

Mains Factory

Question No. 1

- (A) Define Digital rape. Is it punishable in India? Refer to relevant legal provisions, if any.
- (B) A instigates B to give false evidence. B doesn't give false evidence. Has A committed any offence? Discuss.
- (C) Explain and illustrate the following: "What is in writing shall only be proved by the writing".

Question No. 2

- (A) "The use of sedition is like giving a saw to the carpenter to chop a bit of wood and he uses it to cut the entire forest itself". Comment.
- (B) What is the evidentiary value of Confessional FIR?
- (C) "The burden to prove the guilt of the accused is on the prosecution and never shifts". Comment stating the exceptions, if any, to this rule.

???



C.P.C.

CODE OF CIVIL PROCEDURE

Time: 3 Hrs

M.M.:100

Instructions:

(1) All question is compulsory. Answer to all Questions must be given in language either in Hindi or in English.

(2) Writing of all answers must be clear and legible. If the writing of Answer book written by any candidate is not clear then the valuation of such answer book may not be done.

Q.1) A sues B in a foreign court. The suit is dismissed. Can A file a fresh suit on the same cause of action against B in India? Explain with the help of appropriate illustrations and relevant statutory provisions.

Q.2) Discuss the meaning of the expression 'Suit of Civil Nature' as described in Section 9 of Code of Civil Procedure, 1908.

Plaintiff 'P', who is a Christian by religion, challenged her ex-communication, by filing a plaint in the civil court. The plaint is resisted by arguing that 'mere question of religion' is not a 'Suit of Civil Nature'. Decide with the help of Judicial Precedents.

Q.3) Is the doctrine of Res judicata applicable to a Public Interest Litigation? Explain with the help of appropriate judicial decisions.

Q.4) What do you understand by 'Foreign Judgement'? When it is deemed to be conclusive? Discuss.

Q.5) Explain the provisions relating to 'Objection' with respect to 'Territorial Jurisdiction' of Civil Court under the Himachal Pradesh Courts Act, 1976.

Q.6) Write short note on Verification of Pleadings.

Q.7) Draw the order allowing or dismissing the application:
The plaintiff has filed a summary suit before the civil court against the defendant seeking recovery of Rs. 75000. It is

contended in the plaint that the defendant did not make payment of Rs. 75000/- for the goods supplied by the plaintiff as per the invoice. Though notice in this regard was served upon the defendant, the defendant did not make any payment for the suit goods. Upon service of summons, the defendant has filed an application seeking unconditional.

Q.9) Write short notes on: -

(i) Rejection of Plaint

(ii) Temporary Injunction.

Q.10) Is there any mechanism under the Code of Civil Procedure to prevent delays in civil litigation? Discuss how the successive amendments of Order VIII, Rule 1 of CPC have helped courts in avoiding delays in civil proceedings?



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must withstand the test
Article 19(1)(a). Freedom of press means
There can be no relationship in the press.
articles or matters of public interest.
to exercise the right of the
the
however, restrictions can be imposed on the
but those restrictions must stand the test of
democratic organisation
In *Sennett Case* and *Union of*
India (1972), the Supreme Court
the freedom of the press embodies the right of the

Ques 1

* Rule of
Convenience
* maxim
vigilantibus
non
dormientibus
jura subvertunt

Sec. 21 (1), of Code of Civil procedure provides that, no objection as to place of suing will be allowed by an appellate or revisional court unless following conditions are satisfied:

Court of first Instance

1. The objection was taken at first instance in court
2. It was taken at earliest possible opportunity and in cases where issues are settled at or before settlement of issues; and
3. There has been consequent failure of justice

Ques 2.

* provision
rising
Art. 16, 335,
338, 340,
341 & 342

Reservation of posts in government services is a broad and infamous subject. The basis of reservation was always to bring every class of people on equal footing majorly on financial and social aspects. (So the basis and limit of reservation should still be the financial status as discrimination on caste and class level has been decreased but financial gap has been increased from past recent years).

* Indira Sawhney case
* Balaji vs State of Mysore
9

Ques 3

No, a remand order cannot confer jurisdiction on the subordinate court when such court originally do not have such power. It is settled principle that no appellate court can confer jurisdiction on a subordinate court, however high appellate court may be as, jurisdiction of a court is determined by statute. In case of Venkatarama & Angathayammal it is held that

(1)

an appellate court remanding a case to an inferior court cannot confer jurisdiction on court if it inherently lacked the same.

Ques 4

A suit is of civil nature if the principal question therein relates to the determination of a civil right and its enforcement.

It is subject matter of suit which determines whether it is suit of civil nature or not.

In a suit in which right to property or to an office is contested whether it is of civil nature or not, what needs to be determined is whether it entirely depends on religious rites or ceremonies or not?

If its decision does not entirely depend on religious rites or ceremonies it is a suit of civil nature.

