

24.11.19

HIGH COURT OF TRIPURA
COMPETITIVE EXAMINATION FOR DIRECT RECRUITMENT TO
GRADE-III OF THE TRIPURA JUDICIAL SERVICE (TJS), 2019

LAW PAPER-I

100 Marks

[Duration : 3 hours]

Part-I

Constitution of India

1. Write short notes on two topics:

5 X 2 = 10 Marks

- (a) Right to Freedom as envisaged in Articles 19 & 20 of the Constitution
- (b) Inherent limitation and amending power of the Constitution
- (c) Conflict between fundamental rights and directive principles

2. Write only the correct answer against the multiple choice questions.

5 X 1 = 5 Marks

(i) Who was the Constitutional Advisor to the Constituent Assembly?

- (a) Dr. Ambedkar
- (b) Dr. Rajendra Prasad
- (c) Jawaharlal Nehru
- (d) B.N. Rau

(ii) An ordinance issued by the Governor, without the approval of the State Legislature shall be effective for a period of

- (a) six months
- (b) six weeks
- (c) one year
- (d) one month

(iii) Which of the following is not a condition for acquiring Indian Citizenship

- (a) Domicile
- (b) Descent
- (c) Registration
- (d) Holding property

(iv) The Supreme Court consists of a Chief Justice and

- (a) Seven Judges
- (b) Nine Judges
- (c) Eleven Judges
- (d) Thirty Judges

(v) Which of the following amendments curtailed the Supreme Court's power of judicial review

- (a) 42nd Amendment
- (b) 44th Amendment
- (c) 29th Amendment
- (d) none of the above

3. Write a note with illustration on one of the following topics:

10 Marks

(a) Article 14 of the Constitution permits classification but prohibits class legislation

(b) Right to live is not merely confined to physical existence but to live with human dignity- the Supreme Court of India expands the concept of liberty

Part-II

Code of Civil Procedure

1. Write short notes on two topics:

5 X 2 = 10 Marks

- (a) Essential conditions for *Res Sub Judice*
- (b) Remedies to the defendant in *ex-parte* proceedings
- (c) Summary suits

2. Write only the correct answer against the multiple choice questions.

5 X 1 = 5 Marks

(i) The principle of *res judicata* applies

- (a) When the matter in former suit is directly and collaterally in issue
- (b) When the matter in former suit is directly and substantially in issue

(c) When the matter in former suit is collaterally and incidentally in issue

(d) When the matter in former suit is collaterally and substantially in issue.

(ii) If a party who has obtained an order for leave to amend pleading does not amend the same within how many days, he shall not be permitted to do that without the leave of the court

- (a) Fifteen days
- (b) Fourteen days
- (c) Twenty days
- (d) Thirty days

(iii) In cases of withdrawal of suit by the plaintiff, under Order 23, Rule 1A of CPC

- (a) Defendants cannot be transposed as plaintiffs
- (b) Defendants can be transposed as plaintiffs under all circumstances
- (c) Defendants can be transposed as plaintiff if substantial question is to be decided against any of the defendants
- (d) Either (a) or (b)

(iv) 'Guardian *ad litem*' of a minor is

- (a) A person filing a suit on behalf of a minor
- (b) A person defending a suit on behalf of a minor
- (c) Officer appointed by the court
- (d) Either (a) or (b) or (c)

(v) Law does not require issuance of notice of the application for execution of a decree, to the judgment-debtor, where the execution is applied

- (a) Within four years of the decree
- (b) Within two years of the decree
- (c) Within three years of the decree
- (d) Within five years of the decree

3. Write a note with illustration on one of the following topics:

10 Marks

- (a) Amendment of the pleadings-factors to be considered
- (b) How the bar operates under Order 2, Rule 2 of the CPC and under Section 11 of the CPC

Part-III

Transfer of Property Act

1. ~~Write~~ short notes on two topics:

5 X 2 = 10 Marks

- (a) Lis pendens
- (b) Mortgage by conditional sale
- (c) Restraints on transfer

2. Write only the correct answer against the multiple choice questions.

5 X 1 = 5 Marks

(i) Section 44 of the Transfer of Property Act, 1882, deals with:

- (a) transfer by two co-owner
- (b) transfer by one co-owner
- (c) transfer by 3 co-owners
- (d) transfer by all co-owners

(ii) Section 60 of the Transfer of Property Act, 1882, does not refer to the extinction of the equity of redemption by operation of law. The statement is

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

(iii) When the mortgagor is a trustee to the public purpose, there is:

- (a) estoppel
- (b) no estoppel
- (c) no such provision prevails in law
- (d) none of the above

(iv) The principle of marshalling applies only where there is a common debtor and not to cases of more than one debtor mortgaging their separate properties jointly for contracting the debt. This principle pertains to:

- (a) section 80 of the Transfer of Property Act, 1882
- (b) section 81 of the Transfer of Property Act, 1882
- (c) section 82 of the Transfer of Property Act, 1882
- (d) none of the above

(v) In case of gift, the donee dies before acceptance then

- (a) gift is valid
- (b) gift is void
- (c) gift is reduced
- (d) court has to decide

3. Write a note with illustration on one of the following topics:

10 Marks

- (a) 'Perpetuity is a limitation'
- (b) Rights and duties of seller and buyer

Part-IV

Indian Contract Act

1. Write short notes on two topics.

5 X 2 = 10 Marks

- (a) Damage for breach of contract with reference liquidated damage
- (b) Liability of the surety is co-extensive with that of principle debtor
- (c) Fraud in contract

2. Write only the correct answer against the multiple choice questions.

5 X 1 = 5 Marks

(i) An agreement to do an act impossible in itself under Section 56 is

- (a) void
- (b) valid
- (c) voidable
- (d) unenforceable

(ii) A contingent contract based on the specified uncertain event not happening within a fixed time under Section 35

- (a) can be enforced if the event does not happen within the time fixed
- (b) can be enforced if before the expiry of time fixed, it becomes certain that such an event shall not happen
- (c) cannot be enforced at all, being void
- (d) both (a) & (b)

(iii) Under section 62, the original contract need not be performed if there is

- (a) novation of contract
- (b) rescission of contract
- (c) alteration in contract
- (d) all the above

(iv) An acceptance containing additions, limitations or other modifications shall amount to

- (a) rejection of the offer
- (b) a valid acceptance
- (c) a counter offer
- (d) both (a) & (c)

(v) A wagering contract is void under

- (a) section 28
- (b) section 29
- (c) section 30
- (d) section 31

3. Write a note with illustration on one of the following topics:

10 Marks

(a) In view of the stringency in the money market 'A' applies to the banker for loan but the banker declines to extend the loan except at unusual high rate of interest. 'A' accepts the loan on the term of high rate of interest. Can 'A' refuse to pay high rate of interest taking the plea of undue influence?

(b) Privity of contract with reference to exceptions
