

Feb, 2019

HIGH COURT OF TRIPURA
COMPETITIVE WRITTEN EXAMINATION FOR GRADE-I OF JUDICIAL
SERVICE

(By Direct Recruitment)

2019

Question Paper-I

Total Marks : **100**

Duration : **3 (three) hours**

Q.1. Choose the correct options :
(25 marks) (1 mark for each correct answer)

- (i) Human blood contains :
 - (a) Erythrocytes,
 - (b) Leucocytes,
 - (c) Thrombocytes,
 - (d) Plasma
 - (e) All of the above
 - (f) None of the above
- (ii) Who was the author of epic Mahabharata ?
 - (a) Rishi Balmiki,
 - (b) Ved Vyas,
 - (c) Tulsi Dass
- (iii) "Human day" is celebrated every year on :
 - (a) 12th January,
 - (b) 14th August,
 - (c) 10th December
- (iv) 'Lex fori' means :
 - (a) The law of country in which the transaction is performed
 - (b) The law of the country in which the action is brought
 - (c) The law of forties

(xvi) Dr. A.P.J. Abdul Kalam the former President of India is the author of the book.

- (a) The Wings of fire
- (b) The God of Small Things
- (c) The Four Fires
- (d) None of the above

(xvii) The Environment Protection Act was passed by the Parliament of India in the year :

- (a) 1976
- (b) 1986
- (c) 1997

(xviii) The 'eco-mark' is given to

- (a) High quality products
- (b) Environmental friendly products
- (c) Electrical appliances with BIS mark

(xix) The root cause of class conflict is :

- (a) The paradise of material satisfaction
- (b) Dominant inherent acquisitive instinct in man
- (c) A social order where the unprivileged are not a part of the establishment

(xx) The High Court which has jurisdiction over Lakshadweep is

- (a) Madras
- (b) Karnataka
- (c) Kerala
- (d) Andhra Pradesh

(xxi) In India portfolios are allocated to the union minister by the

- (a) Prime Minister
- (b) President
- (c) Council of Ministers

(xxii) An Act of Parliament is called

- (a) Bill
- (b) Legislation
- (c) Statue

(xxiii) Which of the following is a constitutional and not a fundamental right :

- (a) Right to freedom of expression
- (b) Right to freedom of religion
- (c) Right to property
- (d) Right to move freely

(xxiv) The Directive Principles of State Policy are normally given effect by

- (a) Laws made by the Government
- (b) Judgments of the courts
- (c) Orders of the Executive

(xxv) Writ of habeas corpus is a/an -

- (a) Constitutional remedy
- (b) Legislative remedy
- (c) Qiasi Judicial remedy

Q.2. Write short notes (within 500 words) (20 marks) (5 marks of each)

- (a) Judicial ethics
- (b) Justice delayed is Justice denied
- (c) Use of information technology in courts
- (d) Success of bargaining plea-with respect to Indian environment

Q.3. Write an essay on any one of the following topics (within 2000 words) (20 marks)

- (a) Law and Justice
- (b) Women Safety

deliberately sidelined and ignored not even debated, discussed and deliberated properly.

When a Muslim country like Turkey can have uniform civil code since 1926 then why can't India have uniform civil code till date? Why is Centre oblivious of the glaring fact that the Supreme Court, which is the highest court in India lambasted the idleness of the government in this regard and termed the Uniform Civil Code a necessity in the famous Shahbano Case? Why when Goa can have uniform Civil Code yet other states not have it? In 2016 Supreme Court petition by Shaayara Bano and several others including the Bharatiya Andolan the legality of triple talaq, polygamy and nikah halala was questioned sharply which has triggered a massive debate on Muslim personal laws. In June the law ministry asked the law commission to examine all issues pertaining to Uniform Civil Code and submit a report to a government.

Uniform Civil Code will give less importance to religion and low importance to unity of the nation by not giving overbearing precedence to the personal law of any religion. All the drawbacks which are contained in the personal laws of different religion, like Hindu, Muslim, Christians can be permanently removed by ushering in Uniform Civil Code for all citizens all across the country. Hindu women will get equal right in property which they did not enjoy till 2005 and similarly all other discriminatory and derogatory practices which degrade women like polygamy, i.e. a man marrying many women as also women being divorced by a Muslim men saying triple talaq and a Muslim women being ordered to undergo Nikah halala which is divorced with her husband if she wants to remarry him again, she will have to marry another man and then obtain divorce from him which is a preposterous and most cumbersome task will end forever. Also after divorce a Muslim man is not bound to maintain his ex wife. All this must be rectified immediately.

