

2014

**EXAMINATION FOR RECRUITMENT IN GRADE-I
OF TRIPURA JUDICIAL SERVICE – 2014**

LAW PAPER II

Time – 3 hours

Total marks – 100

Attempt all questions

1. Answer the following questions within 150 words with reference to the relevant provision of law. (10 X 5 = 50)

(i) X sues Y for recovery of Rs.5,000/- and interest and the suit is decreed. In the judgment nothing is said about the interest claimed. The decree is drawn in accordance with the judgment. An application under Section 151 and 152 of the Code of Civil Procedure is filed to amend the decree and for adding an order for payment of interest. How would you decide?

(ii) A obtained a decree ex parte against B and in execution of the decree brought the properties of B to sale and himself became the purchaser. On appeal by B, the appellate Court set aside the decree and remanded the suit for rehearing. Then B applied for restitution. While that application was pending, the suit was heard and again decreed. A then contended that as the suit had been decreed, no restitution could be granted. Is B entitled to restitution?

(iii) A, a married major daughter is unable to maintain herself due to her mental abnormality. Is she entitled to be maintained by her father who has sufficient means to maintain? Explain with reason.

(iv) What procedure is required to be followed where the accused does not understand proceedings. Discuss with reference to the relevant provision.

(v) A, B and C with a previous meeting of mind plans to beat up X. While X is being assaulted, his daughter intervenes who is molested by C. While retreating from X's house, B pick up a watch. For what offences A, B and C are liable.

(vi) A, who is a school teacher at Allahabad, filed a suit for divorce in Lucknow court against her husband on the ground of cruelty. Husband denying the charge also challenges the jurisdiction of the Lucknow Court. On whom does the burden of proof lie?

(vii) A, a client says to B, an Advocate, "I wish to obtain possession of property by use of a forged deed on which I request you to sue". Is this communication protected?

(viii) A transfers to B Rs.500/- on condition that he shall marry with the consent of C. B marries without C's consent but obtains the consent after marriage. Can B claim the amount?

(ix) The limitation period for instituting a suit by P expired when P was still a minor. Can P file the suit when he becomes a major? If so, whether, he can immediately after he becomes a major or within the prescribed period of limitation, do so, after he becomes a major.

(x) A is in adverse possession of property since 1990. A in the year 2004 for consideration assigns his rights in the property to B and puts B into possession of the property. C, the registered owner of the property in the year 2008 institutes a suit for possession of the property against B. B sets up a plea of suit being barred by time for the reason of A having been in adverse possession transferred the right to C, of the property since 1990. C contends that B having come into possession of the property in 2004 only and suit for possession having been instituted within 12 years thereof, is within time. Decide the controversy?

2. Writes short notes within hundred words :

(6 X 5 = 30)

- (i) Presumption of law and presumption of fact.
- (ii) Doctrine of lis pendens.
- (iii) Effect of errors in charges.
- (iv) Doctrine of Mens Rea and Actus Reus.
- (v) Riot and Aftay. Distinguish.
- (vi) "Sufficient Cause" for condonation of delay – explain.

3. Choose the correct option :

(20 X 1 = 20)

(i) Classification of offences given in the Code of Criminal Procedure under -

- (a) Section 320
- (b) the 1st Schedule
- (c) the 2nd schedule
- (d) Section 468.

(ii) Before ordering further investigation under Section 173(8) of Cr.P.C. the Court is -

- (a) under an obligation to hear the accused
- (b) under no inhibition
- (c) under an obligation to hear the public prosecutor
- (d) under an obligation to hear the accd person not sent for trial.

- (iii) Under Section 195 of Cr.P.C. the complaint in writing must be by –
(a) the public servant concerned
(b) an officer to whom such public servant is administratively subordinate
(c) either (a) or (b)
(d) both (a) and (b).
- (iv) Under Section 311 of Cr.P.C. a witness can be called –
(a) on the motion of the prosecution
(b) on the motion of the defence
(c) on its own motion by the Court
(d) all the above.
- (v) Section 34 of IPC –
(a) creates a substantive offence
(b) is a rule of evidence
(c) both (a) and (b)
(d) neither (a) nor (b).
- (vi) Section 76 and 79 of IPC provide the general exception of –
(a) mistake of law
(b) mistake of fact
(c) both mistake of law and fact
(d) either mistake of law or of fact.
- (vii) Grave and sudden provocation is –
(a) question of fact
(b) question of law
(c) mixed question of fact and law
(d) a presumption under the law.
- (viii) Adultery as defined under Section 497 IPC is an offence against –
(a) wife
(b) husband
(c) both (a) and (b)
(d) either (a) or (b).
- (ix) Relevancy and admissibility under the Indian Evidence Act are –
(a) synonymous
(b) co-extensive
(c) neither synonymous nor co-extensive
(d) synonymous and co-extensive both.
- (x) Law of evidence is –
(a) lex talienis
(b) lex fori
(c) lex loci solutionis
(d) lex situs.

(xi) Opinion of a expert under Section 45 of Evidence Act -

- (a) Is a conclusive proof
- (b) is not a conclusive proof
- (c) is supportive and corroborative in nature
- (d) either (a) or (c).

(xii) For presumption of death U/S.108 of Evidence Act, a person is shown to be not heard for a period of -

- (a) 3 years
- (b) 7 years
- (c) 12 years
- (d) 30 years.

(xiii) Jurisdiction of Civil Court can be barred -

- (a) expressly only
- (b) impliedly only
- (c) either expressly or impliedly
- (d) neither expressly nor impliedly.

(xiv) Plea of res judicata -

- (a) has to be specifically raised
- (b) need not be specifically raised
- (c) is for the Court to see of its own
- (d) neither (a) nor (b) but only (c).

(xv) The Court under Section 89(1) of CPC can refer the dispute for -

- (a) arbitration or conciliation
- (b) conciliation or mediation
- (c) mediation or Lok Adalat
- (d) arbitration or conciliation or Lok Adalat or mediation.

(xvi) Which of the following properties of a judgment debtor are liable to be attached -

- (a) personal ornaments of religious usage of a woman
- (b) tools of artisan-cattle and seed-grain
- (c) books of account
- (d) shares in a corporation and Government securities.

(xvii) Under the Transfer of Property Act, 1882 the condition restraining alienation is provided in -

- (a) section 10
- (b) section 9
- (c) section 8
- (d) section 7.

(xviii) A lease of immovable property -

- (a) can be determined
- (b) cannot be determined
- (c) can be determined as per Section 110 of TP Act, 1882
- (d) can be determined as per Section 109 of TP Act, 1882.

(xix) Section 5 of the Limitation Act applies -

- (a) suit
- (b) appeal and application
- (c) execution
- (d) all the above.

(xx) Section 17, Limitation Act 1963 does not apply to -

- (a) criminal proceedings
- (b) civil proceedings
- (c) execution proceedings
- (d) both (a) and (c).
