

## **THE GAUHATI HIGH COURT AT GAUHATI**

**(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

Main Written examination for direct recruitment to Grade-III of Arunachal Pradesh Judicial Service, 2019

Date: 04.10.2019

Time: 9 AM to 12 PM

Total Marks: 100

Duration: 3 Hours

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### **LAW PAPER-I**

#### **Code Of Civil Procedure**

1. What are the conditions required to be satisfied before a Court orders compensatory costs for false or vexatious claims or defences in a suit or other proceeding? (3 Marks)
2. The Court which passed a decree may send the decree for execution to another Court of competent jurisdiction. What are the conditions need to be considered by the Court before the order transferring the decree for execution is passed? (3 Marks)
3. What are the various modes of settlement of dispute outside the Court? Provisions of which Act is applicable for referring dispute to LokAdalat? (1 + 1= 2 Marks)
4. On which ground/grounds an ex parte decree against defendant(s) can be set aside? Whether a wife can file an application for setting an aside an ex parte decree for divorce obtained by her husband even though the husband expired before moving such an application? Who shall be the respondents in such an application? (1 + 1 + 1= 3 Marks)
5. When can a Court issue commission for examination of witness in a case? Whether the Court can pass an order for issue of commission on its own? (1 + 1= 2 Marks)
6. What are the different kinds of issues? When issues arise in a suit or proceeding? Whether issues can be framed before filing of the written statement? (1 + 1 + 1= 3 Marks)
7. What is the procedure where one of several plaintiffs or defendants dies and right to sue survives? What is the procedure to be adopted by the Court when it appears to it that any party who died during the pendency of the suit has no legal representative? (1 + 2= 3 Marks)
8. Where is the power of the High Court or the District Court to transfer any suit, appeal or other proceeding pending before it for trial or disposal to any Court subordinate to it? (2 Marks)
9. Answer any four of the following: (1x4= 4 Marks)
  - (a) The Code of Civil Procedure came into force on which day?
  - (b) What is an Order in the context of the Civil Procedure Code?

- (c) What is a preliminary decree?
- (d) When objection as to the place of suing shall not be allowed by the Appellate or Revisional Court?
- (e) Who may appeal as an indigent person?
- (f) Who can apply for review of a decree or an order?
- (g) What do you understand by the term "Judgment"?

### **Constitution Of India**

10. Answer any three of the following: (3 x 1 = 3 Marks)
- (a) The authority to enact law to increase or diminish the area of a state lies with whom?
  - (b) Who are the citizens of India at the time of commencement of the Constitution?
  - (c) What does the term "the State" appearing in various provisions in Part-III of the Constitution of India mean?
  - (d) Which article of the Constitution of India provides that no person accused of any offence shall be compelled to be a witness against himself?
11. What are the protections given to a person against arrest and detention? What are the exceptions to this provision? (1 + 1 = 2 Marks)
12. Write short notes on any two of the following: (2 x 2 = 4 Marks)
- (a) Consolidated Fund of India.
  - (b) Money Bill.
  - (c) Directive Principles of State Policy.
  - (d) President of India.
13. What is the legislative power of the President? Is the President empowered to promulgate ordinance while the Parliament is not in session? What is the relevant provision on the legislative power of the President? (1 + 1 + 1 = 3 Marks)
14. What is the tenure of a Governor of a state? What are the qualifications necessary for a person to be appointed as a Governor? Whether a member of Parliament can be appointed as a Governor of a state? (1 + 1 + 1 = 3 Marks)
15. Explain the doctrine of pleasure envisaged under Article 310 of the Constitution of India. (2 Marks)
16. Does the Constitution of India provide special provisions for administration of tribal areas in the state of Assam? Which tribal area is lastly included in such provision and in which year? (1 + 1 = 2 Marks)
17. What are the different kind of writs High Court can issue? What are the rights enforced by issuing writs? (2 + 2 = 4 Marks)

18. Who is the appointing authority of the District Judge and the other officers of Judicial Service? Who the appointing authority is required to consult for appointment of District Judge and appointment of Judicial Officers other than District Judge? (1 + 1= 2 Marks)

**Contract Act**

19. What are the conditions necessary to be satisfied for an agreement to grow into a contract? (2 Marks)
20. What are the essentials of a legally enforceable contract? (2 Marks)
21. Who are competent to contract? What would be the effect of a contract entered by a minor? (1 ½ + 1 1/2= 3 Marks)
22. When a person is said to be of sound mind for the purpose of contracting? (2 Marks)
23. What do you understand by "Free Consent"? Enumerate the factors which vitiate "Consent". (2 + 2= 4 Marks)
24. If the transaction appears to be unconscionable then whose burden it is to prove that the contract was not induced by undue influence? (1 Mark)
25. Define "Misrepresentation". (1 Mark)
26. What is the effect of refusal to accept offer of performance? What are the conditions required to be fulfilled while making such offer? (1 ½ + 1 1/2= 3 Marks)
27. Define "contract of indemnity"? Illustrate with an example. (1 + 1= 2 Marks)
28. What are the consequences of breach of contract? (2 Marks)
29. Define any two of the following: (1 ½ x 1 ½= 3 Marks)
- (a) Bailment.
  - (b) Contract of guarantee.
  - (c) Agent.
  - (d) Pledge.

**Transfer Of Property Act**

30. Write short notes on any three of the following: (2 x 3= 6 Marks)  
(a) Actionable Claim.  
(b) Rule against perpetuity.  
(c) Sale.  
(d) Mortgage by deposit of title deeds.
31. What is a lease? Distinguish between lease from license. (2 + 2= 4 Marks)
32. What do you mean by doctrine of merger? Explain. (2 Marks)
33. What do you understand by the term "Gift"? What are the essentials of a valid gift of movable property? (1 ½ + 1 ½= 3 Marks)
34. Who are the persons competent to transfer? When a transfer operates? (1 ½ + 1 1/2= 3 Marks)
35. What do you understand by "transfer of property"? Whether a company can transfer property? (1 + 1= 2 Marks)
36. What is redemption? Who can exercise the right to redeem? (1 + 1= 2 Marks)
37. What is vested interest? Distinguish between vested and contingent contract. (1 + 2= 3 Marks)
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