

# HARYANA CIVIL SERVICE JUDICIAL EXAMINATION, 2015

## Paper I Civil Law

Time: 3 hrs.

Max. Marks: 200

### Notes:

- (i) Candidates are required to attempt all the give questions of equal weightage in the same serial order as they appear in the Question Paper including the parts and sub-parts of the attempted question.
- (ii) Marks are indicated against each part or sub-part of the given question.
- (iii) Support your answer with relevant provisions and judicial precedents.
- (iv) No extra Answer Sheet will be provided and the candidate are expected to confine their answers within the limit of the sheets provided in the answer book.

**Q. 1. (a)** What is a preliminary decree and in what cases such a decree is passed? Enumerate the types of suits in which the Code of Civil Procedure provides for passing of a preliminary decree. (20)

(b) Can two preliminary decrees be passed in a suit? Explain with illustration. (10)

(c) Can two final decrees be passed in one civil suit? Elucidate. (10)

**Q. 2. (a)** What is the basic principle in deciding amendment application filed by plaintiff? At which stage such an application can be allowed by the court? (10)

(b) Does the court has power to strike out the pleadings of the parties to a suit. If yes, then what are the grounds on which such power can be exercised by the court? (10)

(c) What is meant by alterante and inconsisted pleadings? Can the parties to a suit incorporate both of these pleadings at the same time? (10)

(d) 'A' files a suit for recovery of one lac rupees against 'B'. Can 'B' claim a set off against 'A' and 'C' jointly in his written statement?

**Q. 3. (a)** What is the importance of "ready and willingness to perform" in a suit for specific performance? What happens when the plaintiff has not averred his readiness and willingness to perform in his pleadings? (10)

(b) Can a Court grant part performance of a contract on the option of (i) plaintiff, (ii) plaintiff and defendant both, or (iii) defendant only? At what stage of litigation can part performance of contract be accepted by a party? (10)

(c) What are the limits within which a court may permit rectification? Whether the relief in this regard is discretionary or mandatory upon the court? (10)

(d) How can a contract be rescinded by a party to it in case the other party is not available and can't be served notice? (10)

**Q. 4 (a)** "Every promise is an agreement." Examine the validity of this statement in the light of the relevant provisions of Indian Contract Act, 1872. (10)

(b) Tarun who is the owner of a mountain bicycle writes a letter to Satish on March 15, 2015 offering to sell him his bicycle for Rs. 50,000. The letter also mentions that the offer will be open till 20th of March 2015. On 18th March, 2015, at 3:50 pm Satish posts a letter of acceptance to buy the bicycle which reaches Tarun at 8:30 pm the same day. Before that at 1:10 pm Tarun has already posted a letter of revocation with reaches Satish at 5:30 pm. Critically examine whether a binding contract has been entered between Satish and Tarun citing relevant provisions of Indian Contract Act, 1872. (10)

(c) What are the rights of an unpaid seller under Sale of Goods Act? How and when can such rights be exercised? Also state briefly the consequences of the exercise of such rights by the unpaid seller. (10)

(d) What are the circumstances that could lead to the dissolution of a partnership firm? Does death of one of the partners dissolve the partnership firm automatically? In a situation where a partnership firm



is constituted by two partners only what will be the effect of the death of one of them on the partnership firm? (10)

Q. 5. (a) What is Secondary evidence? Under what circumstances it can be given? Is uncertified copy of public document admissible if original has been destroyed? (10)

(b) A 28 year old document is filed by plaintiff in a suit. Document is exhibited in evidence after three years. Will any presumption be available to such document in said suit? (10)

(c) 'The Rent Act regulates the incidence of tenancy and inter se rights and obligations of the landlord and tenant.' Comment in the light of the provisions of the Haryana Urban (Control of Rent and Eviction) Act, 1973. (10)

(d) Short notes on the followings:

- (i) Objective of the Punjab Courts Act, 1918
- (ii) Fact-in-issue and relevant facts
- (iii) Leading questions
- (iv) Res gestae
- (v) Dis-proved and not proved. (2 × 5 = 10)

## Paper II Civil Law

Max. Marks: 200

Time: 3 hrs.

