

Examination for Recruitment to Grade -III
of Tripura Judicial Service, 2013

Law Paper-I

Full Marks- 100

Time- 3 hours

Answer any one question from each Group of A to D and answer all questions from Group-E.

Group-A

10+10= 20 marks

1(a) what is meant by res sub judice and res judicata and difference between them and also discuss what is the difference between Section 11 and Order-2 Rule 2 of the Code of Civil Procedure?

Or

Discuss under which provisions of Civil Procedure "amendment of pleading can be done" and when should amendment of pleading be disallowed?

(b) Discuss about a decree and an order and what are the essential elements of a decree and what is the difference between a preliminary decree and a final decree?

Or

Discuss the basic principle and restriction regarding granting an interlocutory injunction under the provisions of Order 39 Rule -1 and 2 of CPC?

Group-B

20 marks

2. Write the preamble of the Constitution of India. Is the preamble a part of the Constitution and, if so, when can it be amended?

Or

Discuss about the fundamental rights and fundamental duties described in Part-III and Part-IVA of the Constitution?

Group-C

20 marks

3. What is meant by 'concluded contract'? Can a rule of 'promissory estoppel' apply to a concluded contract?

Or

Explain the distinction between void, voidable, illegal and unenforceable contracts?

Group-D

20 marks

4. Which Section of the T.P. Act deals with "Gift" and which elements are essential for a valid gift?

Or

Section- 58 of the T.P. Act contemplates how many kinds of mortgage and what is the difference between simple mortgage and mortgage by condition itself?

Group-E

**20 marks
(2 marks each)**

Enter the correct answer in the answer sheet :

1. The word 'Socialist' in Preamble, aims to
 - (a) eliminate inequality in economic and political status
 - (b) eliminate inequality in political and religious affairs
 - (c) eliminate inequality in income and status and standards of life
 - (d) eliminate class based society

2. Who was the Chairman of the Constituent Assembly
 - (a) Jawaharlal Nehru
 - (b) Jai Prakash Narayan
 - (c) C. Rajgopalachari
 - (d) Dr. Rajendra Prasad

3. A suit is bad for non-joinder of a necessary party, as provided
 - (a) under Order 1, Rule 10 of CPC
 - (b) under Order 1, Rule 9 of CPC
 - (c) under Order 1, Rule 10A of CPC
 - (d) under Order 1, Rule 11 of CPC.

4. A plaint can be rejected
 - (a) under Order VII, Rule 10 of CPC
 - (b) under Order VII, Rule 10A of CPC
 - (c) under Order VII, Rule 11 of CPC
 - (d) all the above

5. A contract without consideration under section 25 is
 - (a) valid
 - (b) voidable
 - (c) void
 - (d) illegal

6. An agreement in restraint of marriage under section 26 is
 - (a) void
 - (b) voidable
 - (c) valid
 - (d) unenforceable

7. A contingent contract
 - (a) is void
 - (b) never becomes void
 - (c) becomes void when the event becomes impossible
 - (d) is voidable

8. Under Article 63(a) of the Limitation Act, 1963, provides a limitation period of ___ years from due date for suits by a mortgagee for disclosure
 - (a) 30 years
 - (b) 24 years
 - (c) 12 years
 - (d) 7 years

9. If the suit on all mortgages under section 67 of the Transfer of Property Act, 1882, cannot be brought in the same court, section 67

- (a) can apply
- (b) cannot apply
- (c) can apply subject to discretion of provisions of section 60
- (d) none of the above.

10. The word "fraud" as used in section 78 of the Transfer of Property Act is analogous with section 17 of the Indian Contract Act, 1872. Thus there is a duty on the mortgagee to disclose his lien at a court sale. The statement is:

- (a) true
- (b) false
- (c) partly true
- (d) none of the above
