



Haryana Civil Services (Judicial Branch) Mains Papers

HARYANA CIVIL SERVICE JUDICIAL EXAMINATION, 2009

PAPER I (CIVIL LAW – I)

Time: 3 hrs.

Max. Marks: 200

Notes: (i) Suggested time for attempting each question is 35 minutes.

(ii) All questions carry equal marks. Further details are indicated against each question.

(iii) Candidates are required to attempt all questions.

(iv) Support your answers with relevant provisions and case law.

Q.1. (a) State the circumstances when a plaint can be rejected?

(b) In a civil suit, issues were framed and evidence was being recorded. However, on a certain date, defendant's counsel pointed out that prima facie the suit was barred by limitation. The Court rejected the plaint without going into the full text of the plaint, and without hearing the plaintiffs counsel. Whether the said rejection order is legally correct? Give reasons for your answer.

(c) What do you understand by "indigent person"?

(d) How is an application for permission to sue as an indigent person filed?

Q.2. (a) Does a fresh suit lie in respect of the same cause of action in the following cases:

(i) Where plaintiff has failed to sue for the entire claim in the previous suit.

(ii) Where a suit is dismissed for non appearance of plaintiff on a date when defendant is present in the Court.

(iii) When a suit abates on account of death of defendant where legal representatives have not been brought on record.

(b) There is an apprehension that there may not be a fair trial in the jurisdictional Court where the cause of action has arisen? Can the place of sitting of the Court be transferred beyond the jurisdictional Court under the provisions of Punjab Courts Act, 1918?

(c) Can the following contracts be specifically enforced?

(d) (i) A contract to execute mortgage,

(ii) A contract to lend money,

(iii) A contract to construct a building,

(iv) A contract to translate a book into other language.

(v) Arun, the owner of the hotel, contracts with Balwant, to give him accommodation therein for the sale of hosiery products and to furnish the accommodation with necessary furniture. Arun refuses to perform the contract.

Q.3. (a) "A quasi contract has no affinity with contract but rests on the equitable principle that a person shall not be allowed to enrich himself at the expense of another" Explain by giving suitable illustrations.

(b) A company agreed to supply one thousand blankets to X by a particular date. Rupees 10,000/- were paid as an advance to the company informed X that it would not supply blankets on due date and that he should treat the contract as repudiated. X did not accept the repudiation, and kept on demanding the supply till the last date/due date of performance of the contract. In the meantime, war between India and China broke out, and all the stocks of the company were requisitioned by Government for military purposes. X files a suit against the



Haryana Civil Services (Judicial Branch) Mains Papers

company for damages for breach of contract. Will he succeed? Decide by referring to the provisions of the Indian Contract Act and decided cases.

Q.4. (a) A and B carry on motor repair business in partnership. Under the deed of partnership, A has no power of borrowings money. C a creditor, knowing nothing about restrictions on the power of A for borrowing money, lends A money for the use of the firm. Is the firm liable to C for repayment of the money lent by him to A. Refer to statutory provisions and decided cases.

(b) A and B are carrying on the business of grain merchants, in partnership. It is provided in the partnership deed that disputes relating to the affairs of the business would be referred to arbitration. A dispute arose and the same was referred to arbitration. Arbitrators decided in favour of A. B refuses to abide by the award. A sues for enforcement of the award. Incidental the firm is not registered under the Indian Partnership Act and decided cases on the point.

(c) B purchases motor car from A which he uses for some months. It turns out that the car sold by A to B was a stolen one and has to be restored to the rightful owner. B brings an action against A for the return of the price. Will he succeed. Decide giving reasons.

(d) The plaintiff, a butcher bought a carcass of a goat from the defendant, who was a meat shopkeeper in a meat market. The plaintiff in ignorance of the fact that it was exposed to tuberculosis, offered it for sale. It was seized by a Food Inspector, who adjudged the same as unfit for consumption, and condemned it to be destroyed. The plaintiff was also fined. Thereafter, the plaintiff filed a suit against the defendant to recover the amount of fine and damages for breach of warranty under the Sale of Goods Act. The defendant pleaded that by usage of trade such an implied warranty was excluded. Decide by referring to the provisions of the Sale of Goods Act and decided cases.

Q.5. (a) Comment on the Doctrine of Promissory Estoppel with the help of suitable examples.

(b) A raised a loan by pledging a Railway Receipt of goods in transit, as security, with a money lender X. A got the Railway Receipt back from X in order to get the goods released from the Railway. Instead, A pledged the same Railway Receipt with another lender Y, to raise another loan. In a suit for recovery filed by X, Y pleads estoppels against X for not endorsing the Receipt "Under Lien Pledge" and thus, representing that the said receipt is free from lien, which facilitated A to raise a second loan against the receipt. Decide if estoppels is rightly invoked by Y against X?

(c) What do you mean by a document? Distinguish between public and private documents with suitable examples.

PAPER II
CIVIL LAW (2009)

Time:3 hrs.

Max. Marks: 200

Notes: (i) Suggested time for attempting each question is 35 minutes.

(ii) All questions carry equal marks. Further details are indicated against each questions.

(iii) Candidates are required to attempt all questions.

(iv) Support your answers with relevant provisions and case law.