### Notes:

- (i) Candidates are required to attempt all the question questions of equal weightage in the same serial order as they appear in the Question Paper including the parts and sub-parts of the attempted question.
- (ii) Marks are indicated against each part or sub-part of the given question.
- (iii) Support your answer with relevant provisions and judicial precedents.
- (iv) No extra Answer Sheet will be provided and the candidates are expected to confine their answers within the limit of the sheets provided in the answer book.

Q. 1. (a) Two sisters (twins) of tender years are found to be abandoned by their biological parents and rescued by an adoption placement agency.

Can they both be validly adopted under the Hindu law by a childless couple? If there are any legal impediments, how could those be validly circumvented in the interest of children under the general law applicable to all including the Hindus? (20)

(b) (i) What is the concept of marriage under the Hindu Marriage Act, 1955 and how it is different from relationship, which is 'in the nature of marriage'? (10)

(ii) Can a woman admittedly in a void marriage claim maintenance against her husband under Hindu law? (10)

Q. 2. (a) What do you understand by the expression, "Joint Hindu Family governed by the Mitakshara law"? (10)

(b) How does the 'devolution of interest in coparcenary property' take place under the Mitakshara law and how this notion of devolution has undergone changes successively under the Hindu Succession Act, 1956 and the Hindu Succession (Amendment) Act, 2005? (15)

(c) Critically examine the character of property inherited by the son from his father in his hands *vis-a-vis* his son under the provisions of the Hindu Succession Act, 1956 in the light of their varying judicial expositions. (15)

Q. 3. (a) What are the conditions that enable a female Hindu to hold the property possessed by her as "full owner thereof and not as limited owner" under the Hindu Succession Act, 1956? (10)

(b) Has the concept of 'limited ownership' of a female Hindu been done away under the Hindu Succession Act, 1956? Amplify your answer. (10)

(c) Seemingly, there is a conflict between sub-section (1) and sub-section (2) of Section 14 of the Hindu Succession Act, 1956, inasmuch as sub-section (2) instantly takes away the gains of sub-section (1). How would you reconcile this seeming conflict and determine the respective ambit of both the sub-sections in the light of the propounding of 3-Judge bench decision of the Supreme Court in Tulasamma (1977). (20)



Q. 4. (a) Whether a Muslim girl below the age of 18 years could contract a valid marriage—**Nikah**—without the consent of her parents. Explain in the light of the basic principle of Islamic jurisprudence. (10)

(b) Whether a divorced Muslim woman is entitled to seek maintenance under Section 125 of Cr.P.C. after **iddat** period in view of the aftermath of **Shah Bano** case and enacted of Muslim Women (Protection of Rights on Divorce) Act, 1986. (10)

(c) Can a Muslim in the exercise of his right as a natural guardian of his children claim the custody of his 9 years old daughter from her mother (his estranged wife)? Explain in the light of the concepts of **wilayat** and **hizanat** under Muslim law. (10)

(d) A father made a gift *inter vivos* to his minor son. Critically examine the validity of the said gift in the light of the essentials of **hiba** under Mohamman law. (10)

Q. 5. (a) 'Custom is a question of fact and not of inferences.'—Comment and elucidate. (10)

(b) 'Law of limitation simply bars judicial remedy: it neither affects extra judicial remedies nor the substantive right itself.' Explain. (10)

(c) How do you construe 'legal disability' as embodied under the Limitation Act, 1963? (10)

(d) Critically examine the circumstances in which registration of a document can be validly refused by the Registering Authority. (10)

### Paper III Criminal Law

Time: 3 hrs.

Max. Marks: 200

#### Notes:

- (i) Candidates are required to attempt **all** the give questions of equal weightage in the same serial order as they appear in the Question Paper including the parts and sub-parts of the attempted question.
- (ii) Marks are indicated against each part or sub-part of the given question.
- (iii) Support your answer with relevant provisions and judicial precedents.

(iv) No extra Answer Sheet will be provided and the candidates are expected to confine their answers within the limit of the sheets provided in the answer book.

