

Roll No. _____

DELHI JUDICIAL SERVICE EXAMINATION (WRITTEN), 2023

Duration: 3 Hours

Maximum Marks: 250

GENERAL LEGAL KNOWLEDGE AND LANGUAGE

Important Instructions

- (i) *Please read the questions carefully and answer them as directed.*
- (ii) *All questions are compulsory, unless specified.*
- (iii) *You are allowed 15 minutes time before the examination begins, during which you should read the question paper and, if you wish, highlight and/or make notes on the question paper. However, you are not allowed, under any circumstances, to open the answer sheet and start writing during this time.*
- (iv) *The answer to each question should begin on a fresh page.*
- (v) *This paper is to test the candidate's awareness of general legal knowledge and English language. Credit will be given for substance, cohesive and concise presentation, articulation of views, ideas and employment of appropriate vocabulary and expression.*
- (vi) *Before you start writing the answers, please write your Roll Number at the top.*

SECTION – I

GENERAL LEGAL KNOWLEDGE

1. Write short notes in about 200 words on any six of the following, with reference to recent discourse in public domain:

- (i) Paper leak in public examinations
- (ii) Criminal law reforms
- (iii) One Nation – One Election
- (iv) *BilkisBano* case – remission granted to convicts
- (v) Uniform Civil Code
- (vi) Same sex marriage in India
- (vii) Women's reservation
- (viii) National Judicial Appointments Commission

(6 x 10 marks = 60 marks)

2. Please specify whether the following statements are True or False, justifying your answers in three/ four sentences each:

- (i) Article 35-A of the Constitution of India granted to Jammu & Kashmir an autonomous status, conferred on it the power to have its own constitution, and restricted Parliament's legislative powers in this respect.
- (ii) *Res Ipsa loquitur* is generally applied in claims under torts.
- (iii) Justice M. Fathima Beevi was the first lady Chief Justice of India.
- (iv) Veto power is available to each permanent member of the Security Council of the United Nations.
- (v) Group of Companies doctrine is invoked to seek the holding company being held to be liable, though not a party to contract entered by its subsidiary which is alleged to be in breach.
- (vi) President of India is not only the head of the executive, but also wields legislative and judicial powers.
- (vii) The decision rendered by the International Criminal Court concerning hostilities in Gaza strip since October 2023 will be binding on Israel but not on Hamas.
- (viii) The word "secular" was inserted in the Preamble to the Constitution as one of the changes through 42nd Amendment, all of which were later repealed by 43rd & 44th Amendments.
- (ix) The recommendations of the National Judicial Pay Commission relate to salary and perquisites of the members only of the district judiciary.
- (x) *Jallikattu* case related to alleged human rights violations in the State of Tamil Nadu.

(10 x 2 marks – 20 Marks)

3. Explain the legal perspective of the following, in the context of India, very briefly in a three/ four sentences each:

- (i) Electoral Bonds
- (ii) *Stare decisis*
- (iii) Regional benches of the Supreme Court of India

- (iv) Government of India Act, 1935
- (v) Vulnerable witnesses
- (vi) Minimum Support Price
- (vii) Control over “law & order” in NCT of Delhi
- (viii) Preventive detention
- (ix) Hung legislature
- (x) Citizenship Amendment Act

(10 x 2 marks – 20 Marks)

SECTION – II

LANGUAGE

4. **Prepare a precis of the following in about 150 words:**

A responsible press is the handmaiden of effective judicial administration. The press does not simply publish information about cases and trials but subjects the entire hierarchy of the administration of justice (police, prosecutors, lawyers, judges, courts), as well as the judicial processes, to public scrutiny. Free and robust reporting, criticism and debate contribute to public understanding of the rule of law, and to a better comprehension of the entire justice system. It also helps improve the quality of that system by subjecting it to the cleansing effect of exposure and public accountability.

Today, this responsible press is often being accused of ‘trial by media, a phrase that describes the impact of electronic media, social media, television, and print media coverage on a person’s reputation by creating a widespread perception of guilt or innocence before, or after, a verdict in a court of law.

The Hon’ble Supreme Court has ruled that freedom of press is a fundamental right covered by the right to freedom of speech and expression. However, the manner in which court news is being reported by media has serious implications and has been held to quote *“Today electronic and print media are freely commenting on pending cases in an attempt to influence judges and public perception. This is doing great damage to the institution”*.

To conclude, freedom of press has always been a cherished right in all democratic countries and the press has rightly been described as the Fourth Pillar of Democracy. The State and the Fourth Estate have a responsibility to defer to each other’s respective domains. While the State should be circumspect regarding any censorship or penal action against the media, at the same time the media should refrain from any unwarranted transgressions. Media trials entail the possibility of

subverting administration of justice right from the stage of investigation, trial and finally sentencing. In today's age of click-bait journalism aimed at satisfying the increasingly short attention span of viewers there exists a subtle but clearly defined line which should not be crossed. Factual narration in itself is safe, however done with a pre-disposed view towards guilt or innocence without any official indictment is clear case of overreach by the media.