Haryana Civil Services (Judicial Branch) Mains Papers

Q. 1. (a) On what ground a Court can grant a decree of nullity of marriage? Critically examine the amendments made in the grounds of nullity by the Amendment Act 68 of 1976.

(b) X a Hindu male, married Y a female in the year 2009, with the written consent of his first wife P. Is X'S marriage with Y valid:

(c) Discuss the law relating to natural guardian of a Hindu minor. Does the law discriminate on the basis of sex?

(d) (i) M a Hindu mother, sells a 10 marla plot of her son aged 16 years, for donation to a Medical College, for getting him admitted to M.B.B.S. Course. Is the sale valid?

(ii) F a Hindu father, in his will appointed B, his brother, as a guardian of his son aged 10 years, ignoring the mother of the child. Whether the fathers will would be effective?

Q. 2. (a) Critically evaluate the consequences of the amendments made in the Hindu Succession Act, 1956, in 2005 in relation to the concept of coparcenary and dwelling house.

(b) A male Hindu died intestate, leaving behind an adopted son, a legitimate son, a married daughter and a mother. Who and how much share each will get in A's property?

(c) "...clear proof of usage will outweigh the written text of law? Discuss bringing out the importance of custom as a source of Hindu law.

Q.3. (a) Mention the circumstances which led to the enactment of the Muslim Women (Protection of Rights on Divorce) Act, 1986. Whether the objectives of passing this Act have been achieved? Discuss.

(b) Draw distinction between the following:

(i) Ahasan Talak and Hasan Talak.

(ii) Hiba and Hiba-bil-Iwaz.

(iii) Istridhan and dower.

(c) What is the difference between "Kareva" form of marriage, and "chader andazi" form of marriage? How are these marriages solemnized?

Q. 4. (a) Discuss the circumstances in which registration of a document can be refused by the Registering Authority. What is the remedy against an unjust-tified refusal?

(b) Can a registered document be registered? If so, under what circumstances?

(c) A document for sale of immovable property was executed by a widow, who sent her husband's brother for registration. Her husband's brother had no power of attorney, to sell or present the said document for registration on behalf of the widow. What right is available to the vendee?

Q. 5. (a) What do you understand by legal disability, as embodied under the Limitation Act?

(b) (i) Cause of action accrued to plaintiffs father in 1917 when he was a minor. The plaintiff was not even born at that time. After the death of the plaintiffs father, the plaintiff got the right to sue, but he was then a minor for several years. The plaintiff filed a suit on attaining majority. Would the suit be maintainable?

(ii) A had a right to sue in 2002 (limitation 3 years). He remained insane from 2004 to 2006. Would his suit be barred by limitation?

(c) What is the effect of acknowledgment as envisaged under the Limitation Act?

(d) Do the following amount to acknowledgement of a debt?



Haryana Civil Services (Judicial Branch) Mains Papers

- (i) it is not that I won't pay you but that I cannot do so...." What I wrote was not that I saw no prospect at present of being able to repay the capital but that I saw no prospect of being able to repay the capital at present.
- (ii) "I owe the money, but I cannot tell when and how I will be able to pay".
- (iii) I owe the debt, but I will not pay it, unless I am compelled by law."
- (iv) A sends a letter duly signed to his own son acknowledging liability for a debt due to B, a creditor. Can the creditor B rely on such acknowledgement for extension of time in his suit against A?

PAPER III
CRIMINAL LAW (2009)

Time: 3 hrs.

Max. Marks: 200

Notes: (i) Suggested time for attempting each question is 35 minutes.

(ii) All questions carry equal marks. Further details are indicated against each question.

(iii) Candidates are required to attempt all questions.

(iv) Support your answers with relevant provisions and case law.

Q.1. (a) Discuss the law of "Attempt" under Indian Penal Code.

(b) A intending to murder Z, mixes poison, with the milk and then places the glass on Z's table, What offence did A commit?

(c) Had A mixed sugar, mistaking it as poison, with milk and then placed the glass on Z's table, would it make any difference in the judgement?

Q.2. (a) "Even without a murderous intention, a person may be guilty of murder". Elucidate.

(b) A student without an excuse went on firing with his revolver at the crowd of students resulting in death of one of the students? Discuss the criminal liability of A?

(c) What should be proved by an accused to establish the defence of un soundness of mind?

A was commanded by God in his dream to sacrifice his only son, A took his son to a mosque and killed him. A then went into hiding and surrendered to police after two days. Can A's defence of un soundness of mind be accepted?

Q.3. (a) "Person once convicted or acquitted, cannot be tried again on the same facts for the same offence". Elucidate.

(b) Examine the legality of the following trials:-

(i) A is tried and convicted for causing hurt to B. He is again charged and tried for causing grievous hurt on the same facts.

(ii) A is tried for causing grievous hurt to B and convicted.

Afterwards B dies of the same wounds. He is again tried for committing culpable homicide.

Q.4. (a) What do you understand by "Plea Bargaining"? State the procedure for initiating "Plea Bargain" in Courts.

(b) What should a Magistrate do in a case, in which "Plea Bargain" has been initiated,



Haryana Civil Services (Judicial Branch) Mains Papers

- (i) but no satisfactory disposition is made out,
(ii) a satisfactory disposition is made out,
(ii) a satisfactory disposition is made out
(c) What is the object of Section 125 in Cr.p.C.? can the following claim for maintenance under Section 125 Cr. P.C. and when:
(i) A Muslim wife from her husband
(ii) Mother and Father from a married daughter.