Q. 1. (a) Discuss if there is any purpose to differentiate 'specific defences' from 'general defences' under the Indian Penal Code. (10)

(b) 'B', a young business man, gave pills to 'G', his girlfriend, to procure abortion; but nothing happened as—(i) G had not conceived, or (ii) the pills turned out to be made of sugar alone. 'B' is charged with the attempt to cause miscarriage. Decide. (10)

(c) "It is not enough to label the statute as one dealing with a grave social evil and from that to infer that strict liability was intended. It is pertinent also to inquire whether putting the defendant under strict liability will assist in enforcement of regulations ... unless this is so, there is no reason in penalising ... and it cannot be inferred that the legislature imposed strict liability merely to find a luckless victim." In the light of this statement, elucidate the doctrine of strict liability under Criminal Law. (20)

Q. 2. (a) Sumitra and Sanjay were childhood friends in the native village. Though they belonged to different castes, there developed an understanding between the two that once Sanjay got a job in the city, they would get married. On the basis of this understanding, they cohabited with each other several times. However, when Sanjay moved to Chandigarh and got a good job, he fell in love with one of his female colleagues. Soon thereafter Sanjay started avoiding Sumitra and finally refused to marry her. Shocked by the change in Sanjay's attitude towards her, Sumitra files a criminal complaint alleging that she had been raped by Sanjay a number of times. Sanjay pleads that the sexual relationship was with the consent of Sumitra and, therefore, he has committed no offence. Decide in the light of recent amendment(s) under the relevant provisions of the Indian Penal Code. (20)

(b) Differentiate between the offences of criminal misappropriation, criminal breach of trust, and cheating. (10)

(c) 'K' inflicted as many as 20 injuries on the body of 'M' a **gandassa** (an instrument used in villages for cutting fodder for animals), wrecking vengeance for the enmity between their families. None of



the injuries was singly fatal in itself, but as a cumulative result of multiple fractures and the loss of blood, death of 'M' ensued. Critically examine the offence committed by 'K' under the relevant provisions of the Indian Penal Code. (10)

Q. 3. (a) In a case of murder under Section 302 of IPC, the accused confessed to the police that he had committed murder and also confessed that he hid the weapon used in the offence of murder besides the tree in his neighbour's courtyard. The weapon is thereby discovered by the police. Examine in the light of the relevant provisions and the case law:

- (i) The relevance of his confession to the police.
- (ii) The relevance of discovery of weapon and the exact scope of this recovery.
- (iii) Critically examine the contradictory approach, if any, and decipher any contradiction in the approach between (i) and (ii) above. (30)

(b) Are the provisions of Section 154(1) of Cr.P.C. mandatory? Give reasons for your answer and cite the relevant case law. (10)

Q. 4. 'A' was charged with murder of 'B'. When 'A' was taken into custody, he sought bail. The Sessions Court denied him bail. He approached the High Court. The High Court granted him bail under Section 437 of Cr.P.C. The complainant wants to question the bail. Examine and decide.

- (a) Whether complainant can question the bail?
- (b) On what grounds can the bail be cancelled?
- (c) What does the term 'judicial discretion' imply?
- (d) Can bail be granted on parity of reason. (40)

Q. 5. (a) What is the purport of confession under Criminal law and under what circumstances it can be made? Also state the relevance of a confessional statement of an accused in Narco-analysis test undergone by him voluntarily. (20)

(b) 'A' registers a case of attempt robbery against one unknown person. However, within a week on the basis of some secret information, the police arrests a suspect 'B'. In Test Identification Parade (TIP), 'A' identifies the suspect as robber. After six months, during the trial

'A' identifies 'B' in his examination-in-chief, but his cross-examination is deferred at the request of counsel for the accused. On next hearing after one month, in his cross-examination 'A' supports the case of prosecution on all aspects, but deposes that he is not sure whether accused 'B' was the robber as the incident happened at night and he could catch only momentary glimpse of the robber. In his re-examination he admits that he had identified accused 'B' in TIP. There is no other eye witness to the incident of robbery. How will you decide the case? (20)

## English

Time: 3 hrs

Max. Marks: 200

### Notes:

- (i) Candidates are expected to attempt all the questions in the same order in which they appear in the question paper.
- (ii) Marks for individual questions are indicated against each question.
- (iii) No extra answer sheet will be provided.

