

HIGH COURT OF BOMBAY AT GOA (PANAJI)
FINAL(MAIN) WRITTEN EXAMINATION FOR THE POST OF CIVIL JUDGE
JUNIOR DIVISION AND JUDICIAL MAGISTRATE FIRST CLASS, 2017
PAPER -I (CIVIL LAW)

Time : 3 hours

Total Marks : 100

Instructions :

1. All questions are compulsory.
2. Question No.1 carries 20 marks. All other questions carry equal marks i.e. 16 marks each.
3. Your answers must be to the point, wherever possible quoting the specific provisions of law.
4. Do not reproduce any question. Write only question's number against the answer.
5. Number of optional question up to the prescribed number in the order in which questions have been solved, will only be assessed and excess answers of the question/s will not be assessed.
6. Other than cited cases, candidate should not write roll number, any names (including their own), signature, address or any indication of their identity anywhere inside the answer book otherwise he will be penalised.

Q.1. Draft Judgment on the following facts:

Marks: 20

- i) Adhere to the contents of Judgment as required under the Code of Civil Procedure.
- ii) Frame and answer the issues properly.
- iii) Wherever necessary, fill up the details from your imagination.
- iv) Give legal, logical and proper reasons for your findings.
- v) Conclude the judgment with a proper order.

Averments in the plaint

The plaintiff is the owner of agricultural land bearing survey no.50 at Panjim. The defendant agreed to purchase the agricultural land for the consideration of Rs. 5 lakh. An agreement for sale was executed on 01.10.2016. The defendant had paid Rs. 1 lakh towards earnest amount. The defendant was put in possession of the land. As per the agreement the sale deed was to be executed within six months from the date of agreement. The defendant, despite repeated requests from the plaintiff, failed to pay the remaining amount of consideration and also failed to execute the sale deed. Hence, the suit by plaintiff for specific performance of contract. In alternative the plaintiff has prayed for compensation and also possession of his agricultural land.

Averments in the written statement.

Defendant claimed that he is ready and willing to execute the sale deed and to perform his part of contract. As per the defendant, the plaintiff was expected to bring no objection certificate from the Competent Authority to sell the agricultural land. As the plaintiff failed to perform his part of contract the sale deed cannot be executed. He has thus prayed for dismissal of the suit with costs.

Q.2. Write short notes on *any two* of the followings:

Marks : 16
(8 marks each)

- a. Rule against perpetuity under the Transfer of Property Act, 1882.
(Sec. 14 of T.P. Act)
- b. When injunction can be refused. (S. 41 of the Specific Relief Act)
- c. Void agreements and voidable contracts.
(Chapter II of the Indian Contract Act)
- d. Suits by or against minor. (Order XXXII of C.P.C.)
- e. Disinheritance and its grounds under Civil Code.
(Art. 1875 to 1884 of Civil Code)

Q.3. Discuss *any four* of the followings :

Marks : 16
(4 marks each)

- a. Stay of suit. (Sec. 10 of C.P.C.)
- b. Dominant and Servient heritages and owners.
(Sec. 4 of the Indian Easements Act, 1882)
- c. Novation of contract. (Sec. 62 of the Indian Contract Act)
- d. Indemnity and Guarantee. (Chapter VIII of Indian Contract Act)
- e. Gift and onerous gift. (Sec. 122 and 127-Chapter VII of T.P. Act)
- f. Interpleader suit. (Order XXXV of C.P.C.)
- g. Public Will and Closed Will under the Civil Code.
(Art. 1911 to 1922)

Q.4. Answer *any two* of the followings :

Marks : 16
(8 marks each)

- a. Grounds to evict Mundkar from dwelling house and surrender by Mundkar under the Goa Daman and Diu Mundkars (Protection from Eviction) Act, 1975. (Sec. 12 and 14)
- b. Suit by or against Government. (Order XXVII of C.P.C.)
- c. Mode of execution of decree for immovable property.
(Order XXI, Rule 35 of C.P.C.)
- d. Provisions relating to withdrawal of suit. (Order XXIII of C.P.C.)
- e. Grounds for contested divorce under the Law of Divorce.
(Family Laws) in Goa. (Art. 4 of Chapter II, Division I)

- Q.5. Write short notes on *any four* of the followings : Marks : 16
(4 marks each)
- a. Bailment and pledge. (**Chapter IX of Indian Contract Act**)
 - b. Doctrine of election under Transfer of Property Act.
(**Sec. 35 of the T.P. Act, 1882**)
 - c. Suspension and revival of easement.
(**Sec. 49 and 51 of the Indian Easements Act, 1882**)
 - d. Consequence of the non appearance of a party in a suit.
(**Order IX of C.P.C.**)
 - e. Framing of issues. (**Order XIV of the C.P.C.**)
 - f. Adjournments in civil suits. (**Order XVII of C.P.C.**)
 - g. Office of Administrator(Cabes-de-casal).
(**Art. 2068 of Civil Code**)

- Q.6. Write short notes on *any two* of the followings: Marks : 16
(8 marks each)
- a. Procedure of mutual divorce under the Law of Divorce.
(Family Laws) in Goa.(**Art. 35 to 42, Chapter III**)
 - b. Effect of divorce on properties of spouses under the Law of
Divorce. (Family Laws) in Goa.(**Art.26 to 28**)
 - c. Discuss the procedure of listing of properties in inventory
proceedings under the Civil Code.(**Art. 2067**)
 - d. Discuss the rights of Mundkar to purchase dwelling house under
the Goa Daman and Diu Mundkarş (Protection from Eviction)Act,
1975. (**Sec. 15**)
 - e. Discuss opening of inheritance in general under Civil Code.
(**Art. 2009, Chapter IV**)