It is the bounden duty of the centre to meet more and more delegations from Muslims, Christians and people of other religion to

petition affidavit, Vakalatnama, deposition and the signature of Mahanta Natabar Das appearing in those documents are required to be sent to the Hand-writing expert of comparison along with the will in question and whether the signature in the Will in question is that of said Natabar Das or not? On the other hand, the case of the first respondent is that the Will was executed by the Testator Mahanta Natabar Das and it was a genuine document and it was legally probated by the competent Court.

4. Since the appellant seeks revocation of the Probate Case No.14/5 of 2000/1997 on the ground that the Will of Natabar Das is a fraudulent one, the crux of the issue is the genuineness of the Will executed by Natabar Das in favour of the first respondent. The petition was filed by the appellant under Order XXVI Rule 10A CPC to send the will in question to the hand-writing expert, allegedly executed nby Natabar Das in favour of the first respondent and Probated in Probate Misc. Case No.14/5 of 2000/1997 with the documents containing admitted signatures of Natabar Das which are available in the court in the earlier Probate Case No.19/13 of 1982.

5. The application filed by the appellant under Order XXVI Rule 10A earlier came to be allowed by District Judge. Puri vide Order dated 18.06.2013. The first respondent challenged the said order dated 18.06.2013 before High Court in WP (C) No.14977 of 2013. By order dated 14.08.2014, the High Court set aside the order dated 18.06.2013 and directed the court below to consider the application filed under Order XXVI Rule 10A at a later stage of the proceedings that is after closure of the evidence from both sides. The High Court also directed disposal of the trial proceedings in CS No.2/34 of 2008/2003 at an earlier date. The trial commenced and parties adduced their evidence. At that stage, the District Judge vide Order dated 15.03.2016 allowed the application filed by the appellants under Order XXVI Rule 10A CPC directing that the Will dated 12.03.1989 be sent to hand-writing expert for comparison with the admitted signatures of Natabar Dass which are available in the petition, affidavit, Vakalatnama and deposition in

to be the person in management of the Institution only on the basis of the said order of Probate dated 24.04.2001.

8. As pointed out earlier, the appellant has filed the suit CS No.2/34 of 2008/2003 challenging the genuineness of alleged will executed by Natabar Das in favour of the first respondent and seeking revocation of the probate of the will. As submitted by the learned senior counsel appearing for the appellant, in the said suit, issue No.3 has been framed that 'Has the defendant No.1 by practicing fraud managed to get the Will probated which was a fabricated and manufactured one?' Hence the genuineness of the Will in question needs to be decided that is whether the signature in the will dated 12.03.1989 allegedly executed by Natabar Das could be ascertained only by sending the document to hand-writing expert. As discussed above, earlier in W.P.(C) No.14997 of 2013, while setting aside the order of the District Judge dated 18.06.2013, the High Court has observed that the application filed under Order XXVI Rule 10A CPC can be considered at a later stage of the proceedings that is after closure of the evidence from both sides. After their witnesses were examined, the plaintiff/appellant again reiterated the prayer for sending the will in question to a hand-writing expert. If the scientific investigation of the document in question facilitates the ascertaining of truth, in the interest of justice, naturally it has to be ordered. Having regard to the issue raised in the suit. The District Judge was right in allowing the application to send the will in question dated 12.02.1989 to a hand-writing expert.

9. The High court was not right in saying that, in the plaint, the appellant has challenged only the genuineness of the signature of Mahanta Natabar Das. To challenge the genuineness of the Will inter alia indicates challenge to the genuineness of the signature of Mahanta Natabar Das. In our view, the High court was not right in saying that there was no specific allegation disputing the genuineness of the signature of Mahanta Natabar Das. In the earlier W.P.(C) NO.14977 of 2013 when the High Court has observed that the prayer under Oder XXVI Rule 10 A CPC can be considered at later stage. The High Court