

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
Written Examination for appointment to the post of Civil Judge (Junior Division)

PAPER-I (CIVIL LAWS)

Date: 8th January, 2021

Time:- 3 Hours, from 09.00 a.m. to 12.00 noon

Maximum Marks: 100

INSTRUCTIOS TO THE CANDIDATES:

1. *Question paper consists of 10 questions. Answer all the questions. Each question carries of 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 12.00 noon.*
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1) Explain the following:

- I. a) *res judicata pro veritatem accipitur.*
b) *res subjudice*

II. What are the provisions of Code of Civil Procedure not applicable to the courts constituted under The Provincial Small Cause Courts Act, 1887. Explain with reference to relevant provisions of CPC.

- 2) a) Under what circumstances the plaint may be rejected? Explain with reference to provisions of Code of Civil Procedure, 1908.
b) **A** filed suit for specific performance of agreement to sell against **B**. **A** filed suit earlier for the same relief against **B** which was dismissed for default. In the later suit **B** filed an application to reject the plaint on the ground that the suit is hit by principle of res judicata. Whether the plaint is liable to be rejected?
- 3) a) Define judgement and what the judgement should contain?
b) Explain the doctrine of feeding the grant of estoppel with reference to provisions of The Transfer of Property Act, 1882 and The Specific Relief Act, 1963.
- 4) Explain the presumptions as to document under The Indian Evidence Act, 1872.

- 5) a) **A** obtained decree against **B** for recovery of amount, filed execution petition, during pendency of execution petition. **B** paid part of the decretal amount outside the court to **A** which is not certified by the court. **B** contended that he discharged the decree debt in part, filed an application for recording part satisfaction after one year from the date of payment. Whether part satisfaction of the decree be recorded? If so, explain the reasons with reference to provisions of The Code of Civil Procedure, 1908 and The Limitation Act, 1963.
- b) **A** filed suit against **B** for recovery of amount on the basis of promissory note in the Junior Civil Judge's Court on the reopening date of the Court after summer vacation, as limitation for filing the suit was expired during the vacation. The plaint was returned on the third day of presentation of the plaint on the ground that the Junior Civil Judge Court has no jurisdiction to try the suit and it is triable by Small Cause Court. The plaint was presented before the Small Causes Court on the same date of return of the plaint and the same is registered. **B** contended by filing written statement that the suit is barred by limitation. Decide giving reasons.
- 6) a) Explain the procedure to evict an encroacher/unauthorized occupant as per The Andhra Pradesh Land Encroachment Act, 1905.
- b) Define **transfer of property** and **actionable claim**.
- 7) a) What are the conditions for a Hindu marriage and explain void and voidable marriage.
- b) What are the properties exempted from application of provision of The Hindu Succession Act, 1956.
- 8) Explain certain relations resembling those created by contract.
- 9) a) Explain the circumstances under which cancellation of an instrument be ordered. Whether a person who is not a party to the instrument can claim cancellation of an instrument.
- b) Explain temporary and perpetual injunctions and when perpetual injunction can be granted and refused ?
- 10) a) Explain easements of necessity and quasi-easement, customary easements.
- b) **A** and **B** are the owners of adjacent residential plots, separated by a compound wall belonging to **A**. **A** with an intention to attend repairs of the compound wall, entered into the land of **B**. **B** objected the entry of **A** into his land to attend repairs. Whether **A** is entitled to claim any right to enter into the land of **B** to attend repairs of compound wall. Explain the nature of right, if any, with reference to The Indian Easement Act, 1882.

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

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

PAPER-II (CRIMINAL LAWS)

Date: 8th January, 2021

Time:- 3 Hours, from 02.00 p.m. to 05.00 p.m.

Maximum Marks: 100

INSTRUCTIOS TO THE CANDIDATES:

1. *Question paper consists of 10 questions. Answer all the questions. Each question carries of 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.*
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 5. *No candidate will be permitted to leave the examination room/hall before 05.00 p.m.*
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1. Define the following:

- I. a) Cognizance,
b) Victim,
c) Pleader,
d) Warrant case

II. How cognizance be taken for the offences punishable under:

- a) Disaster Management Act, 2005,
b) Defamation,
c) Mines and Minerals Development and Regulation Act, 1957.
2. a) Explain the procedure in cases mentioned under section 195 of The Code of Criminal Procedure, 1973.
b) Explain the circumstances under which court can order payment of compensation.