- Q. 5. (a) Who is an accomplice? Can a Court base the conviction of an accused solely on the basis of the testimony of and accomplice?
(b) A is charged with murder of C. There is some evidence to show that A and B murdered C. Is B's statement "A and I murdered C" admissible against A?
(c) A kills his aunt and himself lodges and F.I.R. narrating the facts at the police station. He was prosecuted for murder on the basis of the F.I.R. No. other evidence was given. A subsequently did not plead guilty? Comment.

ENGLISH COMPOSITION (2009)

Time: 3 hrs.

Max. Marks: 200

1. Write an essay on any of the following topics in not more than 3000 words:-
(a) Role of the media in a democracy.
(b) Effect of changing social values.
(c) Economics recession - its effect on India.
(d) Terrorism.
(e) Farmer Suicides.
(f) Religion and politics.

Hindi (2009)

Time: 3 hrs

Max. Marks : 100

नोट : सभी प्रश्न अनिवार्य हैं। सभी प्रश्नों का उत्तर उसी क्रम में द जिस क्रम में प्रश्नपत्र में दिए गए हैं।

१ इस गद्यांश का अंग्रेजी से हिन्दी में अनुवाद कीजिए :

१५

It is no doubt true that we cannot go through life without sorrow. There cannot be sunshine without shade. We should not complain that roses have horns, but rather be grateful that thorns bear flowers. Our existence is so complex that we must expect sorrow and suffering. Many people distress themselves about the mystery of existence. But although a good man, may at times be angry with the world; it is certain that no man is over discontented with the world, who did his duty in it. World is like a looking glass; if you smile, it smiles; if you frown, it frowns back; if you look at it through a red glass. all seems red and rosy; if through a blue, all blue; if through a smoked one, all dull and dingy. Always try then, to be happy, and face each situation in life. One must have faith in one self and do his best. The result is not in one's hand. Still the 'Karma' is very important. God also helps them who help themselves.



Haryana Civil Services (Judicial Branch) Mains Papers

२ (क) निम्नलिखित गद्यांश की व्याख्या हिन्दी भाषा में कीजिए:

१५

हम लोग कच्ची मिट्टी की मूर्ति के समान रहते हैं, जिसे जो जिस रूप का चाहे उस रूप का करे- चाहे राक्षस बनाए, चाहे देवता। ऐसे लोगों का साथ करना हमारे लिए बुरा है जो हमसे अधिक दृढ़ संकल्प के हैं, क्योंकि हमें उनकी हर एक बात बिना विरोध के मान लेनी पड़ती है। पर ऐसे लोगों का साथ करना और भी बुरा है जो हमारी ही बात को ऊपर रखते हैं, क्योंकि ऐसी दशा में न तो हमारे ऊपर कोई दबाव रहता है, और न हमारे लिए कोई सहारा रहता है। दोनों अवस्थाओं में जिस बात का भय रहता है, उसका पता युवा पुरुष को प्रायः बहुत कम रहता है। यदि विवेक से काम लिया जाये तो यह भय नहीं रहता, पर युवा पुरुष प्रायः बहुत कम रहता है। यदि विवेक से काम लिया जाये तो यह भय नहीं रहता, पर युवा पुरुष प्रायः विवेक से कस काम लेते हैं। कैसे आश्चर्य की बात है कि लो एक चोड़ा लेते हैं, तो उसके गुण-दोष को कितना परख कर लेते हैं, पर किसी को मित्र बनाने में उसके पूर्ण आचरण और प्रकृति आदि का कुछ विचार और अनुसंधान नहीं करते। वे उसमें सब अच्छी बातें मानकर अपना पूरा विश्वास जमा देते हैं। हंसमुख, चेहरा, बातचीत का ढंग, थोड़ी चतुराई या साहस - ये ही दो चार बातें किसी में देखकर लोग झटपट से अपना बना लेते हैं। हम लोग यह नहीं सोचते कि मैत्री का उद्देश्य क्या है तथा जीवन के व्यवहार में उसका कुछ मूल्य भी है। यह बात हमें नहीं सूझती कि यह एक ऐसा साधन है, जिससे आत्मशिक्षा कार्य बहुत सुगम हो जाता है। एक प्राचीन विद्वान का वचन है - विश्वासपात्र मित्र से बड़ी रक्षा होती है। जिसे ऐसा मित्र मिल जाए उसे समझना कि खजाना मिल गया।''

2(ख) निम्नलिखित गद्यांश की व्याख्या कीजिए : -

15

(क) मधुवाणी में शक्ति अपरिमित, वशवर्ती श्रोता हो जाता,
नयन चमक उठते पल भर में, मधु धारा में मन खो जाता।
कुटिल शब्द अंतर-कानन में, चिरजीवी विष-बेल उगाते,
सदा-सदा के लिए हृदय में, घातक वैर-विरोध जगाते।
मोठी भाषा परम औषधि, पीड़ा-ब्यथा तुरत हर लेती,
गिरे हुए बिखरे-टूटे को, दे उत्साह खड़ा कर देती।
तिमिरावृत अंतर-घाटी में शब्द-किरण आलोक जगाती,
मृत विश्वासों पर मृदु भाषा, अमृत-फुहारे झट बरसाती।