(30 Marks)

5. Translate the following into Hindi:

Sanga Moses grew up in a small Ugandan village of thatched roof dwellings that lacked electricity. Yet he became his clan's first college graduate and took a bank job in Kampala.

Returning home for a visit from the Ugandan capital in 2009, he met his 12 year old sister on the road. "She stood there crying with a heavy bundle of wood on her head," Moses remembers. "She was upset because like most rural girls, she missed days of school each week searching for fuel wood." "My sister was losing the only opportunity she had to make her life better...education."

It wasn't the only change Moses noticed in his hometown. "When I was young, our home was surrounded by national forests," he says. "Now all those trees are gone, and children must walk longer and longer distances to gather wood."

Searching for solutions to problems born of burning wood, Moses quit his job and began learning everything he could about renewable resources. Eventually he came across the increasingly popular practice of turning organic waste into fuel.

"I looked out of my window and saw a huge pile of sugarcane debris," he says. "Uganda is primarily agricultural, but farm waste is just abandoned."

So Moses began working with engineering students to design kilns to turn farm waste - coffee husks and waste from sugar cane and rice - into charcoal. This charcoal is turned into briquettes for cooking that burn cleaner and cost less than wood."

(30 Marks)

6. Fill in the blanks in the following passages, choosing the most appropriate word from the given choices:

Designing board games for a living is an interesting, though not a particularly _____ (1) (awful; lucrative; tiresome) job. The first step in my process is to come up with an idea; it may be a theme like intergalactic trading among alien races, or a mechanism like _____ (2) (casting; overwhelming; rolling) a unique kind of die. Often, when I feel like I have a great idea, and I find out somebody else has already done something _____ (3) (disparate; similar;

decrepit), I have to _____ (4) (go back to the drawing board; enter into the drawing board; rely on the drawing board).

After I decide on a concept for my game, the next step is determining a design. This is the most intellectually stimulating part of the _____ (5) (enterprise; exploration; explanation). I have to make sure that every mechanism, rule, and _____ (6) (accompanied; accompanying; accompany) piece of text makes sense in the context of the whole game, a task that _____ (7) (will have required; had required; requires) both attention to detail and systemic thinking.

During the design process, I _____ (8) (refining; have refine; refine) the rules with help from others who playtest my prototype. Playtesting helps make sure that my ideas make sense to someone _____ (9) (in spite of; other; together) than just me. I usually play the game I'm working on hundreds of times before I _____ (10) (finalise; could have finalised; should finalise) the rules.

(10 x 2 = 20 marks)

7. Translate the following into English:

हास्य एक प्राकृतिक देन है और वह प्रेम की ही तरह स्वतः उत्पन्न होता है, जबकी प्रेम दो वस्तुओं के आकर्षण से उत्पन्न होता है। हास्य दो वस्तुओं के विकर्षण का परिणाम है। जैसे किसी पटवारी की कलम गिर गई, देखकर एक शोषित किसान ने कह दिया, "मुंशीजी, आपकी छुरी गिर गई।" लोग हंस पड़े। लेकिन वास्तव में यह घटना पटवारी के किसानों के प्रति दुर्व्यवहार के कारण हुई। अक्सर दूसरों की भूल या दुर्दशा में जो हास्य जागृत होता है उसमें हंसनेवाले के छिपे अहम् और उच्चता की भावना की अधिक भूमिका है। प्रत्येक हंसनेवाले में थोड़ी बहुत दबी हुई क्रूरता होती है। सज्जन दूसरों की भूलों और दुर्दशा को सहृदयता से टाल देते हैं, लेकिन दूसरे उन पर हंसते हैं। उच्चता की भावना के साथ-साथ कुछ धन्यवाद की-सी भावना भी होती है और मन में अजीब-सा तनाव हो जाता है।

(30 Marks)

8. Write an essay of 500 words on any one of the following topics:

- (i) Relevance of grammar in the age of instant messaging and online platforms.
- (ii) Use of Artificial Intelligence in education.
- (iii) The threat of fake news and fake videos in a democracy.

(40 Marks)

Roll No. _____

DELHI JUDICIAL SERVICE EXAMINATION (WRITTEN), 2023

Duration: 3 Hours

Maximum Marks: 200

CIVIL LAW-I

Important Instructions

- (i) *Please read the questions carefully and answer them as directed.*
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- (iii) *The answer to each question should begin on a fresh page.*
- (iv) *Support each of your answers with reasons, relevant legal provisions and principles and also relevant case laws.*
- (v) *Even if you do not know the answer, it is advisable to attempt, in as much as the test is not only of the knowledge of law but also of analytical reasoning.*
- (vi) *Before you start writing the answers, please write your Roll Number at the top.*

1. Discuss the Scheme for determination of Property Tax under the Delhi Municipal Corporation Act, 1957 and under the New Delhi Municipal Council Act, 1994?