3. Define '*coin*', '*Indian coin*' and briefly enumerate various offences related to coin under The Indian Penal Code, 1860.
4. Define defamation and exception to defamation under the Indian Penal Code, 1860.
5. a) Explain the principle of '*issue estoppel*'.
b) A and B charged for the offence punishable u/s 353 of IPC based on two charge sheets filed by police officer on the complaint made by C and D arising out of the same incident. Witnesses and documents in both the cases are one and the same but during trial in once case the witnesses did not support the prosecution case consequently A and B are found not guilty and acquitted for the charge. In the second case A and B requested the Court to acquit for the offence on the ground that the witnesses are estopped to speak against the accused. Explain whether A and B are entitled to be acquitted in the second case without conducting trial.
6. a) Define domestic relationship.
b) What are the reliefs a Magistrate can grant under The Protection of Women from Domestic Violence Act, 2005.
7. Explain the procedure to be followed by magistrate to record confession, dying declaration and for conducting identification parades as per the Criminal Rules of Practice and Circular Orders, 1990.
8. Enumerate various offences and penalties under Chapter VII Andhra Pradesh Excise Act, 1968.
9. Explain powers, functions and responsibilities of the board under Juvenile Justice (Care and Protection of Children) Act, 2015.
10. a) Define common gaming house.
b) Explain concept of "plea bargain" with reference to relevant provisions in Code Of Criminal Procedure.

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
Written Examination for appointment to the post of Civil Judge (Junior Division)
PAPER-III (ENGLISH TRANSLATION AND ESSAY WRITING)

Date: 9th January, 2021

Time:- 3 Hours, from 09.00 a.m. to 12.00 noon.

Maximum Marks: 100

INSTRUCTIOS TO THE CANDIDATES:

1. *English Translation is for 25 Marks. Essay writing is for 75 Marks.*
 2. *Translation has to be made from English language to to Telugu and Telugu to English 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 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.*
 6. *Any attempt by the candidate to disclose his/her identity in any manner in the answer sheet will disqualify him/her.*
 7. *No candidate will be permitted to leave the examination room/hall before 12.00 noon.*
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1. a) **Translate** the following paragraphs from English to Telugu;

I submit that the said Pedada Saraswathamma is being illiterate and she could not get the pass book and title deed in her name from the Government. I submit that in the month of February, 2000 the said Pedada Lingayya died and after the death of the Said Pedada Lingayya the said Pedada Saraswathamma could not cultivate the land ie., the plaint schedule property and she requested her elder daughter by name Pydi Chinnammadu who is the mother-in-law of the defendant to cultivate the plaint schedule property for yearly ambaram and she used to cultivate the plaint schedule property till 2007 and after that the said Pedada Saraswathamma cultivating the plaint schedule property with the assistance, myself and her husband.

I submit that the defendant taking advantage of innocence of the said Pedada Saraswathamma, the defendant being the MPTC of the Kusalapuram for the period of 2006to 2011and she influenced the revenue authorities and manipulated the revenue records and created the pattadar Pass book and Title deed in favour of the defendant. Those documents are not valid under law and she will not get any title through the said created title deed and pass book and adangal which were obtained by the

defendant through the Mandal Revenue Authorities and those documents can not confers title.

I submit that the said Pedada Saraswathamma was neglected by her children and there is no other alternative she requested the plaintiff to look-after the welfare of her as she being old woman. I looked after the welfare of the said Pedada Saraswathamma. Due to the Love and Affection towards the plaintiff, the said Pedada Saraswathamma executed a registered settlement deed in my favour⁵ on 10.08.2011 in respect of the plaint schedule property towards pasupukumkum as promised at the time of my marriage.

I submit that after execution of the registered settlement deed dated 10.08.2011, I made an application to the Tahsildar, Etcherla along with the copy of the registered settlement deed dated 10.08.2011 for granting the Pattadar pass book and title deed. But the said Tahsildar, Etcherla without made any enquiry as per provisions of ROR Act., issued endorsement vide L.P.No.285/2011 A dated 29.08.2011 stating that already the Pattadar Pass book and title deed given to the defendant and there is no possibility to issue pattadar pass book and title deed to me. Against the endorsement vide LP No.285/2011A dated 29.08.2011, I preferred an appeal before the R.D.O., Srikakulam for the cancellation of the Pattadar Pass book and titled deed issued to the defendant as per the A.P. Rights in Land and Pattadar Pass book Act,1971 and the same disposed by the R.D.O. Srikakulam on merits vide orders in R.C.No.2024/2011/B, dated 04.02.2012 and directing the Tahsildar, Etcherla for cancellation of the Pattadar Pass book and Title deed of the defendant. Against the orders passed by the R.D.O.,Srikakulam dated 04.02.2012 the defendant preferred appeal before the Joint Collector, Srikakulam dated 04.02.2012the defendant preferred appeal before the Joint Collector, Srikakulam and the same was disposed of by the Joint Collector, Srikakulam on 16.10.2015 stating that “ It is hereby ordered both the parties shall approach the competent authority and until finalization of the civil dispute, the orders passed by the appellate authority will remain in force.”