(ख) जात न पूछों साध की, पूछ लीजिए ग्यान।
मोल करो तलवार का, पड़ा रहन दो म्यान।।
कस्तूरी कुंडल बसै, मृग ढूँढे बन माहि।
ऐसे घट-घट राम हैं, दुनिया जानत नाहि।।
गुरु गोविंद दोउ खड़े, काकै लागूं पाय।
बलिहारी गुरु अपने जिन गोविंद दियो मिलाय।।
पानी केरा बुदबुदा, जस मानस की जात।
देखत ही छिप जाएगा, ज्यों तारा परभात।।

३ (अ) निम्नलिखित अशुद्ध शब्दों को शुद्ध करके लिखिए: -

५

प्रमात्मा, उननति, सन्कल्प, उज्वल, पदुषण, संसकरतीक, परीवारिक, परउपकारी, सर्वोउदय, कलपना।



Haryana Civil Services (Judicial Branch) Mains Papers

(ब) निम्नलिखित अशुद्ध वाक्यों को शुद्ध करके लिखिए : -

५

- (क) मैंने सारी पुस्तको का नाम लिख दिया।
- (ख) किरपया उनको संदेश देने का किरया करें।
- (ग) समारोह में अनेकों विद्वान पधारे थे।
- (घ) मनुष्य का आत्मा बहुत प्रबल होता है।
- (ङ) हाथों में पराधीनता की बेड़ियां पड़ी हं।

४ निम्नलिखित मुहावरों के अर्थ लिखकर वाक्यों में प्रयोग कीजिए : -

१०

- (१) अपना उल्लू सीधा करना।
- (२) चिकना घड़ा होना।
- (३) ईद का चांद होना।
- (४) काला अक्षर बँस बराबर
- (५) आस्तीन का सांप
- (६) गुलर का फूल होना
- (७) चुटिया हाथ में होना।
- (८) कड़वे घूँट पीना।
- (९) अंगारों पर पैर रखना।
- (१०) चूड़ियाँ पहनना।

५ किसी एक विषय पर तीन सौ शब्दों में निबन्ध लिखिए : -

३०

- (क) राजनीति और भ्रष्टाचार
- (ख) प्राकृतिक आपदाएँ और उनका प्रबंधन
- (ग) आकांक्षाओं का असीमित विस्तार और युवा वर्ग में बढ़ता तनाव।
- (घ) भारत में संसदात्मक प्रजातन्त्र।
- (ङ) क्या पाश्चात्पीकरण ही आधुनिकीकरण है?



Haryana Civil Services (Judicial Branch) Mains Papers

HARYANA CIVIL SERVICE JUDICIAL EXAMINATION, 2010

PAPER I (CIVIL LAW – I)

Time: 3 hrs.

Max. Marks: 200

Note: (i) Candidates are required to attempt all questions in the same serial order as they appear.

(ii) All questions carry equal marks. Details are indicated against each question.

(iii) Support your answer with relevant provisions and case law.

(iii) No extra Answer Sheet will be provided.

Q.1. (a) Explain constructive *res judicata* with aid of suitable illustrations?

(b) In a previous *ex parte* decree against the municipality only, B who had obtained lease of the same land from the municipality prior to the institution of such suit was not, however, made a party to that suit. 'B' brought a subsequent suit against 'A' and the municipality disputing 'A's' right to remain on the land and interfere with the construction works. Will the decree passed in favour of 'A' operate as *res judicata* against 'B' in the subsequent suit?

(c) What do you understand by set-off? Explain equitable set off distinguish between legal and equitable set-off.

(d) What is the proper place of suing in the following cases?

(i) a suit by a guardian for the custody of his ward;

(ii) a suit for damages for the custody of his ward;

(iii) a suit against a corporation;

(iv) a suit for *mesne* profits;

(v) a suit for specified performance of a contract of sale of immovable property;

(vi) a suit for a tort.

Q.2. (a) What is the procedure to be adopted in case of execution of decree against the Government or a public officer?

(b) For how much period a person can be detained in the civil prison in execution of a money decree and when he is to be released from such detention? Can he be released from such detention? Can he be released from such detention before the expiration of the said period?

(c) Can a Member of either House of Parliament, or a Member of Legislative Assembly or a Member of any Parliamentary Committee be arrested and detained under the civil process. If no, under which contingencies?

(d) On what ground can the sale of immovable property in execution of a decree be set aside? At whose instance such sale can be set aside.

Q.3. (a) An agreement is unlawful if the Court regards it as opposed to public policy. In the light of this statement discuss (i) meaning of public policy and (ii) when an agreement is said to be against public policy? Whether Courts have evolved any new head of public policy for giving relief to weaker section of society in standard from contract?

(b) Mr. 'A' who lives in Ambala gives his motor-cycle to his friend 'B' for going to Kurukshetra. 'B' instead of going to Kurukshetra drives the motor-cycle for going to Chandigarh. He drives the motor-cycle with reasonable



Haryana Civil Services (Judicial Branch) Mains Papers

care. While coming back from Chandigarh to Ambala he met with an accident and motor-cycle is totally damaged. Can 'A' claim damages from 'B' Give reasons.