(15 Marks)

2. The owner of a house in Delhi, under the jurisdiction of Municipal Corporation of Delhi, is dissatisfied with the assessment by MCD of property tax with respect to his house. He institutes a civil suit challenging the said assessment. Whether the said suit is maintainable? Decide, giving reasons.

(10 Marks)

3. New Delhi Municipal Council, in the year 2023, issues notice to the owner of a house situated in the colony of Bengali Market, to show cause why the 2 rooms constructed on the open terrace above the ground floor of the said house, without obtaining any sanction from the NDMC, be not demolished. It is the plea of the owner, that the said construction was carried out nearly 10 years prior to the issuance of the notice and that the owners of other houses in the colony had also constructed 1 or 2 rooms on the open terrace above the ground floor and no action against them had been taken. The owner of the said house institutes a civil suit for the relief of permanent injunction restraining the NDMC from demolishing the 2 rooms and also for

the relief of mandatory injunction directing the NDMC to regularize the construction of the aforesaid 2 rooms. Decide the suit, believing the pleas of the owner to be correct. Also decide, whether the reliefs of permanent injunction / mandatory injunction can be granted or not?

(10 Marks)

4. Ramlal, being the owner of a house in Delhi let out to Shyamlal, institutes a petition under Section 14(1)(e) of the Delhi Rent Control Act, 1958 for eviction of Shyamlal from the said house. Summons under Section 25B of the Act are issued to Shyamlal and are served on Shyamlal by ordinary process on 25th January, 2024, by registered post AD on 29th January, 2024 and again by ordinary process on 1st February, 2024. Shyamlal, on 23rd February, 2024 applies for leave to defend the petition for eviction. The Additional Rent Controller, before whom the petition for eviction is pending, dismisses the application for leave to defend, only on the ground that the same had been filed beyond the specified period and consequently passes an order of eviction of Shyamlal from said house. Shyamlal has in his custody and possession, documents to show, (i) that he resides in the house only with his wife and has no children; (ii) that Shyamlal, on 29th January, 2024 had suddenly fallen sick and was admitted to the hospital and remained hospitalized till 16th February, 2024; and, (iii) that his wife is a Government Servant and was on election duty.

Whether the leave to defend application was within time and whether the order of the Additional Rent Controller is correct? Also answer, what are the remedies of Shyamlal against the order of the Additional Rent Controller?

(10 Marks)

5. Please state whether each of the following statements is true or false. (Only either 'true' or 'false' is to be written, and nothing else.)

A petition for eviction of tenant under Section 14(1)(e) of the Delhi Rent Control Act, 1958,

(i) can be filed only for requirement of the landlord or his wife for residential purpose and not for the requirement of the landlord or his wife for commercial purposes.

(ii) can be filed only if the premises were let out for residential purpose and not if the premises were let out for commercial purposes or for residential-cum-commercial purposes.

(iii) can be filed only if the premises from which eviction is sought, as per the Master Plan and the Zonal Plan for Delhi are residential in nature and not if the premises are commercial in nature or residential-cum-commercial in nature.

(iv) cannot be filed for eviction of a tenant from a shop in a market area.

(v) cannot be filed with respect to a servant quarter only.

(vi) can be filed either with respect to the entire tenancy premises or with respect to only part of the tenancy premises.

(6 x 2 = 12 Marks)

6. A, a Hindu by religion, owns a house in Delhi, purchased from his self earned income, where he was residing with his wife and son. In the year 2008, A dies intestate, leaving a wife namely B, a son namely C and a married daughter namely D. Mother of A had predeceased him. B and C (with wife and children of C) continued living in the house. B dies in the year 2010, leaving a Will bequeathing all her assets in favour of C. C continued to reside in the house with his wife and two sons namely E and F. C, in the year 2020 decides to sell the house. F files a suit for partition of the house, claiming that the said house is ancestral and he, by birth acquired a share therein.

Decide the shares of C, D, E, F and of C's wife, if any, in the said house.

Also decide, what would be the shares of the aforesaid family members in the house, if B and not A was the original owner of the house?

(20 Marks)

7. Anil, the owner of a house in Delhi, files a petition for eviction of Sunil, a tenant in the said house, under Section 14(1)(e) of the Delhi Rent Control Act, 1958, on the ground of Sunil having sublet, assigned or parted with possession of the house to Akash. In the said petition for eviction, Anil pleads, (i) that Sunil is a drunkard, who has lost his job and has no source of livelihood; (ii) that Sunil had borrowed large sums of money from all his relatives and which he was not returning; and, (iii) that the wife of Sunil had turned to prostitution.

