

HIGH COURT FOR THE STATE OF TELANGANA
Written Examination for recruitment to the post of Junior Civil Judge

Paper-I (Civil Laws)

Date: 26th November, 2022

Time: 3 Hours

Maximum Marks: 100

1. Write a brief note on any two of the following:

a) Probation of will:

b) Easement;

c) Precept;

d) Garnishee.

2. Explain the relevant provisions under the Specific Relief Act, 1963 relating to recovery of possession of immovable property.
(5 marks)

2. What is the difference between 'symbolic possession' and 'actual possession'? Briefly explain.
(5 marks)

2. Explain and distinguish between the following: Answer any two questions:

a) Counter claim and set-off;

b) Res judicata and Constructive Res Judicata;

c) Vested Interest and Contingent Interest;

d) Estoppel and Promissory Estoppel.

2. What is an ex parte decree? Can an ex parte decree be set aside? If so, under what provision of law?
(7 marks)

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2. Briefly explain the concept of 'lis pendens' and 'part performance' with reference to relevant provisions of the Transfer of Property Act, 1882.

(8 marks)

2. Define 'Sale' under the Transfer of Property Act, 1882. How a 'Sale' is made? Does an agreement of sale create any right or title in favour of the intending buyer?

(8 marks)

2. Briefly explain the grounds on which attachment before judgment can be granted under Order XXXVIII Rule 5 of the Civil Procedure Code, 1908.

(8 marks)

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2. Define 'contract'? Explain the essentials of a valid contract.

(8 marks)

2. Who is a 'landlord' and who is a 'tenant' under the Telangana State Rent (Lease, Rent and Eviction) Control Act, 1960? Under what circumstances can a 'tenant' be evicted under the aforesaid Act?

(9 marks)

2. Explain the difference between 'Return of Plaintiff' and 'Rejection of Plaintiff' with reference to relevant provisions of the Civil Procedure Code, 1908. Elucidate your answer with case law.

(10 marks)

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2. What is 'Written Statement'? Can a 'Written Statement' be amended and under what provision? After amendment of Civil Procedure Code, 1908, what is the limitation period for filing Written Statement? Can limitation for filing Written Statement be extended by the Court? Discuss with case law.
(10 marks)

Paper - II (Criminal Laws)

Date: 27th November, 2022


Time: 3 Hours,

Maximum Marks: 100

1. Write a brief note on any two of the following:

- a) Cheating;
- b) Plea bargain;
- c) Criminal conspiracy;
- d) Criminal intimidation.

(5x2=10 marks)

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1. Explain the difference between: Answer any two questions:

- a) Robbery and Dacoity;
- b) Theft and Extortion;
- c) Wrongful Restraint and Wrongful Confinement;
- d) Common intention and Common object.

(5x2=10 marks)

1. Explain the principles as to admissibility of electronic records under Section 65B of the Indian Evidence Act, 1872.

(6 marks)

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1. Write briefly on the procedure to be followed by a Magistrate on a complaint filed by the complainant under Section 200 of the Criminal Procedure Code, 1973. Is issuance of summons a mere formality?

(8 marks)

1. What is a dying declaration? Can a statement made by the deceased prior to the incident leading to the death be admissible under Section 32 of the Indian Evidence Act, 1872?

(8 marks)

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1. Write briefly on the powers of the Court under Sections 311 and 319 of the Criminal Procedure Code, 1973.

(8 marks)

2. What is the object of examination under Section 313 of the Criminal Procedure Code, 1973? Explain with case law.

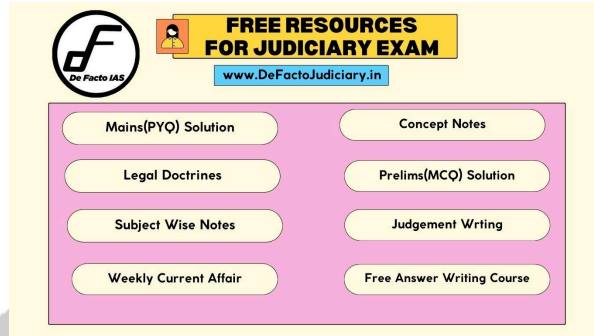
(10 marks)

3. Discuss the procedure to be followed by a Magistrate while recording confession and statement under Section 164 of the Criminal Procedure Code, 1973. What is the evidentiary value of a statement recorded under Section 164 of the Criminal Procedure Code, 1973? Is it a substantive piece of evidence?

(10 marks)

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4. Define 'Domestic Relationship' and discuss the duties of Police Officers, Service Providers and Magistrates under the Protection of Women from Domestic Violence Act, 2005, with special emphasis on the nature of protection orders that can be granted in favour of 'Aggrieved Person'.
(10 marks)



5. a) Narrate at least three grounds under which a person can be convicted under Section 34 of the Telangana Excise Act, 1968.
b) State in your own words the meaning of the words 'gaming' and 'betting'.
(10 marks)

5. Who is a 'Child in conflict with law' and 'child in need of care and protection' under the Juvenile Justice (Care and Protection of Children) Act, 2015? What are the aims and objectives of the said legislation?
(10 marks)

Paper - III (English - Translation, Essay Writing, and Grammar Vocabulary)