(i) Right to take out religious procession is a suit of civil nature

(ii) Right of Pandanashen lady to observe parda is a suit of civil nature

(iii) Right to franchise is a suit of civil nature

11/5
3

Ques 5

Doctrine of res judicata applies between co-defendant only if plaintiff claimed any relief and he cannot get his relief without trying and deciding a case between the co-defendants. However it has been stated that requisite conditions should be fulfilled to apply principle of res judicata as between defendants and that are:

Start with Sec 9 of CPC along with explanation
Meaning of Civil suit
Kehar Singh
J/S
Custodian
General
Shankar Narayan
Pottu
K. Sreedevi

Provision
Maxim

(b) Police officer's report after completing investigation

Police Off Officers submit its report after completing investigation under sec 173 of Code of Criminal proceeding. Procedure Code

It is stated that every investigation should be completed without unnecessary delay. In case investigation relates to an offence under sec 376, 376 A, 376 B, 376 AB, 376 C, 376 D, 376 DD or 376 E of Indian Penal Code it ~~shall~~ should be completed within 2 months which shall be calculated from date of information was recorded by officer in charge of police station.

Such report shall be forwarded from officer in charge of police station to Magistrate empowered to take cognizance of offence under sec 173(2) of IPC.

Such report shall be in format or form as prescribed by state government. shall

It will contain following details

1. Nature of information
2. Name of the parties
3. Name of person acquainted with case
4. Offence which appears to have been committed?
5. If ~~case~~ so, by whom
6. Whether accused has been arrested
7. Whether released on bond or sureties
8. Whether he has been forwarded in custody under sec 170
9. Medical report of a woman.

Remarks:-



- ① Answer not in Answer format rather on notes format.
- ② Don't copy things from Internet.
The Answer on Internal & External aid was exact copy.
- ③ Missed out on lot of Questions.
- ④ Next time copies won't be evaluated if they are not in Answer format.
- ⑤ Always mention the Section no. on top & not at last.



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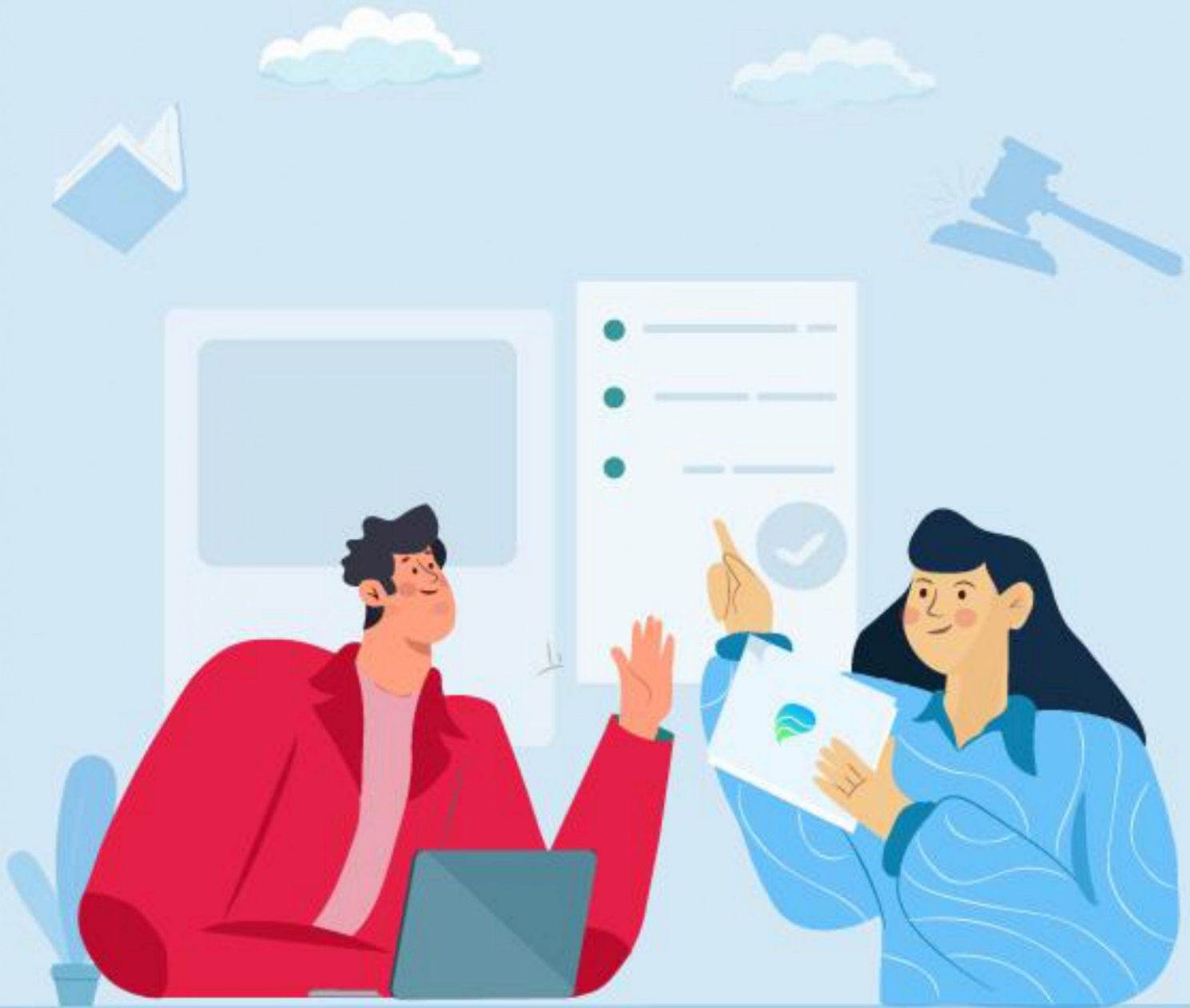


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