(c) In a document executed between 'A', 'B', 'C' and 'D', it was provided that 'D' would be incharge of the firm and get Rs. 200/- per month and devote his whole time to it, he would also get 10 per cent of the net profits of the firm, but would get no share in the surplus profits of the firm, which were to be equally divided between 'A', B and C only. Is 'D' a partner of the firm ?

(d) How and when may a partner retire? What are the liabilities of a retiring partner and what is the effect of such a retirement on the rights of the parties?

Q.4. (a) Explain what is preventive relief. What are the provisions governing the grant of perpetual injunction?

(b) Examine whether or not perpetual injunction shall be granted in following cases:-

(i) Where plaintiff prays that his standing crop is likely to be harvested very soon by defendant?

(ii) Where injunction prayed for, is for enforcement of an obligation arising from breach of contract, which cannot be specifically enforced?

(iii) Where alternative efficacious remedy is available?

(iv) Where plaintiff conduct is unconscionable?

(c) Carefully distinguish between a 'condition' and a 'warranty' and enumerate the circumstances in which 'condition' can be treated as 'warranty'.

(d) 'A' contracts to sell a heap of bones to 'B', weighs and delivers them at 100 rupees per ton. 'B' agrees to take and pay for them on a certain day. Part of the bones is weighed and delivered to 'B'. On whose risk does the residue lie?

Q.5. (a) What do you understand by 'Privileged Communications'? Answer with the aid of suitable illustrations.

(b) A witness is compelled to state a matter, which will expose him to a criminal charge. If he speaks the truth, can he be prosecuted on the basis of his own statement in the Court? If he makes a false statement, can he be prosecuted for giving false evidence?

(c) "The rules of Evidence are in general the same in Civil and Criminal Proceedings". Comment and state if there are any exceptions to this rule.

(d) (i) Can the functions of receiving and registering cases and appeals be assigned to Additional District Judge and if so, by whom?

(ii) Who may define the local limits of Civil Judges (Sr. Division) and Civil Judges (Junior Division)? Give your answers with the aid of illustrations.

PAPER II

CIVIL LAW II (2010)

Time:3 hrs.

Max. Marks: 200

Note: (i) Candidates are required are to attempt all question in the same seriatum as they appear.

(ii) All question carry equal marks. Details are indicated against each question.

(iii) Support your answer with relevant provisions and case law.

(iv) No extra Answer Sheet will be provided.



Haryana Civil Services (Judicial Branch) Mains Papers

Q.1. (a) Define and explain the following terms as referred to in the Hindu Marriage Act:

- (i) "full blood" and "half blood"
- (ii) "uterine blood"
- (iii) "Sapinda relationship"

(b) Critically examine the special grounds of divorce available to a Hindu wife under the Hindu Marriage Act, 1955.

(c) How would the separate property of the deceased be distributed under Mitakshara law in the following cases? Explain by giving reasons.

- (i) A Hindu dies, leaving behind a widow, an adopted son and an after born natural son.
- (ii) A Hindu dies, leaving behind a widow and a son of a predeceased son.
- (iii) A Hindu dies, leaving behind a mother's sister's and a father's half-sister's son.
- (d) Explain what is deemed partition under the Hindu Succession Act, 1956.

Q.2. (a) (i) In what cases may an adopted son impeach alienations made by the widow of his adoptive father prior to his adoption?

(ii) 'G' an unmarried girl of 20 years adopts a boy of 7 years. Is the adoption valid?

(iii) 'A' with the consent of his wife validly adopts 'B'. Later on 'B' started misbehaving and beating 'A' and his wife. 'A' wants to cancel the adoption of 'B'. Comment.

(b) What is the law regarding the maintenance of a widowed daughter-in-law?

(c) Discuss the law relating to the custody of a child by the mother, under the Hindu Minority and Guardianship Act, 1956, in the light of the latest development in law.

(d) 'X' is acting as *defacto* guardian of a Hindu child aged 12 years. 'X' intends to dispose of the property of such child. Can he do so? Refer to the provisions of the Hindu Minority and Guardianship Act.

Q.3. (a) Define *wakf*. What are the legal incidents of a valid *wakf*.

(b) 'B' a Muslim wife seeks dissolution of her marriage with 'A' on the grounds that 'A' neglected to maintain her for a period of 2 years. In fact, 'B' had voluntarily left 'A' when 'A' brought a second wife. Decide the claim of 'B'.

(c) Marriage amongst Muslims is 'not a sacrament but a civil contract'. Flucidate.

(d) What do you understand by Punjab Customary Law. How much is this relevant with regard to marriage and divorce after the codification of Hindu Law?

Q.4. (a) Discuss the law relating to the computation of the period of limitation prescribed for any suit, appeal or application and exclusion of time bona fide spent in pursuing proceedings in a Court having no jurisdiction.

(b) 'A' advance Rs. 10,000/- to 'B' on simple mortgage of his property on 1.1.1977. The period of repayment was one year from the date of the mortgage. In December 1980, 'A' died leaving 'C', a minor son aged one year. In 1998, 'C' filed a suit for sale of the mortgaged property. Is the suit within time? If so, explain.

