

MAINS

**DELHI
JUDICIAL
SERVICES**

PRACTICE PAPER



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DELHI JUDICIAL SERVICES MAINS WRITTEN MOCK TEST 1

Paper II
Civil Law - I

Time: 3 Hours

Maximum Marks: 200

Instructions:

1. Attempt all the questions in the same order in which they appear in the Question Paper.
2. Marks for individual questions are indicated against each question.
3. Support each of your answers with reasons, relevant legal provisions and legal principles. The length of the answer would not determine the marks.
4. Write your Name, Paper name and Page no. on the answer sheet.

1. A filed a suit against her maternal uncle B seeking partition of her share in land measuring about 24 acres left behind by A's father. B resisted the suit on the ground that A's mother who was an old, blind, tribal woman, and was living with B had executed a sale deed in favour of 'B'.

A challenged the sale on the ground that it was obtained by exercising undue influence on her mother, who was a blind, illiterate, tribal woman living at the mercy of B till her death. B led no evidence to show that any consideration had actually passed at the time of registration of sale deed. In these circumstances, 'A' can be said to have discharged the onus of proof that the sale transaction was vitiated because of undue influence? How would you decide the question of the onus of proof in these circumstances? **(20)**

2. 'A' firm dealing with readymade garments advertised about clearance sale of their stock. 'Z' a customer visits shop, picks up a trouser from the lot with a price tag of Rs. 500, takes it to Salesman and asks him to pack it and prepare Bill. Salesman discovers that trousers in question should have been in a lot of articles with a price tag of Rs. 700 and refuses to sell trouser telling that it was wrongly put in a lot of articles with a price tag of Rs. 500. Can 'Z' customer compel 'A' firm to sell the trouser at Rs. 500? Discuss. Whether a contract had been concluded? **(10)**

3. On April 10, 1990 'A' offered to 'B' to sell his car for sixty thousand rupees. 'B' was asked to signify his acceptance by April 18, 1990. On April 12, 1990 'A' sold his car to 'C' for seventy thousand rupees. This he did without revoking his offer to 'B'. However, 'B' came to know of

this fact through other sources on April 14, 1990. Still, he signified his acceptance of the offer on April 16, 1990. Has this resulted into a binding agreement between 'A' and 'B'? (10)

4. Explain whether a decree of divorce can be granted in the following cases under Hindu Law:

(a) After one year of marriage the husband of wife 'W' has become impotent.

(b) Against a husband 'H' a decree of judicial separation was passed on 5.2.97 on the ground of adultery. Now he applies for decree of divorce.

(c) On 19.8.97 an order of payment of maintenance was passed against the husband 'H' under Section 125 of Criminal Procedure Code, since then he is paying the maintenance amount regularly to wife. The wife now applies for a decree of divorce. (20)

5. X who was the owner of one room on a barsati floor in a residential building situated in north Delhi gave it on rent of Rs. 3000 per month for a period of 3 years to Y. The tenancy agreement provided for a yearly hike in rent at the rate of 10% p.a. At the commencement of the third year of the tenancy, X's husband passed away. X filed a petition for eviction invoking the provisions of the Delhi Rent Control Act, 1958 on the ground that she being a widow required the tenanted premises for her purposes as her husband's official residence had to be vacated. Y opposed the petition on merits as well as on jurisdiction. The argument being that since the agreement provided for a 10% yearly hike the rent of the tenanted premises was more than Rs. 3,500 per month. The fact, however, remained that before the hike could be triggered the petition for eviction was filed. Can 'X' maintain her eviction petition against 'Y'? (20)

6. Discuss comparatively the key features of the Delhi Municipal Corporation (Amendment) Bill 2022 passed by Parliament. (20)

7. A had agreed to sell the house to B for 15 lacs, Rs. 5 lacs are paid as advance. After one month further Rs. 5 lacs are paid and A puts B in possession of house and balance amount of Rs. 5 lacs is to be paid on completion of paper work and registration of sale deed. A fails to keep his commitment. B files suit for specific performance of contract which is decreed. Court allows 'B' period of 2 months to make the balance payment. However, B fails to make payment of Rs. 5 lacs within the time allowed by court decree. A then applies for rescission of decree and contract? Will he succeed? Decide. (20)

8. Is mediation compulsory before initiating litigation under The Commercial Courts Act, 2015? What is the procedure to start a mediation process? Discuss the process of mediation of commercial disputes. (20)

9. (A) Explain the equitable doctrine of Marshalling securities with reference to the case "Aldrich v. Cooper (1803) 8 Ves. 382."

(B) Write a short note on the principle with regard to contribution to mortgage debt. **(20)**

10. A Sunni widow who was a convert to Islam, sued, the heirs of her husband for recovery of Rs. 51,000 as her dower, alleging that this was the amount fixed at the time of marriage. The heirs pleaded that she was a concubine and not a married wife. The court found the marriage to be proved but held that the dower alleged by her was not proved. What decision would you record in respect of the amount of dower, if any? **(20)**

11. "The Vicarious Liability of Master does not depend on the lawful or unlawful nature of acts of servant and the master would be liable for alleged act of the servant which had taken place in course of his employment even though the servant may have acted in contravention of some provisions of the Law." Explain and illustrate the above statement. **(10)**

12. Discuss the due procedure under The New Delhi Municipal Council Act, 1994 with regard to the disposal, sale, attachment and charge on the seized immovable property, when the property is subject to speedy and natural decay or when the expense of keeping it in custody is likely to exceed its value. **(10)**

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