Q. 1. Write an essay on any one of the following topics in 1000-1100 words.

- (i) The Problem of Brain Drain
- (ii) India of my Dreams
- (iii) Abolition of Child Labour is the only Real Freedom
- (iv) Cowards Die Many Times Before Their Death
- (v) Going to Law is losing a cow for the sake of a cat. (100)

Q. 2. Make sentences using the following words:—

- |                  |                    |
|------------------|--------------------|
| (i) Surveillance | (ii) Ecclesiastics |
| (iii) Onslaught  | (iv) Benign        |
| (v) Replete      | (vi) Wayward       |
| (vii) Stupefy    | (viii) Depraved    |
| (ix) Propensity  | (x) Promissory     |
- (25)

Q. 3. Write Precis of the following passage in about one-third of the original length:—

While Hindi is expected to be the official language for all-India use, it is forgotten that it is only an all-India medium of higher education



that can appropriately be such a language. For various reasons the universities have found it difficult to accept Hindi as the medium of higher education. The difficulty is accentuated by an unplanned and uncoordinated effort at displacing English. Some of the universities in the Hindi-speaking States have started a sudden switch-over to Hindi; on the other hand, some universities in non Hindi States have tried to substitute English by the regional language.

There is no denying the fact that English has continued to be the Indian medium in matters of higher knowledge and intercourse at an intellectual level. But in those universities where English is discarded as the medium, students find it difficult to understand the English text books or lectures delivered in that language. The English that they acquire is generally based on ill-digested guides in an Indian language, on English summaries which they never understand properly. As a result, while there has been a deterioration in the standard of English acquired at the university stage, mastery acquired over Hindi is of a very limited character, literary and ornamental, rather than precise and flexible.

Let us face an unpleasant fact. If swayed by sentiment we forego the use of English, a language of power which has built up standards of scholarship and efficiency in India, it will not help anyone; nor will it serve the cause of Hindi. Unless Hindi becomes, in some measure, a more powerful instrument of expression in the hands of educated men, at least for a generation, it cannot replace English as an all Indian medium of power.

If English is replaced by Hindi rapidly, a wide linguistic gulf will open between the Hindi and non-Hindi States. A new linguism will rise in the country; the development of Hindi itself will be retarded and its ultimate acceptance as the national language will be delayed. For the sake of Hindi itself we should guard against the possibility of a new linguism in the country.

If Hindi has some day to replace English, both English and Hindi should be accepted as the media of higher education in every State in the country. The regionalism will tend to give place to nationalism. There will be nationwide scope for graduates of all universities; and administration will be non-regional in its outlook, and contracts and exchange between scholars and teachers will continue as before.

We should, however, go forward to use Hindi in whatever way we can and to the extent to which it can serve our purpose; to absorb appropriate words from whatever source they come; to develop new shades of meaning required for modern purposes by constant contact with English; to draw inspiration from Sanskrit so that the genius of Hindi may not suffer, and, above all, not lose the freshness of the spoken language by failing to absorb the living elements of popular speech.

**Q. 4. Read the following extract and answer the questions that follow:—** (25)

Heat has many effects some of which are familiar to us through everyday experience. If we have a fire in the room, the room 'gets hotter.' Scientists prefer to say that the temperature rises. These two statements means the something. The second is preferred because it is an absolute method of measuring temperature. The statement that the temperature of a room rose from 5 degrees Celsius to 20 degrees Celsius conveys exactly what occurred. But if you say that the room at first was bitterly cold, but after a while it became reasonably warm, it does not convey so exact a meaning. However, one of the effects of applying heat to a substance is to produce a rise in temperature.

A similar effect is seen when a kettle of water is placed on the stove. Its temperature rises slowly and steadily until the water begins to boil. Once this happens, the water can get no hotter. Although the heat is still being applied, the temperature remains the same. When water is boiling, it is constantly being changed into steam. All liquids turn into gases when their boiling points are reached. So when a liquid turns into gas while the temperature remains steady. Heat, therefore, has the property of changing a liquid into a gas. This process is generally referred to as evaporation.