(c) 'A' borrowed a sum of money from 'B'. The last date for filing the suit fell on Sunday. On next day i.e. Monday 'A' gave a written acknowledgement to 'B'. Should 'B' file the suit immediately on Monday or he can file it after some time? Advice.

(d) Enumerate the nature and category of documents whose registration is optional.

Q. 5. (a) State with reasons whether registration of following documents is compulsory:

(i) Sale certificate given by court.

(ii) (a) General Power of Attorney.

(b) How do you distinguish between divorce and judicial separation?

(c) How does the Hindu Marriage Act provide for the legitimacy of children of voidable marriage?



Haryana Civil Services (Judicial Branch) Mains Papers

(d) 'X' a Hindu male aged 18 years married 'Y' a female aged 14 years. The marriage was consummated when 'Y' was 17 years. Will she be entitled to get decree of divorce under the Hindu Marriage Act?

PAPER III
CRIMINAL LAW (2010)

Time: 3 hrs.

Max. Marks: 200

Notes: (i) Candidates are required to attempt all questions in the same seriatum as they appear.

(ii) All questions carry equal marks. Details are indicated against each question.

(v) Support your answer with relevant provisions and case law.

(vi) No extra Answer Sheet will be provided.

- Q. 1. (a) Examine as to whether a person who causes the death of a pregnant woman is guilty of committing one homicide or two.
- (b) "Whereas in criminal conspiracy an agreement between two or more persons is needed in abetment by conspiracy an engagement between them is enough." Examine.
- (c) In order to pick the pocket of 'B', 'A' inserted his hand into the pocket of 'B', which touched the trigger of the loaded pistol kept in B's pocket. The pistol went off, killing B. Discuss criminal liability of 'A'.
- (d) 'A', a police officer, made a false entry in the special diary relating to a case which was being investigated by him, but the document in which the alleged false entry was made was not the one which was admissible in evidence. Can he, in the circumstances, be convicted for fabricating false evidence?

Q.2. (a) "In all robbery, there is either theft or extortion". Explain.

(b) What offences have been committed in the following cases any by whom?

- (i) 'A' with a guilty intention, abets a child or a lunatic to commit an act which would be an offence, if committed by a person capable by law of committing an offence, and having the same intention as 'A'. The act is not committed.
- (ii) 'A' knows 'Z' to be behind a bush. 'B' does not know it. 'A' intending to cause or knowing it to be likely to cause 'Z's induces 'B' to fire at the bush. 'B' fires and kills 'Z'.
- (iii) 'A' instigates 'B' to set fire to a dwelling house. 'B', in consequence of the unsoundness of his mind, being incapable of knowing the nature of the act, or that he is doing what is wrong or contrary of law, sets fire to the house in consequence of 'A's instigation.
- (iv) 'A', intending to cause a theft to be committed, instigates 'B' to believe that the property belongs to 'A'. 'B' takes the property out of 'Z's possession in good faith, believing it to be 'A's property.
- (v) 'A' offers a bribe to 'B', a public servant, as a reward for showing 'A' some favour in the exercise of B's official functions. 'B' accepts the bribe.
- (vi) 'A' instigates 'B' to give false evidence. 'B', in consequence of the instigation, gives false evidence.

Q.3. (a) The Right to Private Defence is said to be a limited right. Explain the limitations of the limitations of the Right to private defence.

'A' was under attack from 'B'. 'A' had ample opportunity to save himself by fleeing away but instead 'A' defended himself and thereby caused harm to 'B'. Is it a valid exercise of the right of private defence?

(b) Is homo-sexual relation between two consenting adults is an offence? Discuss.



Haryana Civil Services (Judicial Branch) Mains Papers

(c) Explain the distinction between Acquittal and Discharge.

(d) Explain with illustration the followings:

(i) When can the Court alter or amend charge? What is the consequence of a defect in the framing of charge?

(ii) What charge is to be framed if it is doubtful as to what offence has been made out?

Q.4. (a) In what circumstances a person can be arrested without warrant? What measures and precautions are required to be taken while arresting a person, as directed by the Supreme Court?

(b) Can a person on being examined by a police officer investigating a case, refuse to answer a question relating to such case asked to him by such police officer?

(c) Determine the place of trial in the following cases:-

(i) Where an offence is continuing one and continues to be committed in more local areas than one.

(ii) 'A' boarded the train at Patna. Scuffle between 'A' and 'B' ensued in the compartment somewhere between Lucknow and Moradabad, where 'B' got down. On reaching Delhi, 'A' broke his journey and lodged FIR against 'B'.

(d) Can a bail granted under Section 167(2) of Cr. P.C. be cancelled by the Magistrate *suo motu* on presentation of challan report under Section 173, Cr. P.C. against the accused?

Q.5. (a) What are the essential conditions of a valid dying declaration. When a dying declaration is considered as not admissible. Give illustration.

(b) What is expert opinion? Explain the evidentiary value of expert opinion.

(c) A witness is asked in cross examination whether he was dismissed from service for dishonesty. He denies. Evidence is offered to show that he was dismissed for dishonesty. Is the evidence admissible?

(d) Can the following statements be used for corroborating a witness:

(i) A statement in FIR lodged by the witness about the commission of an offence, based on personal observation.

(ii) A former statement of the witness before a Magistrate made during police investigation.

