
- ii) Limitations on exercise of right of Private Defence? (5Marks)
- iii) Difference between 'Hurt' and 'Grievous hurt' (5Marks)
- iv) Difference between 'Common intention' and 'Common object' (5Marks)
- v) What are the ingredients of an offence Under Section 295-A IPC? (5Marks)

(b) Discuss admissibility of multiple dying declarations under the Evidence Act with reference to case law (15Marks)

Q4 (a) What is the protection given to a public servant who is accused of committing an offence? (10Marks)

(b) Critically analyse the difference between 'Murder' and 'Culpable homicide' with the help of case law (20Marks)

(c) X while studying in undergraduate class became intimate with Y, while the latter was not much interested in the relationship and always informed X about her position. After they passed out from college, X met with Y who in the mean time had got engaged elsewhere and told her that she should not marry anyone else. This put Y in a very difficult position. She informed the same to her parents. Upon call by the parents of Y, X demanded a sum of Rs.2 lakh to be out of the scene for the marriage of Y. Even the family of X told him that if the said amount is not paid to their son, he can do anything. Y's father did not accept this and filed FIR with the police. Identify what type of crime is committed by X? Can it be said that the family of X is also guilty? (10Marks)

Q5 (b) Distinguish between admissions and confessions and also explain when confessions made to a police officer become admissible in evidence (10Marks)

(c) Write short notes on

i) Facts which need not be proved. (5Marks)

ii) 'May presume' and 'shall presume'. (5Marks)

iii) Accomplice's evidence. (5Marks)

iv) Burden of proof and onus of proof. (5Marks)

(d) What is the role reserved for the doctrine of res ipsa loquitur in criminal law? (10 Marks)

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Time: Three Hours

Maximum Marks: 200

## Notes:

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. No extra answer sheet will be provided.

Q1 Write an essay on any one of the following topics in about 1000-1100 words:

- i) The Advantages and Pitfall of Online Education.
- ii) Education is a Progressive Discovery of Our Own Ignorance.
- iii) The Future of Agriculture in India.
- iv) Is Common Civil Code a necessity in India?
- v) Is Judicial Activism useful for Civil Society? (100 Marks)

Q2 Make sentences using the following words:

- |               |               |                |                |
|---------------|---------------|----------------|----------------|
| i) invincible | ii) diffident | iii) atrocity  | iv) infallible |
| v) collude    | vi) deprecate | vii) pragmatic | viii) amnesia  |
| ix) cryptic   | x) insinuate  |                | (25 Marks)     |

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

Our freedom was won with great struggle and sacrifice after centuries of servitude to foreign rule, and it is important that those of us who belong to the post-independence generation should not fall into the error of taking our freedom for granted. The maintenance and strengthening of freedom is a task even more onerous than its attainment. In any nation, the youth necessarily form the vanguard in most spheres of activity, and it is essential that at this critical juncture its power must be mobilized further to strengthen our integrity and our capacity to resist aggression. What is required is an immense burst of idealism and energy among our youth, who must be deeply committed to the task of safeguarding this great nation of ours founded on the twin ideals of secularism and democracy. In particular our young men and women studying in schools, colleges and universities have a special responsibility. For, while they are no longer children they have not yet got fully involved in the routine of adult life. They constitute an immense reservoir of strength which, if properly channelized, can prove to be a source of great power to the nation. Indeed, it is these young Indians who will soon be called upon to provide leadership in all walks of national life, and they must train themselves to fulfill their future responsibilities with distinction. The building up of a vast and pulsating democratic nation is no mean undertaking. Mere desire to be of service is not enough; it must be accompanied by the ability to do so effectively. There are several distinct dimensions in which our youth must equip themselves. The first is physical. Building a great democracy and defending it from predatory aggressors requires a young generation that is physically strong, with muscles of iron and nerves of steel, and for this it must

equip itself by undertaking physical training and developing fitness to the maximum extent possible. (325 words) (25 Marks)

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

While translating from one language to another, several problems crop up. Every language is tethered to its culture and society. When a translator has to translate, he may not find the exact equivalent word. Every language is distinguished by its own idioms, proverbs and colloquial expressions. There are many English words which are now accepted in Hindi. As a result of interaction between the British and the Indians, Hindi words have become a part of the English vocabulary. A living language is constantly in a process of development. The English language is continuously being renewed by importations from commonwealth countries. During the process of translation, we also begin to understand the culture of the other language. This leads to a great sense of tolerance and understanding of diverse cultures. We will have no problem in understanding their customs and ways of life in case we have access to the literature of that culture.

1. Why is it difficult to translate from one language to another?
2. What are the peculiarities of every language?
3. What makes a language living?
4. What is the positive outcome of the process of translation?
5. What happens when we have access to literature of a particular culture? (25 Marks)

Q5 Correct the following sentences:

- i) She is one of the best athlete <sup>of</sup> in our country.
- ii) He and ~~me~~ <sup>I</sup> are brothers.
- iii) You should have return <sup>ed.</sup> it sooner.
- iv) He acceded <sup>to</sup> on my request.
- v) We are discussing <sup>on</sup> a more major issue.
- vi) Hard work is key <sup>to</sup> of success.
- vii) I was informed that his father had <sup>been</sup> passed away long before he joined the army.
- viii) When you ~~will~~ complete this project, you will be promoted as the project manager.
- ix) The match had hardly started ~~then~~ <sup>when</sup> he was shown a red card and sent off the field.
- x) I have finished my work <sup>yesterday</sup> yesterday. (25 Marks)

