

**HIGH COURT OF TRIPURA
COMPETITIVE EXAMINATION FOR RECRUITMENT TO GRADE-III
OF TRIPURA JUDICIAL SERVICE (TJS)
FINAL WRITTEN EXAMINATION-2021**

LAW PAPER-I

Total marks- 100

Duration- 3 (three) hours

PART-I

[1] Write Short Notes on any 3 (three) of the following topics: 3x5=15

- [A] The Constituent Assembly.
- [B] Limitations on parliament's power of amending the Constitution. (The note must refer to the relevant case laws).
- [C] The Indian Constitution does not fit into any rigid definition of Federal or Unitary.
- [D] 'Secularism' under the Indian Constitution.

[2] Answer any 1 (one) of the following: 1x10=10

- [A] Article 21 of the Constitution guarantees the fundamental rights of life and personal liberty. Discuss the legislative history of this provision and its evaluation and development with specific reference to case law.
- [B] Discuss the scope of judicial review of administrative action under the Indian Constitution.

PART-II

[3] Answer any 3 (three) of the following: 3x5=15

- [A] Distinguish between 'Review' and 'Revision' under the Code of Civil Procedure with reference to the relevant legal provisions.
- [B] What is a representative suit? By whom and under which circumstances a representative suit can be filed?

- [C] Under which circumstances court may order for substituted service of summons? Explain the various modes of substituted service of summons.
- [D] What is the procedure under CPC for appointment of guardian by court for a minor defendant?
- [4] Answer any 1 (one) of the following: 1x10=10
- [A] Who is an 'indigent person' under CPC? Under which circumstances Court can reject an application for permission to sue as an indigent person? Discuss with reference to the relevant legal provision.
- [B] Under which circumstances temporary injunction and interlocutory order under Order XXXIX CPC can be issued by Court? What is the consequence of disobedience or breach of injunction granted by Court? Under which circumstances the order of injunction may be discharged, varied or set aside?

PART-III

- [5] Answer any 5 (five) of the following: 5x5=25
- [A] Briefly explain the various modes of transfer of immovable property. How does a mortgage differ from gift?
- [B] What is 'fraudulent transfer' under the Transfer of Property Act? What is the remedy available to the transferee in the cases of fraudulent transfer of property?
- [C] Elucidate the principle of 'lis pendens' as incorporated under section 52 of the Transfer of Property Act.
- [D] What do you understand by right of redemption? Who can sue for redemption?
- [E] What is 'vested interest' under the Transfer of Property Act? Give an example.
- [F] What is 'Exchange' under the Transfer of Property Act? Distinguish between Exchange and Sale.

PART-IV

[6] Answer any 7 (seven) of the following: 3x7=21

- [A] Discuss the essential ingredients of an enforceable contract.
- [B] A bank made mistake in crediting a constituent's money into the account of some other party and allowed the latter to withdraw the money. Is the bank entitled to recover the overdrawn money? Answer with reference to the relevant provision of the Indian Contract Act.
- [C] 'A' is a famous painter who promises to paint a picture for 'B'. Can 'A' employ a competent person to perform the promise on his behalf? Answer with reference to the relevant provision under the Indian Contract Act.
- [D] Distinguish between fraud and misrepresentation under the Indian Contract Act.
- [E] Explain the different modes of termination of an agency under the Indian Contract Act.
- [F] What is a contract of indemnity? Illustrate your answer.
- [G] What is continuing guarantee? Can a continuing guarantee be revoked?
- [H] 'A' agrees to buy from 'B' a certain horse. It turns out that the horse was dead at the time of bargain, though neither party was aware of the fact. Explain the reason with reference to the legal provision for which the said agreement is void.

[7] Answer any 1 (one) of the following: 4x1=4

- [A] Distinguish between guarantee and indemnity.
 - [B] What is 'bailment' under the Indian Contract Act? Mention two duties of 'bailor' and two duties of 'bailee'.
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