

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

**Written Examination for appointment to the post of
Civil Judge (Junior Division)**

**PAPER – I
(CIVIL LAWS)**

Date: 9th November, 2019

TIME:- 3 Hours, from 10.00 a.m. to 1.00 p.m.

Maximum Marks: 100

INSTRUCTIONS TO THE CANDIDATES:

1. Question paper consists of 10 questions. Answer all the questions. Each question carries total of 10 marks. If a question has sub-questions or parts, the marks carried by each sub-question or part are indicated.
2. Questions must be answered in English. If the answers are not legible, such answers will not be evaluated.
3. Write your hall ticket number only in the space provided in the first page of the main answer booklet. Do not write either your name or hall ticket number or any mark, anywhere in the main answer booklet/additional answer sheets.
4. Any attempt by the candidate to disclose his/her identity in any manner in the answer sheet will disqualify him/her.
5. No candidate will be permitted to leave the examination room/hall before 11.00 a.m.

1. 'A' holder of a promissory note demanded 'B' promisor (debtor) to repay the debt by issuing legal notice and 'B' replied denying the execution of the promissory note and borrowal of the amount. So, 'A' transferred the promissory note to 'C' for consideration in view of his dire necessity for money and handed over the promissory note and legal notices exchanged between 'A' and 'B' to 'C'. Thereafter, 'C' the holder in due course filed a suit on the strength of the transfer endorsement on the promissory note against 'B' for recovery of money due under the promissory note. 'B' opposed the claim stating that the transfer of promissory note is not legally valid as the transfer took place after knowledge of dishonour of the promissory note and it

lost its negotiability and as there exists a defect in the title of the 'A' as 'B' denied the execution of the promissory note in his reply notice and as he obtained transfer of promissory note with knowledge that execution of it was denied by 'B'.

Explain with detailed reasons with reference to relevant sections of law, whether claim made by 'C' the holder in due course against 'B' is valid under law and whether he is entitled for recovery of the money.

(10 Marks)

2. (a) Is there any period of limitation prescribed for filing a petition under Order IX Rule 7 CPC to set aside the order passed against the defendant under Order IX Rule 6(1)(a) CPC that the suit be heard *ex parte* against the defendant. If so, what is the period of limitation and what is the relevant provision of law?

(b) Explain whether a defendant who remained *ex parte* after receiving summons from the Court can subsequently participate in the trial of the suit without having the *ex parte* order set aside? If so, to what extent he can participate? Whether there is any limitation on his right to participate?

(c) Also explain when the right of the defendant to file written statement is forfeited on his failure to file written statement within the stipulated time, whether he can participate in the trial of the suit without his pleadings? If so, to what extent and whether there is any limitation on his right to participate in the trial?

(d) Explain whether one of the defendants to the suit can be examined as a witness of the plaintiff? If so, what are the limitations?

(4 x 2½ = 10 Marks)

3. What is the duty of the Court when an instrument, which is liable to be stamped but not duly stamped, is produced before the Court and is tendered for being marked as an exhibit? What is collateral purpose? Whether such a document can be permitted to be exhibited for collateral purpose? And, if so, when?

(10 Marks)

4. Law of limitation bars the remedy; but, does not extinguish the right. Explain with an illustration. Are there any exceptions to this rule? If so, state the same?

Whether a person claiming the title by virtue of adverse possession can maintain a suit under Article 65 of Limitation Act, 1963 for

declaration of title and for a permanent injunction seeking the protection of his possession thereby restraining the Defendant from interfering in the possession or for restoration of possession in case of illegal dispossession by a Defendant whose title has been extinguished by virtue of the Plaintiff remaining in the adverse possession or in case of dispossession by some other person? Answer with reference to the latest case law on the subject.

(10 Marks)

5. Write short notes on the following:

- (a) *Res subjudice*.
- (b) Doctrine of election.
- (c) Doctrine of feeding the grant by estoppel.
- (d) Cause of action.
- (e) Force Majeure.

(5 x 2 = 10 Marks)

6. (a) Explain whether a gift once made can be revoked by the donor under Section 126 of the Transfer of Property Act? If so, state the grounds on which a gift can be revoked under Section 126 of the Transfer of Property Act.

(b) Explain whether a husband is implied agent of wife in respect of her immovable property and whether husband can sell the immovable property of wife without her consent? To what extent and for what purpose, husband can be said to be an implied agent of wife in respect of her daily necessities?

(2 x 5 = 10 Marks)

7. Write short notes on:

- (a) *Quantum meruit* and in what case does a claim for *quantum meruit* arise?
- (b) Quasi contracts.
- (c) Nature of liability under contract of indemnity and guarantee.
- (d) Novation of contract.