Sunil, besides defending the said petition for eviction, files a suit against Anil for recovery of damages of Rs.25 lakh, pleading that Anil, in his pleadings in the eviction petition had defamed Sunil. It was further the case of Sunil that such pleadings of Anil had no relevance to the grounds on which the petition for eviction had been filed.

Decide the suit filed by Sunil, giving reasons whether Anil had defamed Sunil.

(15 Marks)

8. A newspaper, in the course of reporting a court proceeding between A and B, prints in detail, the pleadings and arguments of A against B, including that B had twelve criminal prosecutions against him and that B had been convicted in eight of such prosecutions and his appeals against the said convictions were pending. B institutes a suit against the newspaper, pleading that the newspaper had defamed B and for recovery of damages of Rs.25 lakh and to restrain the newspaper from, in future, defaming him by reporting the court proceedings. The

newspaper defends the suit, pleading right of freedom of speech and its rights as a newspaper. Decide, giving reasons whether the newspaper had defamed B.

(15 Marks)

9. Ramlal, by an Agreement to Sell in writing dated 10th December, 2018 agrees to sell his house in Delhi to Shyamlal and receives advance sale consideration from Shyamlal. Shyamlal, in June, 2019 pays the entire balance consideration to Ramlal and Ramlal puts Shyamlal in vacant possession of the house. However, no Sale Deed or other registered document was executed. Ramlal, in January, 2024 files a suit for recovery of possession of the said house from Shyamlal, stating that Ramlal continued to be the owner of the house since Shyamlal did not get any Sale Deed of the house executed in his favour and that Shyamlal had no right to continue in possession of the said house. Ramlal also pleads that he is willing to refund to Shyamlal the sale consideration received from Shyamlal or such part of it, as may be deemed appropriate by the Court. Shyamlal defends the suit pleading that he had paid the entire agreed consideration and only thereafter was put into possession and had thus become owner, and execution of the Sale Deed, according to him, was a formality. It was further the plea of Shyamlal that the suit had been filed because the market value / price of the house had since doubled.

Decide, giving reasons and also whether the plea of Section 53A of Transfer of Property Act, 1882 is available to Shyamlal.

(10 Marks)

10. A, on 01st January, 1999 lets out a DDA flat in Janakpuri to B, for a period of two years, at a rent of Rs.4,000/- per month and puts B in possession of the flat. B pays rent to A for six months and then stops paying rent. A did not take any action for recovery of rent from B or for eviction of B from the said flat on the ground of non-payment of rent. A dies on 1st June, 2001. B continues in possession of the DDA flat without paying any rent. B however, continues to pay electricity and water charges of the said DDA flat. As per arrangement between A and his Banker, property tax of the said DDA flat was directly paid from the account of A with the said Bank to the MCD and continued to be so paid, even after the death of A. C, brother of A, in the year 2023 gets the leasehold rights in the said DDA flat converted into freehold in his name from the DDA and in January, 2024 files a suit for recovery of possession against B and for recovery of mesne profits for the previous 3 years. B sets up a plea of adverse possession. Decide the said plea of adverse possession.

(12 Marks)

11. Please state whether each of the following statements is true or false. (Only either 'true' or 'false' is to be written, and nothing else.)

(i) All Agreements without consideration, are void.

(ii) A Contract caused by mistake as to any law in force in India, is void.

- (iii) A Contract caused by mistake as to any law in force in India, is voidable.
- (iv) An Agreement, where both the parties are under a mistake as to a matter of fact, is voidable at the option of either of the parties.
- (v) A registered Deed of Gift made on account of natural love and affection between the parties standing, in a near relation to each other, being without consideration, is void.
- (vi) An agency is terminated upon the death of the agent and not upon the death of the principal.
- (vii) An injunction can be granted to restrain any person from instituting or prosecuting any proceedings in a Court not subordinate to that from which the injunction is sought.
- (viii) An injunction can be granted even when the plaintiff has no personal interest in the matter.

(8 x 2 = 16 Marks)

12. Sunil, on 17th June, 2023 agreed to sell his house to Anil for a total consideration of Rs.40 lakh to be paid by Anil to Sunil latest by 7th February, 2024. Anil, vide notice dated 14th January, 2024 informed Sunil that he was ready with the balance sale consideration and forwarded to Sunil, a draft of the proposed Sale Deed, to be executed and registered by Sunil in favour of Anil at the time of receiving the balance sale consideration on or before 7th February, 2024. Sunil, instead of responding to the said letter of Anil and / or receiving the balance sale consideration and executing the Sale Deed in favour of Anil, on 17th February, 2024 executes a Sale Deed of the house in favour of Manohar for Rs.45 lakh and puts Manohar in possession of the said house in pursuance to the Sale Deed.