Now let us heat a solid. Ice is one example of a solid, sulphur is another. At first their temperature rises and then they change into liquid. Once this change begins, the temperature remains steady until all the solid has changed into liquid. The process is known as melting, and the temperature at which solid melts is known as its melting point. Another effect of heat, therefore, is to turn a solid into a liquid.



समय: 3 घण्टे

नोट: सभी प्रश्न अनिवार्य हैं। सभी प्रश्नों का उत्तर क्रम में दें जिस क्रम में प्रश्न पत्र में दिए गए हैं। पूर्णांक: 100

प्र० 1. निम्नलिखित गद्यांश का हिन्दी में अनुवाद कीजिए:

Enjoyment with attachment is really a search for pleasure, that is, satisfaction of the senses. It brings satiety, disgust, frustration and misery. When you remove attachment, wrath and fear from your actions and are not hindered by the enjoyment of the senses or, to use the words of the Gita, when you develop "anaasakti", the action becomes perfect. Then the joy of doing the perfect act becomes yours. It stimulates fundamental aspirations for love, power, joy, peace, light and freedom. Then you find that unfading "aanand" of having fulfilled yourself. If we perform the duty of the moment, whatever happens, nothing will harm us. Let us not forget the glory of our past; let us discharge our duty in the present; let us decide to steer our way fearlessly in the future.

(20)

प्र० 2(अ) निम्नलिखित गद्यांश की व्याख्या सरल हिन्दी भाषा में कीजिए:

मनुष्य अपने भविष्य के बारे में चिंतित है। सभ्यता की अग्रगति के साथ ही चिंताजनक अवस्था उत्पन्न होती जा रही है। इस व्यावसायिक युग में उत्पादन की होड़ लगी हुई है। कुछ देश विकसित कहे जाते हैं, कुछ विकासोन्मुख। विकसित देश वे हैं जहाँ आधुनिक तकनीक का पूर्ण उपयोग हो रहा है। ऐसे देश नाना प्रकार की सामग्री का उत्पादन करते हैं और उस सामग्री की खपत के लिए बाजार ढूँढते रहते हैं। अत्यधिक उत्पादन-क्षमता के कारण ही ये देश विकसित और अमीर हैं। विकासोन्मुख या गरीब देश उनके समान ही उत्पादन करने की आकांक्षा रखते हैं और इसीलिए उन सभी आधुनिक तरीकों की जानकारी प्राप्त करते हैं। उत्पादन-क्षमता बढ़ाने का स्वप्न देखते हैं। इसका परिणाम यह हुआ है कि सारे संसार में उन वायुमंडल-प्रदूषण यंत्रों की भीड़ बढ़ने लगी है जो विकास के लिए परम आवश्यक माने जाते हैं। इन विकास-वाहक उपकरणों ने अनेक प्रकार की

**QUESTIONS:**

- What, according to the writer, are the major effects of heat?
- What is the scientific method of measuring heat?
- What is the process of evaporation, and what is its significance?
- In what way is the process of melting different from evaporation?
- Suggest a suitable title for the above extract. (25)

Q. 5. Fill in the blanks and complete the sentences by using the correct alternative out of (a), (b), (c) & (d).

- Circus was a career ..... his heart.  
(a) to (b) for (c) after (d) by
- He is ..... good to do you any harm.  
(a) enough (b) too (c) very (d) not
- Neither he nor his friends ..... happy.  
(a) is (b) were (c) are (d) was
- Walk carefully lest you ..... fall down.  
(a) can (b) may (c) should (d) in case
- He is famous for his punctuality and .....  
(a) repetition (b) recurrence (c) frequency (d) regularity
- A group of boys ..... to sing.  
(a) were (b) was (c) are (d) may
- She has been ..... to the company.  
(a) faith (b) faithful (c) faithless (d) faithfully
- Why ..... you join the company?  
(a) have (b) did (c) had (d) could
- He dispensed ..... the services of his dishonest clerk.  
(a) to (b) for (c) with (d) in
- In Buddhism, it is impossible to keep ethics and psychology ..... from one another because they ..... at so many points.  
(a) apart, meet (b) aloof, merge (c) separate, overlap  
(d) away, coexist (25)



