

Paper I**Civil Laws**

Time :- 3 hours

Marks:- 100

Q. 1 Write a Judgment on the basis of the facts narrated below:-

- A) Adhere to the contents of Judgment as required under the Code of Civil Procedure.
- B) Frame and answer the issues properly.
- C) Wherever necessary, fill up the details from your imagination.
- D) Give legal, logical and proper reasons for your findings.
- E) Conclude the Judgment with a proper order.

Averments in plaint

Plaintiff claimed in the suit that he was residing in the house from last 5 years as tenant and was paying rent regularly to the defendant @ Rs. 500/- p m which was accepted by the defendant. There was an agreement executed between them for a period of 5 years and it expired on 31/1/2015. However, suddenly the defendant illegally evicted the plaintiff from the suit house, on 15/2/2015 without following due process of law and even after accepting the rent for the month of Feb 2015 which was paid on 5/2/2015 by the plaintiff to the wife of plaintiff at his residence. It is further claimed by the Plaintiff that no notice as provided under the contract was ever served on him and his belongings were thrown out of the suit house by the defendant forcefully and by employing the labours. The Plaintiff was forcibly evicted by the defendant without following due process of law and hence prayed that he be put in possession of the suit house and the plaintiff be enjoined from evicting the Plaintiff from the suit house without following due process of law.

Averments in the written statement

Defendant raised the defence that the suit is not tenable as it is filed beyond the period of limitation as provided under the Specific Relief Act and that there was no landlord/tenant relationship between them. In the alternative, it was stated that the defendant voluntarily vacated the suit house on 31/1/2015 and thereafter he put his own lock to the suit house and subsequently inducted another person as tenant in the suit house from 1/2/1015. It is the contention of defendant that this suit is filed only to harass and extract money from him.

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Q. 2:- Write notes on any **two** of the following:-

- a) Res-judicata and constructive Res-judicata.
- b) Explain the doctrine of 'Lis Pendens'.
- c) Modes of payment in money decree.
- d) Rights and liabilities of a Minor partner.

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Q. 3 Answer any **four** of the following:-

- a) Return and rejection of plaint
- b) Competent witness
- c) Execution of decree for specific performance for restitution of conjugal rights, or for an injunction.
- d) Difference between Reference, Review and Revision.
- e) Conditions and Warranties.

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Q. 4 Elaborate with illustrations any **two** of the following:-

- a) What are the grounds for eviction of a tenant under the GDD Buildings (Lease, Rent and Eviction) Control Act?
- b) What are the powers and duties of Head of the Family in Inventory proceedings?
- c) What are the types of Easements and discuss easement of necessity. When it can be enforced?
- d) Define Mundkar and what is the procedure by which he can purchase the house?

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Q. 5 Write any **two** from the following:-

- a) Attachment before judgment.
- b) How specific performance of contract be allowed?
- c) Suits by or against Partnership firm.
- d) When Injunction can be refused.

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Q. 6 Discuss any **four** of the following:

- (a) What is Benami transaction? What is the effect of such transaction?
- (b) Compromise of a suit.
- (c) What is mediation? How it operate?
- (d) What is Jurisdiction? Describe types of jurisdiction?
- (e) Define Admission? When and how admission against person making it be proved?

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