Discuss the remedies available to Anil and the form thereof.

(15 Marks)

13. National Highways Authority of India awards the work of construction of a cluster of five highways to ABC Pvt. Ltd. ABC Pvt. Ltd. engages DEF LLP as a sub-contractor for one out of the aforesaid five highways. DEF LLP, after completion of the work, offers possession of the said highway to ABC Pvt. Ltd and asks ABC Pvt. Ltd. to release the security deposit and Performance Bank Guarantee furnished by DEF LLP in favour of ABC Pvt. Ltd. ABC Pvt. Ltd. however, states that as per its contract with NHAI, it can offer possession to NHAI only after completion of work of all the five highways of the cluster and not piecemeal. As the cluster of other four highways was not complete, ABC Pvt. Ltd. was unable to take possession and asks DEF LLP to maintain the said highway till the work of the remaining four highways of the cluster is completed. DEF LLP contends that it was not concerned with the work of the other four highways, being carried out either by ABC Pvt. Ltd. itself or through other sub-contractors. Also, under its contract with ABC Pvt. Ltd., it was not required to wait till completion

of work of other four highways. DEF LLP institutes a suit for permanent injunction to restrain ABC Pvt. Ltd. and its other sub-contractors from continuing with the work on the other four highways till the release of security deposit and Performance Bank Guarantee in favour of DEF LLP. Decide the merits of the said claim / plea of DEF LLP.

(10 Marks)

14. Write short notes on any two of the following:-

A. The impact of amendments of the year 2018 to the Specific Relief Act, 1963 and whether the said amendments apply to contracts executed prior to the amendment of the Specific Relief Act, 1963.

B. The impact, if any of the Commercial Courts Act, 2015 on the Code of Civil Procedure, 1908 insofar as with respect to Commercial Suits.

C. The impact, if any of the Commercial Courts Act, 2015 on the Court Fees Act, 1870 and the Suits Valuation Act, 1887.

(20 Marks)

15. Please state whether each of the following statements is true or false. (Only either 'true' or 'false' is to be written, and nothing else.)

(i) The price in a contract of sale of goods may be fixed by the contract or the manner of its fixation may be fixed by the contract.

(ii) Where a contract of sale of goods is subject to any condition to be fulfilled by the sellers, the buyer cannot waive the condition.

(iii) A warranty in a contract for sale of goods is a stipulation essential to the main purpose of the contract, the breach of which gives rise to a right to treat the contract as repudiated.

(iv) Stipulation as to time of payment is deemed to be of essence to a contract for sale of goods.

(v) When the buyer of goods becomes insolvent, the unpaid seller who has parted with possession of the goods has the right of stopping them in transit.

(5 x 2 = 10 Marks)

Roll No. _____

DELHI JUDICIAL SERVICE EXAMINATION (WRITTEN), 2023

Duration: 3 Hours

Maximum Marks: 200

CIVIL LAW-II

Important Instructions

- (i) *Please read the questions carefully and answer them as directed.*
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- (v) *Even if you do not know the answer, it is advisable to attempt, in as much as the test is not only of the knowledge of law but also of analytical reasoning.*
- (vi) *Before you start writing the answers, please write your Roll Number at the top.*

Part-I

Please attempt any four questions out of six questions in Part-I

1. A suit is filed for recovery of possession of immovable property/rent/mesne profit. Please explain the form and content of decree that a Court can pass, as per Order XX of Code of Civil Procedure, 1908 ('CPC')?
2. Under the CPC, is it possible for a court to pronounce judgment on the first hearing? Please elaborate your answer with examples alongwith the relevant provisions of the CPC?
3. What is the difference between the Fifth Schedule and the Seventh Schedule of the Arbitration & Conciliation Act, 1996? Please elaborate with appropriate case law?
4. What is the meaning of secondary evidence under the Indian Evidence Act, 1872? When is a party permitted to lead secondary evidence? Please elaborate with reference to the provisions of the Indian Evidence Act, 1872 and relevant case-law?

5. What is the difference between an action for Infringement of a registered trademark and an action for passing off? Please elaborate your answer keeping in view the provisions of Trade Marks Act, 1999 and relevant case-law?
6. Plaintiff gave a loan of Rs.10 crores to the Defendant. The loan was repayable within one year. The Defendant defaulted. A suit for recovery of the loan of Rs. 10 crores is filed by the Plaintiff against the Defendant. During pendency of the suit, the Defendant unfortunately expired. What is the remedy, the Plaintiff has, in such circumstances? Please elaborate keeping in view Order XXII, CPC and relevant case-law?