(iii) A statement recorded as dying declaration in a case where the deponent survives and is called as witness in Court.

(iv) A previous statement of an accomplice before a Magistrate after he has been granted pardon.

ENGLISH (2010)

Time: 3 hrs.

Max. Marks: 200

Notes:

(i) Candidates are required to attempt all questions in the same serial order as they appear.

(ii) Marks 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: (100 marks)

(i) Commonwealth Games in India

(ii) Global Warming- an empty threat or a reality



Haryana Civil Services (Judicial Branch) Mains Papers

- (iii) Violence in Campus Elections
- (iv) Women Empowerment.

Q. 2. Make sentences using the following words:

- (i) Comprehensive
 - (ii) Weary
 - (iii) Mankind
 - (iv) Disgraceful
 - (v) Abrasive
 - (vi) Preposterous
 - (vii) Courage
 - (viii) Guardian
 - (ix) Twilight
 - (x) Contemporary
- (25 marks)

Q.3. Write a précis of the following passage, of about one-third of the original length:

A great part of Arabia is a desert. Here there is nothing but sand and rock. The sand is so hot that you cannot walk over it with your bare feet in the daytime. Here and there in the desert are springs of water that come from deep down under the ground—so deep that the sun cannot dry them up. These springs are few and far apart, but wherever there is one, green grass very soon covers the ground all around it. Soon fig trees and palm trees grow tall and graceful, making a cool, green, shady place around the spring. Such a place is called an oasis.

The Arabs who are not in the cities in the desert all the year round. They live in tents that can be put up and taken down very easily and quickly, so that they can move from one oasis to another, seeking grass and water for their sheep, goats, camels and horses. These desert Arabs eat ripe, sweet figs, and also the dates and grow upon the palm trees; they dry them, too, and use them as food all the year round.

These Arabs have the finest horse in the world. As an Arab is very proud of his riding a horse, and loves him almost as much as he loves his wife and children. He never puts heavy loads upon his horse, and often lets him stay in the tent with his family.

The camel is much more useful to the Arab than his beautiful horse, for he is much larger and stronger. One camel can carry as much as, or more than two horses. The Arab loads the camel with goods, and rides him, too, for miles and miles across the desert—just as if he were really the "Ship of the Desert," which he is often called. (25 marks)

Q. 4. Read the following para and answer the questions given below in context thereof:

"Long years ago we made a tryst with destiny, and now the time comes when we shall redeem our pledge, not wholly or in full measure, but very substantially. At the stroke of the midnight hour, when the world sleeps, India will awake to life and freedom. A moment comes, which comes but rarely in history, when she steps out from the old to the new, when an age ends, and when the soul of a nation, long suppressed, finds utterance. It is fitting that at this solemn moment we take the pledge of dedication to the service of India and her people and to the still larger cause of humanity. At the dawn of history, India started on her unending quest, and trackless centuries are filled with her striving and the grandeur of her success and her failures. Though, good and ill fortune alike she has never lost sight of that quest or forgotten the ideals which gave her strength. We end today a period of ill fortune, and India discovers herself again. The achievement we celebrate today is but a step, an opening of opportunity, to the greater triumphs and achievement that await us. Are we brave enough and wise enough to grasp this opportunity and accept the challenge of the future? Freedom and power bring responsibility. The responsibility rests upon this Assembly, a sovereign body representing the sovereign people of India. Before the birth of freedom we have endured all the pains of labour and our hearts are heavy with the memory of this sorrow. Some of those pains continue even now. Nevertheless, the past is over and it is the future that beckons to



Haryana Civil Services (Judicial Branch) Mains Papers

us now. That future is no one of ease or resting but of incessant striving so that we may fulfil the pledges we have so often taken and the one we shall take today. The service of India means the service of the millions who suffer. It means the ending of poverty and ignorance and disease and inequality of opportunity. The ambition of the greatest man of our generation has been to wipe every tear from every eye. That may be beyond us, but as long as there are tears and suffering, so long our work will not be over." *Pt. Jawahar Lal Nehru*

- (i) What is the 'pledge' that is referred to in the speech.
- (ii) What is meant by "Stepping out from the old to the new".
- (iii) What does the speaker mean when he says " before the birth of freedom we have endured all the pains of labour".
- (iv) What short of responsibility of the future, does the speaker talk about.
- (v) What does the speaker mean by saying " wiping every tear from every eye". (25 marks)

Q.5. Correct the following sentences by using the right word, conjunction, adverb, adjective etc.

1. He spoke _____ me _____ urdu.
2. They live _____ the same roof.
3. I have not seen him _____ Wednesday last.
4. I have known him _____ a long time.
5. The moon does not shine _____ its own light.
6. You will not succeed _____ you work harder.
7. We arrived _____ you had gone.
8. I waited _____ the train arrived.
9. I cannot give you any money, _____ I have none.
10. We got into the port _____ the storm came on. (25 marks)

Hindi 2010

Time: 3 hrs

Max. Marks : 100

नोट : सभी प्रश्न अनिवार्य हैं। सभी प्रश्नों का उत्तर उसी क्रम में दें जिस क्रम में प्रश्नपत्र में दिए गए हैं।

