

Maharashtra (Junior Division) Judiciary Mains 2020

Paper - I

1. Write a judgment on following facts.

You must pay attention to following points :

- (a) Judgment must be in proper format;**
- (b) Frame proper issues and record findings on them;**
- (c) Conclude the judgment with operative order.**

Facts for Judgment :

Plaintiff's Case is as follows :

Ram is the owner of a shop admeasuring 6 X 22 feet. Ram has let out the shop to Digambar at monthly rent of ? 5,000. Digambar started his shop by obtaining licence from Municipal authority. In the month of January 2002 Digambar converted the shop into two shops admeasuring 3 x 22 feet each, by constructing a brick-masonry wall. The shops have separate shutters and separate licences for doing business from shops.

Ram came to know about the division of shop in the year 2004. According to him Digambar has carried out additions and alterations of permanent nature without his written permission. He therefore issued a notice to Digambar and called upon him to vacate the shop on this ground. Digambar failed to vacate the shop despite receipt of notice by raising defence of total denial. Ram therefore filed the suit for eviction of his tenant Digambar.

Defence taken in the written statement :

Digambar filed the written statement and denied material facts pleaded by Ram. He has raised two told defence. First defence is that his landlord Ram had granted him oral permission to divide the shop into two shops. He is therefore estopped from making the grievance. He has accepted the rent for two years, despite knowing the division of shop. His second defence is that the construction of dividing wall does not amount to erection of structure of permanent nature. His act is not violative of the provisions of rent act. He has not caused damage to the original shop.

Parties have adduced evidence. Imagine the evidence and record finding.

[20 Marks]

2. Write short notes on any four of the following :

- (a) Amendment of Pleadings**
- (b) Necessary Party and Proper Party**
- (c) Decree, Preliminary Decree and Final Decree**
- (d) Unpaid sellers lien**
- (e) Rejection of Complaint**
- (f) Gift and Onerous gift**

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[16 Marks]

3. Write short notes on any four of the following :

- Set-off and Counter-claim
- Amendment of decree, judgment and order and limitations on the powers of the court to amend it
- Cost and Compensatory Cost
- Effect of sub-sale or pledge by buyer
- Determination of lease
- Void agreements [16 Marks]

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4. Answer any two of the following :

- Whether registration of Partnership firm is necessary ? What are the consequences of non-registration of Partnership firm.
- When Court Receiver can be appointed ? What are the duties of Court Receiver ?
- "Doctrine of Part-Performance of Contract." Explain in detail. [16 Marks]

5. Answer any two of the following :

- "All contracts are agreements but all agreements are not contracts." Elaborate in detail.
- Permanent injunction and Mandatory injunction. Explain in detail.
- How minor can Sue or be Sued? [16 Marks]

6. Write short note on any four :

- Appointment of Court Commissioner
- Unpaid sellers rights
- Mode of execution of decree for specific performance of contract and restitution of conjugal rights
- Mode of execution of decree for specific movable property
- Dissolution of Partnership firm by the Court
- Retirement of a partner [16 Marks]

Paper - II

1. Distinguish the given below : (Any four)

- (a) Complaint and Information in cognizable cases
- (b) Wrongful restraint and Wrongful confinement
- (c) Cheating and Cheating by personation
- (d) Proved, disproved and not proved
- (e) Primary evidence and Secondary evidence
- (f) Abetment of a thing and Criminal conspiracy [10 Marks]

2. State the trial of warrant cases instituted otherwise than on Police report. [10 Marks]

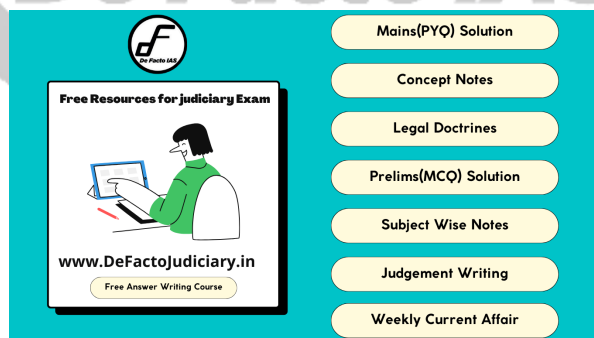
3. Write notes on any two:

- (a) Rules as to notice to produce
- (b) Dying declaration
- (c) Child witness
- (d) Order for custody and disposal of property pending trial in certain cases [10 Marks]

4. What is meant by burden of proof ? On whom does it lie ? Does the burden of proof shifts? [10 Marks]

5. Write notes on any two:

- (a) Court may alter charge
- (b) Reports of certain Government Scientific experts and their use
- (c) Diary of proceedings in investigation
- (d) Security for keeping the peace on conviction [10 Marks]



6. (a) What are the presumptions as to offences under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ? [05 Marks]

6.(b) What is "enforcing social disabilities" on the ground of untouchability under the Protection of Civil Rights Act, 1955. [05 Marks]

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7. Discuss in detail the provisions relating to "Unlawful assembly". [10 Marks]

8. Write any four from the following :

- Various requirements of the Section 60 of the Indian Evidence Act
- Voluntarily
- Impeaching credit of witness
- Stolen property
- Force
- Cognizance of offences by Magistrates [10 Marks]

9. Write an essay on any one subject :

- Human Rights and their Protection
- Public Interest Litigation (PIL)
- The Virtual Courts and Access to Justice [20 Marks]

10. Write a Judgment on following facts :

(Candidates shall write the facts in detail and write judgment based on their imagination power).

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On dated 10 January, at 8:30 pm. 'A' closed and locked his shop and went home. On dated 11 January, at 9:00 am. 'A' went to his shop. That time 'A' found that his shop was open, locks were broken and cash ? 1,000 were stolen from counter. 'A' lodged report with city Police Station Chandrapur', and crime registered. Investigation Officer prepared spot Panchnama. On the basis of footage of CCTV camera, installed in the shop, accused was arrested. Disclosure statement of accused was recorded. Investigation Officer submitted chargesheet before the JMFC Court at Chandrapur.

On trial 'A' (PW1), spot panch (PW2), Investigation officer (PW3) and another panch on disclosure statement (PW4) supported to prosecution. Assistant Public Prosecutor argued that accused was seen in the CCTV footage. The accused shown the spot of occurrence

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before panch. Thus, the charge proved. Defence lawyer submitted that printout of the CCTV footage are not proved legally. There is no eye witness of the occurrence. Rest evidence is insufficient to prove the charge. Therefore, the accused may be acquitted. [20 Marks]