(4x10 marks = 40 marks)

Part-II

Please attempt any two questions out of three questions in Part-II

7. Can a non-signatory under an arbitration agreement be impleaded as a party to the arbitration proceedings? Please elaborate your answer giving details of the applicable statutory provisions with the latest case-law?
8. 'A' gives a loan to 'B'. The loan is repayable in a specified period. According to 'A', 'B' has defaulted, 'A' files a suit for recovery of the loan amount. 'B' in his written statement claims that the loan was repaid long back. Under the Indian Evidence Act, 1872, the burden of proof would fall on which party in the given facts. Please elaborate with the relevant provisions of the Indian Evidence Act and case-law?
9. Order VI Rule 17, CPC permits a party to alter or amend his pleadings. Please elaborate as to at what stage a court would exercise such powers of amendment with appropriate case law?

(2x20 marks = 40 marks)

Part-III

Please attempt any four questions out of six questions in Part-III

10. 'A' enters into an Agreement to Sell his immovable property with 'B' in 1980. Full consideration was paid to 'A'. Possession of the property was also delivered by 'A' to 'B'.

'A' died in 1990. 'A' was survived by his wife and son. In 2020, the wife and son of 'A' decide to sell the immovable property in question. Through an advertisement they invited offers from interested parties.

'B' filed a suit against the wife and son of 'A' for Permanent Injunction and for Specific Performance of the Agreement to Sell. The wife and son of 'A' raise a preliminary objection in response to the suit that the suit is barred by limitation.

Please decide the preliminary objection.

11. The Plaintiff is a manufacturer of electronic goods and selling the said goods under the aforementioned trademark since 1995. In 1995, the Plaintiff also got its Trademark 'Alpho' registered for electronic goods.

The Defendant commenced production of Televisions in 2010, using the Trademark 'AlphoBest'. The operations of the Defendant were nominal. Over a period of time, the operations of the Defendant started increasing.

In 2020, the Plaintiff filed a suit against the Defendant for infringement of Trademark 'Alpho' and other consequential reliefs.

The Defendant entered appearance and took the preliminary objection that they have been using the Trademark 'AlphoBest' for the last 10 years. It was urged that on account of the long usage of the trademark by the Defendant, the present suit filed by the Plaintiff is barred by Limitation and deserves to be dismissed at the outset. Defendant accordingly filed an application under Order VII Rule 11 CPC for dismissal of the suit.

Please decide the present application. Please elaborate with relevant case-law.

12. The Plaintiff was born out of the wedlock between his mother and the Defendant in the suit. The marriage of the Plaintiff's mother and Defendant was dissolved.

The Plaintiff filed a suit for partition, rendition of accounts and permanent injunction against Defendant for the property situated at Greater Kailash Part-I, New Delhi. It was stated in the plaint that the property in question was bought by the grandfather i.e. father of the Defendant from the sale proceeds of ancestral land.

The Trial Court in 2010 passed a preliminary decree in favour of the Plaintiff. A Local Commissioner was appointed to suggest the means of partition of the property by metes and bounds. Objections filed by the Defendant to the report of the Local Commissioner were dismissed. At that stage the sister of Defendant filed an application under Order I Rule 10 CPC, alleging that their late father during his lifetime had executed a Will, whereby a portion of the suit property was bequeathed to the sister of the Defendant. It was the claim of the said applicant that she is co-owner of the suit property and has been wrongly not impleaded as party to the present suit. She also prayed that the preliminary decree be modified.

The Plaintiff strongly opposed the said application. It was urged that the application of the applicant is in connivance with the Defendant and cannot be allowed. It was further urged that a preliminary decree has already been passed and at that stage it is not possible to modify the preliminary decree that was passed long back.

Please decide the above application of the applicant i.e. the sister of the Defendant, keeping in view the provisions of CPC and the settled case law?

13. Ramesh & Co. claim that they are the owners of the copyright in various devotional songs. It has been urged that they have a large repertoire of copyrighted content comprising of cinematographic films and sound recordings as well as musical and literary works. It is the case of Ramesh & Co. that by owning copyright in respect of the said songs and works, they have rights under Section 14 of the Copyright Act, 1957.

It is further stated that in accordance with Section 52A of the Copyright Act, each DVD/VCD/CD etc. produced by Ramesh & Co. contains a notice bringing it to the notice of the public that the Plaintiff has made the sound and video recordings.

Pawan is carrying on business of providing cable network connections to various subscribers in Defence Colony, Delhi. It is the case of Ramesh & Co. that Pawan is having 50,000 connections. Pawan operates various video channels.

As per Ramesh & Co., Pawan had obtained a licence for broadcasting works from Ramesh & Co. for a period of three months. On expiry of the said license, he never renewed his license and continued to use and commercially exploit various works of Ramesh & Co.