Time: 3 Hours, from 2:00 pm to 5:00 pm
Maximum Marks: 100

I. English Translation - 30 marks - Two questions (15 marks each).

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1. There is one important feature which distinguishes wills from other documents. Unlike other documents, the will speaks from the death of the testator, and so, when it is propounded or produced before a Court, the testator who has already departed the world cannot say whether it is his will or not; and this aspect naturally introduces an element of solemnity in the decision of the question as to whether the document propounded is proved to be the last will and testament of the departed testator. Even so, in dealing with the proof of wills, the Court will start on the same enquiry as in the case of the proof of documents. The propounder would be called upon to show by satisfactory evidence that the will was signed by the testator, that the testator at the relevant time was in a sound and disposing state of mind, that he understood the nature and effect of the dispositions and put his signature to the document of his own free will. Ordinarily, when the evidence adduced in support of the will is disinterested, satisfactory, and sufficient to prove the sound and disposing state of the testator's mind and his signature as required by law, Courts would be justified in making a finding in favour of the propounder. In other words, the onus on the propounder can be taken to be discharged on proof of the essential facts just indicated.

There may, however, be cases in which the execution of the will may be surrounded by suspicious circumstances. The alleged signature of the testator may be very shaky and doubtful, and evidence in support of the propounder's case that the signature in question is the signature of the testator may not remove the doubt created by the appearance of the signature; the condition of the testator's mind may appear to be very feeble and debilitated; and evidence adduced may not succeed in removing the legitimate doubt as to the mental capacity of the testator; the dispositions made in the will may appear to be unnatural, improbable, or unfair in the light of relevant circumstances; or, the will may otherwise indicate that the said dispositions may not be the result of the testator's free will and mind. In such cases, the Court would naturally expect that all legitimate suspicions should be completely removed before the document is accepted as the last will of the testator. The presence of such suspicious circumstances naturally tends to make the initial onus very heavy; and, unless it is satisfactorily discharged, Courts would be reluctant to treat the document as the last will of the testator.

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2. The factors to be considered while deciding a suit for injunction simpliciter are as under:

(a) Where a cloud is raised over the plaintiff's title and he does not have possession, a suit for declaration and possession, with or without a consequential injunction, is the remedy. Where the plaintiff's title is not in dispute or under a cloud, but he is out of possession, he has to sue for possession with a consequential injunction. Where there is merely an interference with the plaintiff's lawful possession or threat of dispossession, it is sufficient to sue for an injunction simpliciter.

(b) As a suit for injunction simpliciter is concerned only with possession, normally the issue of title will not be directly and substantially in issue. The prayer for injunction will be decided with reference to the finding on possession. But in cases where de jure possession has to be established on the basis of title to the property, as in the case of vacant sites, the issue of title may directly and substantially arise for consideration, as without a finding thereon, it will not be possible to decide the issue of possession.

(c) But a finding on title cannot be recorded in a suit for injunction, unless there are necessary pleadings and appropriate issues regarding. Where the averments regarding title are absent in a plaint and where there is no issue relating to title, the court will not investigate or examine or render a finding on a question of title, in a suit for injunction. Even where there are necessary pleadings and issues, if the matter involves complicated questions of fact and law relating to title, the court will relegate the parties to the remedy by way of a comprehensive suit for declaration of title, instead of deciding the issue in a suit for mere injunction.

(d) Where there are necessary pleadings regarding title, and appropriate issues relating to title on which parties lead evidence, if the matter involved is simple and straightforward, the court may decide upon the issue regarding title, even in a suit for injunction. But such cases are the exception to the normal rule that the question of title will not be decided in suits for injunction. But persons having clear title and possession suing for an injunction should not be driven to the costlier and more cumbersome remedy of a suit for declaration, merely because some meddler vexatiously or wrongfully makes a claim or tries to encroach upon his property. The court should use its discretion carefully to identify cases where it will enquire into title and cases where it will refer to the plaintiff to a more comprehensive declaratory suit, depending upon the facts of the case.

II. English Essay writing (not less than 800 words) - 40 marks. Write on any two of the following (20 marks each):

1. Fundamentals of Electronic Evidence under Evidence Act.
2. Role of DNA Test in Legal Adjudication.
3. Victim Compensation.
4. Legal aid to an accused.

III. English Grammar - 30 marks.

1. Match the words in column A with their meanings given in column B (5 marks):

Column A	Column B

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a. content	4. satisfied
b. rude	1. impolite
c. lethargic	2. inactive
d. wise	5. aware
e. accustom	3. adjust


III in the blanks using "a", "an", "the", or "no article" (5 marks):

- a. Can you reach ___ port in ___ hour?
b. ___ activist mentioned in your story must be ___ upright person.
c. Is this ___ person you were speaking to when you developed ___ headache?
d. It is said that practice makes ___ person perfect.
e. I like ___ evening sunset more than ___ moonlit night.

3. Match the words in column A with their opposites given in column B (5 marks):

Column A	Column B
1. boon	a. sadness
2. explicit	b. clear
3. core	c. margin
4. joy	d. curse
5. blurred	e. implied

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4. Fill in the blanks using suitable prepositions (10 marks):

- a. We live ___ a villa that is ___ the main road.
- b. I went ___ the shop ___ the corner.
- c. My friend told me ___ the person who walks ___ the park every morning.
- d. My father found ___ the table ___ the ball which was thrown by my brother.
- e. ___ fruits, I love bananas, and I consume them often ___ travelling.

5. Write a request letter to the Manager of your bank asking him to furnish you with details of your savings and deposits (5 marks).

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