(4 x 2½ = 10 Marks)

8. Write a note on:

- (a) Temporary and permanent injunction.
- (b) Mandatory injunction.
- (c) Contracts not specifically enforceable.
- (d) Rights of purchaser or lessee against a person without title or imperfect title.

(4 x 2½ = 10 Marks)

9. (a) When a Judge who heard the arguments in a suit has written the judgment, but vacated office without pronouncing the judgment, what is the procedure to be followed and who is the competent officer to pronounce the judgment? Explain with reference to the relevant provision of law in CPC.

(b) Similarly, when a Judge who vacated the office after pronouncing the judgment, but without signing the decree drawn up in accordance with such judgment, what is the procedure to be followed and who is the competent officer to sign the decree? Explain with reference to the relevant provision of law in CPC.

(c) When a suit of the plaintiff opposed by the defendant is dismissed for default owing to his non-appearance when the suit is called for hearing under Order IX Rule 8 CPC, whether the plaintiff can file a fresh suit on the same cause of action or whether he is precluded from filing any fresh suit? What is the remedy available to the plaintiff in the said circumstances? Explain with reasons with reference to the relevant provision of law in CPC.

(d) Explain whether the provisions of Order XXI CPC relating to execution of the decrees (including provisions relating to payment under a decree) apply to the execution of order or not with reference to the relevant provision of law in CPC.

(4 x 2½ = 10 Marks)

10. (a) What are the disqualifications for inheritance under Hindu Succession Act, 1956?

(b) What is escheat?

(c) What are the rights of inheritance of a child in womb under Hindu Succession Act?

(d) Define the terms 'cognates', 'agnates', 'full blood', 'half blood' and 'uterine blood'.

(e) What is right of preemption?

(5 x 2 = 10 Marks)

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

**Written Examination for appointment to the post of
Civil Judge (Junior Division)**

**PAPER – II
(CRIMINAL LAWS)**

Date: 9th November, 2019

TIME:- 3 Hours, from 02.00 p.m. to 5.00 p.m.

Maximum Marks: 100

INSTRUCTIONS TO THE CANDIDATES:

1. Question paper consists of 10 questions. Answer all the questions. Each question carries total of 10 marks. If a question has sub-questions or parts, the marks carried by each sub-question or part are indicated.
2. Questions must be answered in English. If the answers are not legible, such answers will not be evaluated.
3. Write your hall ticket number only in the space provided in the first page of the main answer booklet. Do not write either your name or hall ticket number or any mark, anywhere in the main answer booklet/additional answer sheets.
4. Any attempt by the candidate to disclose his/her identity in any manner in the answer sheet will disqualify him/her.
5. No candidate will be permitted to leave the examination room/hall before 11.00 a.m.

1. (a) When cause of action for filing a complaint under Section 138 of the Negotiable Instruments Act on account of dishonour of cheque arises under Section 142(1)(b) r/w. Section 138(c) of the Negotiable Instruments Act?

(b) Explain whether a Magistrate can forward the complaint filed under Section 138 of the Negotiable Instruments Act to the police for investigation and for report under Section 156(3) Cr.P.C. or under Section 202 Cr.P.C.?

(c) When a blank cheque signed by the drawer is given, whether it amounts to giving authority to the holder thereof to make a negotiable instrument on it by filling the same for any amount specified therein under Section 20 of the Negotiable Instruments Act? Explain with reasons.

(d) Whether a complaint under Section 138 of the Negotiable Instruments Act for dishonour of cheque is maintainable without issuing notice to the drawer demanding him to pay the cheque amount? Whether oral demand to pay the cheque amount is sufficient and valid to maintain a complaint under Section 138 of the Negotiable Instruments Act? Explain with reasons.

(e) Whether the defence of the drawer of the cheque in a prosecution for an offence under Section 138 of the Negotiable Instruments Act that he has no reason to believe when he issued the cheque that the cheque will be dishonoured on presentation is valid? Explain with reference to the relevant provision of law.

(5 x 2 = 10 Marks)

2. (a) 'X' a woman who is a citizen of Pakistan entered the territory of India and settled in Hyderabad for the last 10 years, married 'Y' a citizen of India and lived together for 2 years happily and they begot a son during their lawful wedlock. Thereafter, on account of disputes, they are living separately. 'X' filed a petition under Section 125 Cr.P.C. in the Family Court, Hyderabad against 'Y' seeking maintenance. 'Y' opposed the petition on the ground that 'X' is not a citizen of India and she cannot invoke the laws of India and the petition under Section 125 Cr.P.C. is not maintainable. Upholding the contention, the Family Court dismissed the petition. Explain whether the judgment of the Family Court is correct and whether 'X' got legal right to file the petition, with reasons.