In these facts, Ramesh & Co. filed a suit for infringement of copyright seeking an order of permanent injunction to restrain Pawan directly or indirectly from recording, distributing, broadcasting public performance or communicating to the public or in any manner exploiting the cinematograph films, sound recordings owned by Ramesh & Co. An order for rendition of accounts is also sought.

In the suit, Ramesh & Co., sought an interim injunction. The defense raised was that the broadcast was a fair dealing. Please decide the said application.

14. A Builder by the name "AA" enters into a Collaboration Agreement for a property in Vasant Vihar. In terms of the Collaboration Agreement, "AA" became entitled to two floors namely, 1st and 2nd floor of the property which he effectively sold. The 1st floor was sold to "CC". The new owner i.e. "CC" thereafter sought to sell 1st floor of the property to one "BB".

The sub-Registrar however, refused to register the Sale Deed stating that it is in contravention of Section 21 of the Registration Act, 1908. The sub-Registrar stated that the parking area in the said property for the occupant/alleged purchaser of the 1st Floor is not defined and hence he has exercised his power to decline the Registration of the Sale Deed. "CC" seeks to challenge the order of the Sub-Registrar.

Please explain all the legal steps “CC” can take to challenge the order of the Sub-Registrar, refusing to register the Sale Deed in question in accordance of the Registration Act, 1908.

15. Ramesh and Prabhu are two siblings born from the same parents. The parents of Ramesh and Prabhu expired. Prabhu also after sometime expired leaving behind his widow and a minor son. Some years after the death of Prabhu, Ramesh filed a suit for partition against the widow and minor son of Prabhu for the family property.

After five years a decree of partition was passed by the Civil Court dividing the property in a certain defined manner. After the decree was passed Prabhu’s minor son become major. He files a suit seeking to set aside the decree of partition passed earlier by the civil court, stating that the first suit filed by Ramesh is in complete violation of Order XXXIIRule 3 CPC. It is the stand of the son of Prabhu that he was impleaded as a Defendant in the suit as a minor, but no guardian was appointed by the court for the minor Defendant. He urged that under Order XXXIIRule 3 CPC where a Defendant is a minor, the court has to appoint a person to be the guardian for the minor Defendant in such suit. No such appointment was made by the Court and a decree of partition was passed.

Please decide the said suit, elaborating the provisions of CPC and the appropriate case-law to support your stand?

(4x30 marks = 120 marks)

Roll No. _____

DELHI JUDICIAL SERVICE EXAMINATION (WRITTEN), 2023

Duration: 3 Hours

Maximum Marks: 200

CRIMINAL LAW

Important Instructions

- (i) Please read the questions carefully and answer them as directed.
- (ii) You are allowed 15 minutes time before the examination begins, during which you should read the question paper and, if you wish, highlight and/or make notes on the question paper. However, you are not allowed, under any circumstances, to open the answer sheet and start writing during this time.
- (iii) The answer to each question should begin on a fresh page.
- (iv) Support each of your answers with reasons, relevant legal provisions and principles and also relevant case laws.
- (v) Even if you do not know the answer, it is advisable to attempt, in as much as the test is not only of the knowledge of law but also of analytical reasoning.
- (vi) Before you start writing the answers, please write your Roll Number at the top.

Part-A

Answer any six questions out of the seven questions in Part-A. All parts of the question must be answered.

- 1 (a) "The principles of just punishment are the bedrock of sentencing in respect of criminal offence". Elaborate these principles with relevant Section of the Indian PenalCode, 1860. **(10 Marks)**

(b) Expression "Rash or Negligent Act" has been mentioned in the Indian Penal Code, 1860. What conditions are to be satisfied for conviction under the above Code? **(10 Marks)**
- 2 (a) What are the essential ingredients in order to constitute the offence under the Indian Penal Code, 1860 with regard to "Assault or Criminal Force to Woman with intent to outrage her modesty. Explain with appropriate Section of the Code. **(10 Marks)**

(b) Chapter XV of the Indian Penal Code, 1860 deals with "Offences relating to Religion". Under this Chapter, Section 295-A provides for punishment for deliberated and malicious acts intended to outrage religious feelings of any Class by insulting its religion or religious belief. Elucidate and explain the legal effect of the above provision.

(10 Marks)

3 (a) Which are the provisions in the Code of Criminal Procedure, 1973 which deal with:

- (i) Compensation.
- (ii) Victim Compensation Scheme.
- (iii) Compensation to be in addition to fine.
- (iv) Treatment of Victims.
- (v) Compensation to persons groundlessly arrested.

Write in brief.

(15 Marks)

(b) What is the difference between "Police Custody and Judicial Custody" as per Code of Criminal Procedure, 1973. For how long can an accused be detained under police custody or judicial custody.

