

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

Main written examination for direct recruitment to Grade-III of Nagaland Judicial Service, 2018

Date: 19-01-2019 (Saturday)

Time: 9.00 am to 12 noon

Total marks: 100

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Duration: 3 (Three) hours

PAPER- III

**Code of Civil Procedure**

1. What is the difference between a Reference, Revision and Review? Briefly explain. (5 marks).
2. What is the difference between an order, decree and the judgment? Briefly explain. (5 marks).
3. Can suits be transferred from one Court to another and if so, for what reasons and under what section of law? (3 marks)
4. Where can a suit be instituted and what are the different kinds of jurisdictions of a Court that would have to be considered before a Civil Suit is instituted? (3 marks)
5. Give an example of why an Official Receiver is appointed under the CPC and for what purpose? (2 marks)
6. What is the meaning of Mesne profits? (2 marks)
7. CPC makes a provision for the Arrest and Detention of all persons in certain cases and specific circumstances. This provision for Arrest and Detention of a person can be made by executing Court in what type of a case? (1 mark)
8. The question of deciding a substantial question of law has to be done in relation to an appeal under Section 96, 98, 100 or Section 102 CPC. Pick the correct Section. (1 mark)
9. Can there be a joinder of causes of action? If so, under what provision of law? (1 mark)
10. Amendment of pleadings is provided for in which provision of the CPC:- (1 mark)  
  
(a) Order 1 CPC  
  
(b) Order 2 CPC

(c) Order 6 CPC

11. Discovery and Inspection of Documents is provided for in which provision of the CPC:- (1 mark)

(a) Order 9 CPC

(b) Order 11 CPC

(c) Order 14 CPC

### **Constitution of India**

12. Write a short note on the Nature of Indian Federalism, keeping in view Article 245 and 246 of the Constitution. (5 marks)

13. The general principle of jurisprudence is that there is no right without a remedy. Article 32 provides that a person can move to Supreme Court for violation of his fundamental rights. Give a brief note on Article 226 and Article 227 of the Constitution. (5 marks)

14. What do you mean by the executive power of the Union? (4 marks)

15. Give a brief note on the doctrine of Pith and Substance. (4 marks)

16. Name 4 (four) different types of writs that can be issued by the High Courts. (2 marks)

17. What does Article 25 of the Constitution of India dwell upon? (2 marks)

18. The 6<sup>th</sup> Schedule of the Constitution deals with administration in which specific areas in India? (1 mark)

19. The promotion of educational and economic interest of Schedule Caste, Schedule Tribe and other weaker Sections is provided under which Directive Principles of State Policy:- (1 mark)

(a) Article 43 of the Constitution.

(b) Article 45 of the Constitution.

(c) Article 46 of the Constitution.

(d) Article 48 of the Constitution.

20. The Article providing that the State shall take steps to separate the Judiciary from the Executive in the public service of the State is provided under which Directive Principles of State Policy:- (1 mark)

- (a) Article 48 – A.
- (b) Article 49.
- (c) Article 50.
- (d) Article 51.

### **Transfer of Property Act, 1882**

21. Elucidate the doctrine of part performance with reference to the Transfer of Property Act, 1882. (5 Marks)

22. Distinguish between Sale, Mortgage and Lease. (5 Marks)

23. What is the meaning of redemption? Who can exercise this right? (4 Marks)

24. Answer either one of the questions:- (2 Marks)

(a) What is onerous gift?

Or

(b) What are the essential elements of a valid gift?

25. What do you mean by lispendens? (2 Marks)

26. What do you understand by the term Fraudulent transfer? (2 Marks)

27. Doctrine of Part Performance is provided in Sec \_\_\_\_\_ of the Transfer of Property Act, 1882

(a) Sec 53 (A)            (b) Sec 53

(a) Sec 52                (d) None of the above (1 mark)

28. Sale is defined in Sec \_\_\_\_\_ of the Transfer of Property Act, 1882. (1 mark)

(a) 53                      (b) 54

(b) 55                      (d) 56

29. Under the Transfer of Property Act, 1882, provision for conditional transfer is provided under

(a) Sec 25                      (b) Sec 26

(b) Sec 27                      (d) Sec 30                      (1 mark)

30. Mortgage's right to foreclosure on sale is provided under Section \_\_\_\_\_ of the Transfer of Property Act, 1882

(a) 57                      (b) 67

(c) 77                      (d) 87                      (1 mark)

31. Immovable Property does not include

(a) Standing timber                      (b) growing crops

(b) Both (a) and (b)                      (c) None of the above                      (1 mark)

**Indian Contract Act, 1872**

32. All agreements are not contracts. Explain.                      (4 marks)

33. What is Contract? What are the essential elements of contract?                      (4 marks)

34. What is voidable Contract? Can a voidable Contract be enforced?                      (4 marks)

35. What do you mean by contingent Contract? What are the rules governing the enforcement of contingent contracts?                      (4 marks)

36. Write a brief note on 'Promissory Estoppel'?                      (4 marks)

37. What is breach of contract? What are the remedies available for breach of contract under the Indian Contract Act, 1872?                      (3 marks)

38. What are the contracts that need not be performed?                      (2 marks)