(b) When the police officer is informant of the crime and F.I.R. is registered on the basis of his information, can he investigate the case? In other words, whether the police officer who is informant of the crime, can investigate the case? Explain with reasons with reference to recent judgment of the Supreme Court.

(2 x 5 = 10 Marks)

3. (a) Is set off permitted for life convicts? Explain.

(b) What is the procedure to be adopted in case of lunatic accused?

- (c) What are in camera proceedings?
 - (d) In what cases compensation can be awarded to the complainant?
 - (e) Can police obtain specimen signatures of accused?
- (5 x 2 = 10 Marks)

4. Write short notes on the following:

- (i) Under Section 27 of the Indian Evidence Act, how much information received from the accused may be proved.
- (ii) Plea bargaining.

(2 x 5 = 10 Marks)

5. (a) What is the evidentiary value of the F.I.R, Section 161 Cr.P.C. statement and Section 164 Cr.P.C. statement of a witness and for what purpose they can be used during trial?

(b) Explain the doctrine of transfer of malice under Section 301 of IPC with illustration. State whether doctrine of transfer of malice would attract when the accused exercises his right of private defence under Section 100 of IPC.

(c) What is Issue estoppel and when does it apply in a criminal proceeding?

(d) Explain whether a Magistrate can order further investigation in a criminal case after taking cognizance of the case in the light of the recent judgment of the Supreme Court.

(4 x 2½ = 10 Marks)

6. What is broadly the object behind the Protection of Women from Domestic Violence Act, 2005? Whether a woman forced to leave her matrimonial home on account of acts and conduct that constitute cruelty could initiate and access legal process within jurisdiction of Courts where she was forced to take shelter with parents or other family members? Answer the question with reference to relevant provisions of the Code of Criminal Procedure and case law.

(10 Marks)

7. (a) Explain the mode and method of proof of Call Data Reports (CDR) under Section 65B of the Indian Evidence Act?

(b) When a co-accused secured acquittal in a trial of criminal case in the absence of absconding accused, can a Magistrate acquit the

absconding accused also on the ground that the co-accused was already acquitted?

(c) Elucidate whether a Magistrate can order investigation by Central Bureau of Investigation (CBI) under Section 156(3) Cr.P.C. or under Section 202 Cr.P.C. with specific reason?

(d) Explain various remedies available to a person under Cr.P.C. when the police fail to register a case on his report which discloses commission of a cognizable offence.

(4 x 2½ = 10 Marks)

8. Write a brief note on the following:

(a) Juvenile under the Juvenile Justice Act.

(b) Section 41A of the Code of Criminal Procedure, 1973.

(c) Presumption as to abetment of suicide by a married woman.

(d) Omissions and contradictions.

(e) Questions by a party to his own witness.

(5 x 2 = 10 Marks)

9. (a) What is the value of examination of accused under Section 313 of Cr.P.C.?

(b) What are the principles governing withdrawal of prosecution?

(c) What is the procedure to be adopted by a Sessions Court on passing death sentence and when shall the death sentence stand confirmed?

(d) Inherent power under Cr.P.C.

(4 x 2½ = 10 Marks)

10. (a) When the offence is punishable with fine only and when upon proof of the said offence the Court imposes punishment of payment of fine, what is the default sentence that a Magistrate is empowered to impose if the accused fails to pay the fine, under I.P.C.? Explain with reference to the relevant provision of law.

(b) What are the ingredients to be established to prove abetment of commission of an offence? What is the punishment prescribed for commission of offence of abetment when no express provision is made in I.P.C. for punishment of any such abetment?

(2 x 5 = 10 Marks)

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

**Written Examination for appointment to the post of
Civil Judge (Junior Division)**

**PAPER – III
(English Translation and Essay Writing)**

Date: 10th November, 2019

TIME:- 3 Hours, from 10.00 a.m. to 1.00 p.m.

Maximum Marks – 100

INSTRUCTIONS TO THE CANDIDATES:

1. English Translation is for 30 Marks consisting of two questions of 15 marks each. Essay writing is for 70 Marks consisting of two questions of 35 Marks each.
2. Translation has to be made from English language to either Telugu or Hindi language only.
3. Essays must be written in English only.
4. If the answers are not legible, the answer script will not be evaluated.
5. Write hall ticket number only in the space provided in the first page of the main answer booklet. Do not write either your name or hall ticket number or any mark anywhere in the main answer booklet or additional answer sheets.
6. Any attempt by the candidate to disclose his/her identity in any manner in the answer sheets will disqualify him/her.
7. No candidate will be allowed to leave the examination room/hall before 11.00 a.m.