(5 Marks)

4 (a) Which are the provisions under the Code of Criminal Procedure, 1973 which deal with 'Bail'.

(10 Marks)

(b) Broadly, in how many categories Bail can be classified.

(5 Marks)

(c) Who can grant bail to an accused in a bailable offence and Non-Bailable offence?

(5 Marks)

5 (a) What is the difference between Section 161 and Section 164 of the Code of Criminal Procedure, 1973 and which authorities can record these statements? **(5 Marks)**

(b) Under Section 313 of the Code of Criminal Procedure, 1973, the Court has power to examine the accused. What is the object of this Section. **(5 Marks)**

(c) As per the Code of Criminal Procedure, 1973 in every inquiry or trial, the proceedings shall be continued from day-to-day until all witnesses in attendance have been examined, unless the Court finds the adjournment of the same beyond the following

day to be necessary for reasons to be recorded. Under what circumstances, the Court can postpone or adjourn the inquiry or trial and subject to what terms? **(10 Marks)**

- 6 (a) Chapter VI of the Indian Evidence Act, 1872 deals with “The Exclusion of Oral by Documentary Evidence.” Section 91 of this Act is regarding “Evidence of Terms of Contracts, Grants and other Dispositions of Property reduced to form of document”, whereas Section 92 of this Act state about “Exclusion of Evidence of Oral Agreement”.Elaborate the above provisions. **(15 Marks)**
- (b) “Facts admitted need not be proved”. Write in brief about this provision of the Indian Evidence Act, 1872. **(5 Marks)**
- 7 (a) As per the Code of Criminal Procedure, 1973, any statement made to the police is not to be signed by the person making such statements, then how that statement can be used in evidence? **(5 Marks)**
- (b) Chapter X of the Indian Evidence Act, 1872 deals with the examination of the witnesses. Write in brief what is:
- (i) Examination-in-Chief.
 - (ii) Cross Examination.
 - (iii) Re-examination. **(5 Marks)**
- (c) Write in brief about “Defamation” as per the Indian Penal Code, 1860 and quantum of punishment which can be awarded for defamation. **(10 Marks)**

PART-B

Answer any four questions out of the five questions in Part-B. All parts of the question must be answered.

- 8 (a) The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 has been enacted to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual

harassment and for matters connected therewith or incidental thereto. Write short notes on following as per provisions of the above Act.

(i) What is sexual harassment as per this Act? **(10 Marks)**

(ii) In what manner the inquiry into the complaint of an aggrieved woman would be conducted under this Act? **(5 Marks)**

(iii) For determination of compensation to be paid to the aggrieved woman under this Act, what factors should be taken into consideration by the Committee? **(5 Marks)**

9 (a) Write in brief about constitution of a Juvenile Justice Board and its powers, functions and responsibilities, as per The Juvenile Justice (Care and Protection of Children) Act, 2015. **(10 Marks)**

(b) What are the grounds for grant or refusal of bail under the Juvenile Justice (Care and Protection of Children) Act, 2015? **(10 Marks)**

10 (a) Section 139 of the Negotiable Instrument Act, 1881 provide for “presumption in favour of holder”. Elaborate it. **(10 Marks)**

(b) “Defence which may not be allowed in any prosecution under Section 138 of the Negotiable Instrument Act, 1881.” Write short note on it. **(5 Marks)**

(c) Can a Company commit an offence under Section 138 of the Negotiable Instrument Act, 1881. If yes, then against whom prosecution can be initiated? **(5 Marks)**

11. The marriage between the parties took place in the year 1999. Two children were born from the marriage. The wife alleged cruelty and demands of dowry by the husband and his parents. In order to save their matrimonial relationship, the parties shifted from the house owned by the brother of the husband, where the parties were residing immediately after their marriage to a rental accommodation.

Despite moving to the rented accommodation where the parties stayed separately from husband's family, the alleged mistreatment to wife continued.

The wife claimed that her husband deliberately removed them from their matrimonial home, i.e., the house of husband's brother. The husband filed divorce petition in 2014.

The wife, in response filed an application under Section 17 and 19 read with Section 26 of the Protection of Women from Domestic Violence Act, 2005, claiming a right of residence in the property of husband's brother.

Can the wife claim "Right to Residence in the property of husband's brother? Decide keeping in view the above legal provision. **(20 Marks)**

- 12 (a) Chapter XIII of the Negotiable Instruments Act, 1881 has laid down 'Special Rules of Evidence'. Section 118 of this Act deal with "Presumptions as to negotiable instruments".Elaborate this provision. **(10 Marks)**
- (b) Section 20 of the Protection of Women from Domestic Violence Act, 2005 provide for "Monetary Reliefs". Write in brief about such monetary reliefs.**(10 Marks)**