समस्याएं उत्पन्न कर दी हैं। वायुमंडल विषाक्त गैसों से ऐसा भरता जा रहा है कि मनुष्य का सारा पर्यावरण दूषित हो उठा है जिससे वनस्पतियों तक के अस्तित्व संकटापन्न हो गए हैं। अपने बढ़ते उत्पादन को खपाने के लिए हर शक्तिशाली देश अपना प्रभाव-क्षेत्र बढ़ा रहा है और आपसी प्रतिद्वन्द्विता इतनी बढ़ गयी है कि सभी ने मारणास्त्रों का विशाल भंडार बना रखा है। 15

(ब) निम्नलिखित पद्यांशों की व्याख्या कीजिए: 15

(क) मेरा-तेरा मनुआं कैसे होई रे।

मैं कहता हूं आंखिन देखी, तू कहता कागद की देखी।

मैं कहता सुरझावनहारी, तू राख्यौ उरझाई रे।

मैं कहता तू जागत रहियो, तू रहता है सोई रे।

मैं कहता निर्मोही रहियो, तू जाता है मोही रे।

जुगन जगन समुझावत हारा, कही न मानत कोई रे।

तो रंडी फिरै बिहंडी, सब धन डारे खाई रे।

सतगुरु धारा निर्मल बाहै, वामैं काया धोई रे।

कहत कबीर सुनो भाई साधो, तब ही वैसा होई रे।

(ख) श्वानों को मिलता वस्त्र दूध, भूखे बालक अकुलाते हैं।

मां कही हड्डी से चिपक ठिठुर, जाड़ों की रात बिताते हैं।

युवती की लज्जा बसन बेच, जब ब्याज चुकाये जाते हैं।

मालिक जब तेल फुलेलों पर पानी सा द्रव्य बहाते हैं।

पापी महलों का अंधकार देता मुझको तब आमंत्रण।

प्र० 3 (अ) निम्नलिखित अशुद्ध शब्दों को शुद्ध करके लिखिए:

(क) निमित्तक, (ख) द्रधिचि, (ग) शुश्रुषा, (घ) ज्योत्सना, (ङ) आछादन

(च) प्राणीवृन्द, (छ) राजभिषेक, (ज) तुलोचन, (झ) अन्तष्टि, (ण) अन्ताक्षरी

(5)

(ब) निम्नलिखित अशुद्ध वाक्यों को शुद्ध करके लिखिए:

(क) अरे भाई! तेरे को साहब ने बुलाया है।

(ख) हमें कहे, हम तो तुम्हारी गीदड़ भभकी से डरते नहीं।

(ग) भारत के शहीदों का देश सदा ऋणी है।

(घ) मैंने तो सर्वस्व आपको समर्पण कर दिया है।

(ङ) सीता, जो राम की पत्नी थी, वह एक पतिव्रता नारी थी। (5)

प्र० 4. निम्नलिखित मुहावरों के अर्थ लिखकर वाक्यों में प्रयोग कीजिए:

(क) बगलें झांकना

(ख) हवाई किले बनाना

(ग) पेट में दाढ़ी होना

(घ) आंखों में चर्बी छाना

(ङ) कलम तोड़ना

(च) चिकना घड़ा

(छ) बद से बदनाम बुरा

(ज) चिराग तले अंधेरा होना

(झ) हाथ पांव फूलना

(ण) गोबर गणेश

(10)

प्र० 5. निम्नलिखित विषयों में से किसी एक पर निबंध लिखिए:

(क) राष्ट्रीय एकता एवं अखंडता

(ख) भारतीय युवा और राजनीति

(ग) वर्तमान शिक्षा प्रणाली

(घ) आधुनिक समाजिक चेतना और मीडिया

(ङ) नारी सशक्तिकरण

(30)

247