**Punjab Civil Service Examination 2012**

**Judicial Branch**

**Civil Law Paper – II**

**Time: Three Hours Maximum Marks : 200**

**Notes:**

1. **Candidates are required to attempt all questions in the same seriatum as they appear.**
2. **Marks are indicated against each question.**
3. **Support your answers with relevant provisions and case law.**
4. **No extra Answer Sheet will be provided.**

Q.1.

1. ‘A’ a Hindu died in 1948 leaving behind his wife ‘W’, who took her husband’s properties as a limited owner. In 1954 “W” made a gift of some lands to her niece ‘B’, ‘C’ a collateral of ‘A’ and presumptive reversioner sued for a declaration that the gift to ‘B’ is not binding on him. In 1959 ‘W’ adopted ‘B’s son ‘P’. Later in the same year ‘W’ died, ‘C’ sued for possession of land. Decide the case with the help of judicial precedents.
2. ‘A’ a coparcener having incurred debts in connection with a business connected in his individual capacity sold Joint Family Properties for inadequate consideration and his brother coparcener ‘b’ only joined him in executing the sale. Does the transaction bind the nephews of ‘A’ (who are sons of ‘B’)? Is the transaction of sale void even against the sons of ‘A’?

Q.2.

1. Discuss in detail the Islamic procedure of divorce and its development in India with the help of decided cases. Discuss the validity of ‘Triple Divorce’ under the Muslim law with the help of decided cases. Do you agree that the practice of ‘Triple Divorce’ is not in accordance with the Sharia. Give reasons.
2. ‘K’ a Muslim dies leaving a son ‘B’, a widow ‘X’ by a pre-ceased son, ‘K’ by his will bequeathed 1/3of the estate to ‘B’ and ‘Y, ‘X’ does not consent to the bequest in favour of ‘Y’. Is this bequest valid?
3. Examine the conditions for which a Muslim woman ‘prejudiced by marriage’ can get divorce from her husband.

Q.3.

1. In 1998, Ravi, a Hindu boy aged 18 years married Kiran, a Hindu girl aged 16 years in accordance with Hindu rites and ceremonies. One son – Monu was born in 2000 out of the wedlock. The marriage of Ravi and Kiran was solemnized in Delhi, where they lived together till December 2001. In January 2002, Ravi got transferred to Hyderabad and settled down in Hyderabad while Kiran along with her son – Monu and her parents continued to live in Delhi. On March, 20, 2006, one daughter – Laxmi was born out of the relationship of Ravi and Rekha. On being presecuted for bigamy, Ravi – contends that he was not liable for bigamy as his former marriage with Kiran being child marriage was void ab initio.

Decide the abovementioned case in the light of the provisions of the Hindu Marriage act, 1995, Indian Penal Code and support your decision with case law.

1. ‘G’ was granted divorce by the court against ‘J’, G’ got remarried before the expiry of the period of appeal. J filed an appeal against divorce and it has been allowed. Discuss the legality of the second marriage of ‘G’. Will it make any difference, if the appeal is dismissed?
2. Define an antecedent debt. Under what circumstances can a joint Family property be alienated for discharging on antecedent debt?

Q.4.

1. ‘P’ filed a suit against ‘D’. ‘D’ in his written statement took a specific objection that the suit was bad for non-joinder of ‘L’, ‘M’ and ‘N’, who were also necessary parties. ‘P’ continued with his suit despite the objection were also necessary parties. ‘P’ continued with his suit despite the objection taken by ‘D’ and eventually his suit was decreed. ‘D’ preferred first appeal wherein ‘P’ was permitted to withdraw his suit with liberty to file a fresh sit on the same cause of action. ‘P’ immediately filed a fresh suit, this time against ‘D’ as well as ‘L’, ‘M’ and ‘N’. Explain where the fresh suit against ‘D’ is barred by limitation? Whether suit against ‘L’, ‘M’ and ‘N’ is also barred by limitation? Support your reasons with reference to the provisions of the statute and case law.
2. ‘X’ filed a declaratory suit without affixing the requisite court fee. ‘Y’ took an objection in the written statement and sought rejection of ‘X’s plaint. ‘X’ insisted that the court fee affixed by him was proper. His plea was rejected by the Court, but it gave two months’ time to him to correctly value the suit. ‘X’ having failed to do so, his plaint was rejected and sit dismissed. Statement took an objection that the fresh suit was barred by limitation. ‘X’ wants to exclude the period spent in the first suit, for the purpose of counting limitation. Giver your comments with support of case law.
3. The scheme of the Limitation Act is to govern proceedings before the ‘Civil Court’ only. Is there any exception to this general principle? Explain and support your reasons with case law.

Q.5.

1. “A family arrangement seldom requires registration”. Do you subscribe or disagree to this view? Give your reasons with supporting case law.
2. A document transferring Title or interest in a immovable property cannot be registered at a place where no part of the property is situated and such document being void-ab-initio confers no right whatsoever in favour of the beneficiary. Giver your comments with support of case law.
3. Discuss the validity of the following adoptions:-
4. An unmarried Hindu girl aged 25 years adopted a girl of 6 years.
5. ‘A’ is given in adoption by his step-mother.
6. A boy of 19 years adopted by a widow aged 38 years.