1 इस गद्यांश का अंग्रेजी से हिन्दी में अनुवाद कीजिए:-

20

The mystery of Napoleon's career was this, that under all difficulties and discouragements, he pressed on. It solves the problem of all heroes; it is the rule by which to weight rightly all wonderful successes and triumphal marches to fortune and genius. It shall be the motto of all, old and young, high and low, fortunate and unfortunate so called. Never despair; never be discouraged, however stormy the heavens, however dark the way; however great the difficulties and repeated the failure. "Press on"! If fortune has played false with you today, do you pray true to yourself tomorrow? If your riches have taken wings and left you, do not weep your life away but be up and doing and retrieve the loss by new energy and new action. If an unfortunate bargain has deranged your business, don't fold your arms, and give up all as lost; stir yourself and work all the ore vigorously. If those whom you have trusted have been betrayed you, do not be discouraged, do not idly weep, but "press on"! Find other or what is better, learn to live within yourself. Let the foolishness of yesterday make you wise today.



Haryana Civil Services (Judicial Branch) Mains Papers

2(क) निम्नलिखित गद्यांश की व्याख्या हिन्दी भाषा में कीजिए:

15

लोभ चाहे जिस वस्तु का हो, जब बहुत बढ़ जाता है तब उस वस्तु की प्राप्ति, सान्निध्य या उपभोग से जी नहीं भरता। मनुष्य चाहता है कि वह बार-बार मिले या बराबर मिलता रहे। धन का लोभ जब रोग होकर चित्त में घर कर लेता है तब प्राप्ति होने पर भी, और प्राप्ति की इच्छा बराबर जगी रहती है। जितना है उतने से प्रसन्न होने का उसे कभी अवसर ही नहीं मिलता। उसका सारा अन्तःकरण सदा अभावमय रहता है। उसके लिए जो है वह भी नहीं है। असन्तोष अभाव-कल्पना से उत्पन्न दुःख है, अतः जिस किसी में यह अभाव-कल्पना स्वाभाविक हो जाती है, सुख से उसका नाता सब दिनों के लिए टूट जाता है। न किसी को देखकर वह प्रसन्न होता है न उसे देखकर कोई प्रसन्न होता है।

2(ख) निम्नलिखित पद्यांश की व्याख्या कीजिए : -

15

(क) चाह नहीं, मैं सुरबाला के गहनों में गूथा जाऊँ,
चाह नहीं प्रेमी माला में बिंध प्यारी को तलचाऊँ,
चाह नहीं सम्राटों के शव पर हे हरि डाला जाऊँ,
चाह नहीं देवों के सिर पर चढ़ूँ भाग्य पर इठलाऊँ,
मुझे तोड़ लेना बनमाली
उस पथ में देना तुम फेंक।
मातृ-भूमि पर शीश चढ़ाने,
जिस पथ जावें वीर अनेक।

(ख) ऐसो को उदार जग माही?

बिनु सेवा जो द्रवै दीन पर, राम-सरिस को नाही।।
जो गति जोग विराय जतनधरि, नहीं पावत मुनि ज्ञानी।
सौ गति देत गीध सबरी कहूँ, प्रभु न बहुत जिय जानी।।
जो संपति दससीस अरपि करि, रावण सिब पछुँ लीन्ही।
सों संपदा विभीषन कहूँ अजि, सकुच सहित हरि दोन्ही।।
तुलसीदास सव भाँति सकल सुख, जो चाहसि मन मेरो।
तौ भजु राम काम सब पूरन, करें कृपानिधि तेरो।।

३ (अ) निम्नलिखित अशुद्ध शब्दों को शुद्ध करके लिखिए: -

5

दारिद्र्यता, उद्यान, अशीर्वाद, बुद्धी, कवियत्री, प्रमात्मा, शरीरिक, उजज्वल, अभिशेक, शुन्य।

(ब) निम्नलिखित अशुद्ध वाक्यों को शुद्ध करके लिखिए: -

5

(क) अगले सोमवार मेने दिली जाना है।
(ख) नोकर आटां पिस्वा लाया।
(ग) वह रोता रोता हस्ने लगा।
(घ) महादेवी बरमा बहुत प्रसिध कवी थी।
(ङ) मैं यह सवीकरित करता हूँ कि मुझसे गलती हुई।

४ निम्नलिखित मुहावरों के अर्थ लिखकर वाक्यों में प्रयोग कीजिए:

10

(१) अपना उल्लू सीध करना।
(२) गहरा हाथ मारना।
(३) बछिया का ताऊ।



Haryana Civil Services (Judicial Branch) Mains Papers

- (४) मन के लड्डू फोड़ना।
- (५) आटे दाल का भाव मालूम होना।
- (६) आकाश पाताल एक करना।
- (७) अपने पाँव पर कुल्हाड़ी मारना।
- (८) अगर मगर करना।
- (९) आँखें खुलना।
- (१०) नाच ना जाने आंगन टेढ़ा

5।पकिसी एक विषय पर तीन सौ शब्दों में निबन्ध लिखिए: -

30

- (क) दहेज-प्रथा : एक गंभीर समस्या।
- (ख) सांप्रदायिकता : एक अभिशाप।
- (ग) आतंकवाद : विश्वव्यापी समस्या।
- (घ) वन और हमारा पर्यावरण।
- (ङ) बेरोजगारी : समस्या और समाधान।