(15marks)

b) Translate the following paragraphs from Telugu to English;

కష్టపతి

కంచెపేటలో నివసించే కూర్మయ్యకు రాజభోగాలంటే ఎక్కువ నిత్యమూ కలలు కంటూ సమయం వృధాగా గడిపేస్తూ ఉంటాడు. రాజ కుటుంబీకులంతా భోగ, భాగ్యాలతో తుల తూగుతూ కష్టమంటే తెలియకుండా జీవితం సుఖంగా అనుభవిస్తూ ఉంటారనేది అతని విశ్వాసం. కూర్మయ్య పొరుగునే ఉండే కేసరి మాత్రం ఇందుకు పూర్తిగా విరుద్ధం. కష్టాన్ని మాత్రమే నమ్ముకుని చెమట్టోడి సంపాదించడంలోనే సుఖముందని నమ్మేవాడు.

ఒకనాడు కూర్మయ్యకు యువరాజులా వేషం ధరించి పురవీధుల్లో ఊరేగాలనే కోరిక కలిగింది. అదే తడవున వేషం మార్చుకుని, ఒక అశ్వాన్ని అధిరోహించి చుట్టుపక్కల గ్రామాల్లో తిరగసాగాడు. తనని చూసి సామాన్య ప్రజలు గౌరవంగా తప్పుకుంటుంటే, భక్తితో నమస్కరిస్తుంటే మనసులోనే ఆనందించసాగాడు కూర్మయ్య.

తిరిగి, తిరిగి అలసిన కూర్మయ్య చీకటి పడుతుండగా కంచెపేట కేసి వెనుదిరుగాడు. మార్గమధ్యంలో అడవిని దాటుతుండగా అతణ్ణి దొంగలముఠా చుట్టుముట్టింది. మేడి పండులా దాబూ, దర్పంతో కన్పించిన కూర్మయ్య వద్ద ఏమీ దొరక్కపోవడంతో అసలు సంగతి గ్రహించిన దొంగలు కోపంతో అతడికి తగిన రీతిలో దేహశుద్ధి గావించి, అశ్వాన్ని లాక్కుని ఖరీదైన దుస్తులు సైతం తస్కరించి విడిచిపెట్టారు.

'బ్రతుకు జీవుడా' అనుకుంటూ ఇంటికి చేరుకున్నాడు కూర్మయ్య. విషయం తెలుసుకున్న కేసరి, కూర్మయ్యతో, 'రాజుగారికీ, వారి కుటుంబీకులకు మనకున్నంత స్వేచ్ఛ ఉండదు. వారికి బాధ్యతలు, శత్రుభయం అధికం. అంతేకాదు, వాళ్ళకుండాల్సిన కష్టాలు వాళ్ళకీ ఉండనే ఉంటాయి. దూరపు కొండలు నున్నగానే కనిపిస్తాయి. కాబట్టి నీకున్న భ్రాంతిని విడిచిపెట్టి వాస్తవంలో జీవించడం నేర్చుకో,' అని హిత వచనాలు పలికాడు.

అప్పట్నుండి కూర్మయ్య దాబూ, దర్పం, ఆడంబరాలు, రాజభోగాల పట్ల మోజు కేవలం ఆలోచనల వరకే పరిమితంచేసుకుని బుద్ధిగా కష్టపడి జీవించసాగాడు. - ఎం. మురళీ మోహన్

(10 marks)

2. Write an essay on the following topics (not less than 1500 words each):

a) Impact of COVID-19 on judicial administration, litigant public and advocates and how the Courts discharged its duty by using technology without causing inconvenience to the litigant public.

(40 marks)

b) Grama Nyayalayas, the procedure to be followed in the Grama Nyayalayas, its jurisdiction and its impact on the pendency in the Courts.

(35 marks)