

Delhi Mains Questions 2022

CIVIL LAW-I PART - I

Write short notes on any four out of the following six questions:

1. Whether a bequest of a property under a will would amount to transfer of property under Section 5 of the Transfer of Property Act, 1882? Explain.
2. "Property in the goods and risk in respect of them go together". Are there any exception to the principle? Explain with the help of case law.
3. What are the rights of an unpaid seller? Distinguish between the unpaid seller's right of lien and right of stoppage in transit. Support your answer with the help of examples.
4. What is heritable property under Muslim Law? Compare the same with Hindu Law in reference to ancestral property of Joint Hindu Family.
5. An Owner of a plot of land is building a four storeyed house within the jurisdiction of South Delhi Municipal Corporation (SDMC). During the course of construction, the building is sealed in pursuance of the Orders passed by the Commissioner, SDMC. The owner disputes it and states that the construction is in accordance with the Building Bye-Laws and the building plans sanctioned by SDMC. What are the remedies available to the Owner?
6. What are the different modes of Talaq under the Muslim Law? Which is considered to be the best or a good Talaq?

(4 x 10 marks = 40 marks)

PART- II

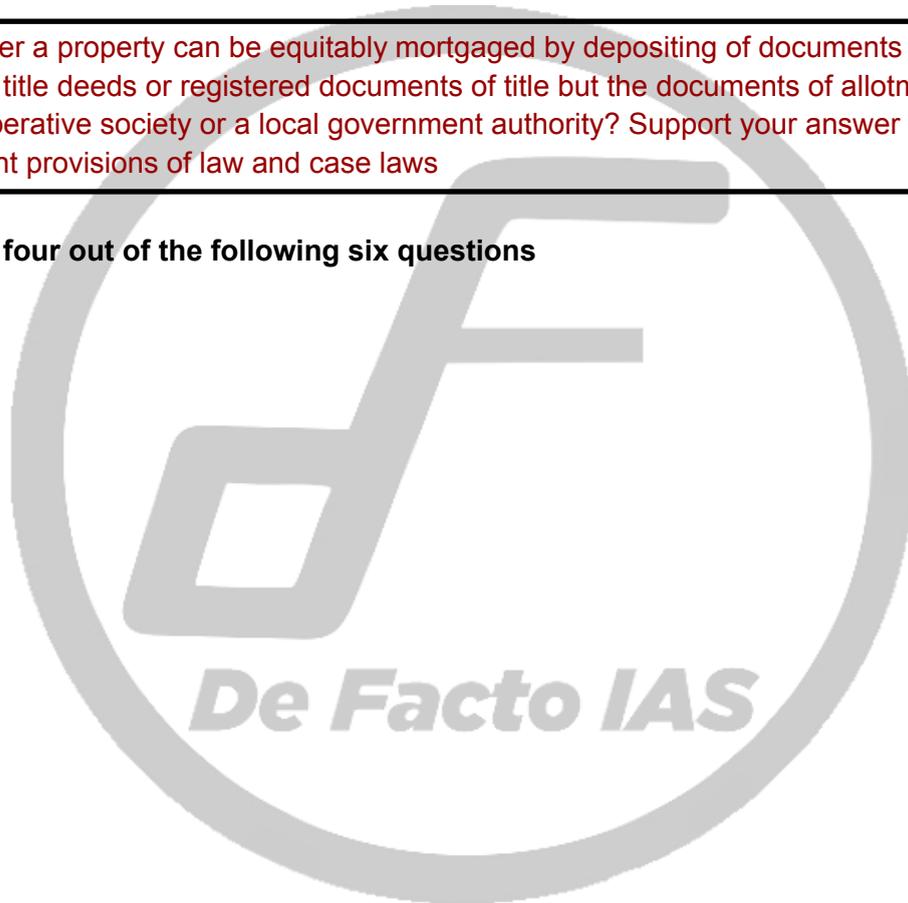
Attempt any two out of the following three questions:

7. Proof of loss is a sine qua non for claiming “liquidated damages”. On proof of damages, the person complaining of breach is entitled, whether or not actual loss is proved only reasonable compensation not exceeding the amount so named in the contract as liquidated damages or penalty. Explain with the help of relevant case laws. Whether proof of actual loss is necessary in case of public utility projects like construction of a road or a project related to environmental protection? Discuss.

8. What are the broad principles governing grant of “anti-suit injunction”? Explain with the help of relevant case laws.

9. Whether a property can be equitably mortgaged by depositing of documents which may not be title deeds or registered documents of title but the documents of allotment of land by a cooperative society or a local government authority? Support your answer with the help of relevant provisions of law and case laws

Attempt any four out of the following six questions



De Facto IAS

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10. There is a double-storey shop in an up-market in Delhi which is let out by the landlord 'L' to the tenant 'T' sometime in the year 1955 on a monthly rent of INR 500/-. An eviction petition under Section 14(1)(b) of the Delhi Rent Control Act, 1958 is filed by the landlord against the tenant on the ground that the tenant has sublet the property and/or parted with possession of part of the premises by sub-letting a part of the first floor by letting out three small cabins to three Medical Practitioners (MPs). The landlord alleged that the three MPs had a separate MTNL connection in their cabins. Each of the three cabins had a door which could be locked. A local commissioner was appointed at the request of the landlord who stated in his report that at the time of inspection the cabins were not having any doors but there was a possibility of the doors having been fixed on the cabins. Landlord has established the existence of separate MTNL connections in the name of three MPs in the cabin.

During evidence, it is established by the tenant that the keys of the main door/shutter always remained with him. It was he (the tenant) who used to open the main shutter of the shop in the morning and close the same in the evening. It was pleaded and established by the tenant that he was running a chemist shop in the tenancy premises. The tenant alleged that the MPs have been permitted to use the premises with his permission in order to promote the tenant's business of sale of medicines. The landlord has set up case that parting with possession of part of the premises on proved facts is established. The tenant has submitted that since he has established his control over the premises and the MPs could use the premises only with his permission after he had opened the shop, there cannot be any question of parting with possession.

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