Time: Three Hours

नोट:

1. सभी प्रश्न अनिवार्य हैं।
2. सभी प्रश्नों का उत्तर उसी क्रम में दें, जिस क्रम में प्रश्नपत्र दिए गए हैं।
3. कोई अतिरिक्त उत्तर पुस्तिका प्रदान नहीं की जाएगी।

प्रश्न 1 निम्नलिखित गद्यांश का हिंदी में अनुवाद करें

A small family is indeed a happy family. It is mainly because in these days of high prices, it is very difficult to support a large family. Each member of the family requires food, clothing, education and accommodation. This means more expenses. The income of a person being limited, the larger the family, the poorer is the standard of living. Suppose a couple's income is Rs.25,000/- per month, their standard of living will be better if they have two children than a big family. A small family thus, is an economic necessity. Only a small family can be a happy family as its members do not face economic problem. It can have a decent standard of living.

(20 Marks)

प्रश्न 2 (क) निम्नलिखित गद्यांश की व्याख्या सरल हिंदी में करें।

मनुष्य को निरन्तर कर्मरत रह कर उत्साहपूर्ण रहने की जितनी प्रेरणा भारतीय संस्कृति ने दी है, उतनी अन्य किसी भी संस्कृति ने नहीं। अपने पुरुषार्थ पर विश्वास करके, किसी भी सरल अथवा दुर्लघ्य बाधा को पार करने के उत्साह, ओजस्विता एवं महाप्राणता का मन्त्र भारतीय संस्कृति ने ही दिया। निष्क्रिय होकर बैठ जाना मृत्यु है, निरन्तर कर्म करते रहना ही जीवन है। अपने अभीष्ट की प्राप्ति के लिए निरन्तर कर्म करने की प्रेरणा तो विश्व के सभी धर्मों, दर्शनों एवं संस्कृतियों में हैं, किन्तु प्रयोजन सिद्ध न होने पर भी निस्पृह भाव से कर्म करते ही रहने की योजना भारतीय संस्कृति का ही वैशिष्ट्य है।

मनुष्य को अपने किए हुए कर्म के फल की इच्छा भी नहीं करनी चाहिए। जब कर्म के फल में आसक्ति ही नहीं होगी, तो विफल होने पर खिन्नता और हताशा भी नहीं होगी और मानव मन की आस्था अक्षुण्ण बनी रहेगी। उपनिषदों में भी कहा गया है कि बिना रागद्वेष के निरन्तर कर्म करते हुए ही मनुष्य को शतायु होने की कामना करनी चाहिए।

(15 Marks)

(ख) निम्नलिखित पद्यांशों की व्याख्या करें

- (i) लोहे का स्वाद  
लोहार से मत पूछो  
उस घोड़े से पूछो  
जिसके मुंह में लगाम है।

(7 ½ Marks)

- (ii) जो बीत गई सो बात गई  
जीवन में एक सितारा था  
माना वह बेहद प्यारा था  
वह डूब गया तो डूब गया  
अम्बर के आनन को देखो  
कितने इसके तारे टूटे  
कितने इसके प्यारे छूटे  
जो छूट गए फिर कहाँ मिले  
पर बोलो टूटे तारों पर  
कब अम्बर शोक मनाता है  
जो बीत गई सो बात गई।

(7 ½ Marks)

प्रश्न 3 (क) निम्नलिखित अशुद्ध शब्दों को शुद्ध करके लिखें

- (i) कार्यालय (ii) उजजवल (iii) चन्द्ररमौ  
(v) सवामी (vi) उधारण (vii) मंदर  
(ix) प्रखयात (x) दुरलभ

(iv) परमाण  
(viii) इतिहासिक  
(5 Marks)

उत्तर  
उत्तर  
पूरा  
पूरा

(ख) निम्नलिखित अशुद्ध वाक्यों को शुद्ध करके लिखें

- (i) जनताओं में असंतोष है।  
(ii) झांसी की रानी महान् वीर थी।  
(iii) वह बुधवार के दिन आएगा।  
(iv) वह दोनों आँख का अंधा है।  
(v) उसके घर के पास अनेकों घर हैं।

(5 Marks)

उत्तर  
आँख

प्रश्न 4 निम्नलिखित मुहावरों के अर्थ लिखकर वाक्यों में प्रयोग कीजिए

- (i) गड़े मुर्दे उखाड़ना  
(ii) घड़ों पानी पड़ना  
(iii) त्योरियाँ चढ़ाना  
(iv) गागर में सागर भरना  
(v) चिकना घड़ा होना  
(vi) पौ बारह होना  
(vii) कंगाली में आटा गीला होना  
(viii) हाथों के तोते उड़ जाना  
(ix) ऊँट के मुँह में जीरा  
(x) एक अनार सौ बीमार

(10 Marks)

उत्तर

प्रश्न 5 निम्नलिखित विषयों में से किसी एक पर निबंध लिखें

- (i) आधुनिक शिक्षा प्रणाली  
(ii) पर्यावरण के संकट और विकल्प  
(iii) शहरों की ओर बढ़ता पलायन  
(iv) पराधीन सपनेहु सुख नहीं  
(v) भारतीय संविधान की गरिमा

(30 Marks)

उत्तर

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मुझी  
सही