English Translation

1. We are witnessing a new situation throughout the world. Economically prosperous nations with their mighty security forces are under various forms of threat. Developing countries with certain value systems are in fear for their future.

I have met over one million children below seventeen years of age and I have also met thousands of young students in thirteen countries. All the youths, during my interactions with them, unanimously shared with me their dream of living in a happy, prosperous and safe nation. Giving our nation and the world a sustainable development system with a focus on creating value-based citizenship must be considered an important mission. To achieve this, I have evolved a three-dimensional doctrine: (i) Education with a value system; (ii) Religion transforming into spirituality; and (iii) Economic development for societal transformation. All these three components have to be tackled in an integrated way throughout the world.

Let us discuss the relevance of education with a value system. The best part of a person's life is childhood, and the learning period in school, which is between five and seventeen years of age. Of course, at home a child receives love and affection, and values are imparted. A student spends approximately 25,000 hours in the school campus and roughly three times that with parents. Hence, school and home both have to be focused towards learning and need the best environment and mission-oriented learning with a value system. During this stage, they need value-based education in school and at home for them to become good citizens. This echoes a great teacher's saying, 'Give me a child for seven years. Afterwards, let God or the devil take the child. They cannot change my child'. For parents and teachers, the school campus and the home must have an integrated mission, that is, education with a value system. They must inculcate moral leadership in their children, which involves two aspects. First, it requires the ability to have compelling and powerful dreams or visions of human

betterment; a state in which human beings would be better off in the future than they are now. Second, moral leadership requires a disposition to do the right thing and influence others, too, to do the right thing.

The Chitrakoot PURA, in Central India, focuses specifically on promoting value-based learning and value-driven societies as its fundamental goals, which is being implemented through its gurukuls. The Deendayal Research Institute (the implementing body of the Chitrakoot PURA) has established gurukuls on the ancient educational pattern. Children of all social strata, without any discrimination, live and learn in the gurukuls. There are ten such gurukuls (six for boys and four for girls) with the capacity to accommodate twenty students each.

The novelty of this system is that one retired elderly couple, along with two attendants, has been assigned to every gurukul, so that each has a family of twenty-four. The vision of the gurukul system is that since students spend three-fourths of their time in a hostel, it is the best opportunity for imparting values to them. This inculcation of the value system is the responsibility of the elderly couple. The school also acts as a point where the experience of the elderly is utilized to nurture the young.

(15 Marks)

2. Social justice, equality and dignity of person are corner stones of social democracy. The concept 'social justice' which the Constitution of India engrafted, consists of diverse principles essential for the orderly growth and development of personality of every citizen. "Social justice" is thus an integral part of "justice" in generic sense. Justice is the genus, of which social justice is one of its species. Social

justice is a dynamic device to mitigate the sufferings of the poor, weak, Dalits, Tribals and deprived sections of the society and to elevate them to the level of equality to live a life with dignity of person. Social justice is not a simple or single idea of a society but is an essential part of complex social change to relieve the poor etc., from handicaps and penury, to ward off distress and to make their life livable, for greater good of the society at large. In other words, the aim of social justice is to attain substantial degree of social, economic and political equality, which is the legitimate expectation. Social security, just and humane conditions of work and leisure to workman are part of his meaningful right to life and to achieve self-expression of his personality and to enjoy the life with dignity, the State should provide facilities and opportunities to enable them to reach at least minimum standard of health, economic security and civilized living while sharing according to the capacity, social and cultural heritage.

In a developing society like ours steeped with unbridgeable and ever widening gaps of inequality in status and of opportunity, law is catalyst, rubicon to the poor etc., to reach the ladder of social justice. Justice K. Subba Rao, the former Chief Justice of India, in his "Social Justice and Law", had stated that "Social Justice is one of the disciplines of justice, and the discipline of justice relates to the society". What is due cannot be ascertained by absolute standard, which keeps changing depending upon the time, place and circumstance. The constitutional concern of social justice as an elastic continuous process is to accord justice to all sections of the society by providing facilities and opportunities to remove handicaps and disabilities with which the poor etc., are languishing to secure dignity

of their person. The Constitution, therefore, mandates the State to accord justice to all members of the society in all facets of human activity. The concept of social justice imbeds equality to flavour and enliven practical content of 'life'. Social justice and equality are complementary to each other so that both should maintain their vitality.

(15 Marks)

3. English Essay Writing not less than 1500 words each.

1. Alternative Dispute Mechanism – Effective solution towards reducing pendency.
2. Use of technology to a possible solution to judicial delay and to deliver speedy justice and to make justice delivery system effective.

(2 x 35 = 70 Marks)
