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JKPSC
CS (J) (Mains)
Previous Year Paper
(Compulsory) Paper-V
27 Mar, 2019



1(KCSJ)8

COMPULSORY - V

[14]

Time Allowed - Three Hours

Maximum Marks-100

INSTRUCTIONS

Please read each of the following Instructions carefully before attempting the paper.

- i) *Attempt any FIVE questions.*
- ii) *The number of marks carried by a question is indicated at the end of the question.*
- iii) *Answers must be written in ENGLISH only.*
- iv) *Word limit, where ever specified, should be adhered to.*
- v) *Your answer should be precise and coherent.*
- vi) *Attempts of questions shall be counted in sequential order. Unless struck off, attempt of a question shall be counted even if attempted partly.*
- vii) *If you encounter any typographical error, please read it as it appears in the text-book.*
- viii) *Candidates are in their own interest advised to go through the instructions given on the title page of the Question-cum-Answer (QCA) Booklet for strict adherence.*
- ix) *Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off by putting a cross (x).*

1. a) What are '*Mesne Profits*'? Do they include profits due to improvements made by the person in wrongful possession? Explain. (7)
- b) Define Condonation of delay. If an appellant or applicant was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period of limitation, can it be a sufficient cause for condonation of delay? Discuss. (7)
- c) State the powers of Registrar when a document is presented for registration. What is the procedure followed if any document duly presented for registration is in a language which the registering officer does not understand? (6)

2. a) Distinguish between *Res subjudice* and *Res judicata*. What is Constructive Res judicata? (8)
- b) Where once time has begun to run, no subsequent disability or inability to sue stops it. Explain. (6)
- c) Explain the time stipulated for presenting documents in terms of their execution under Section 3 of the J&K Registration Act. (6)

3. a) Distinguish *Judgment* and *Decree*. Generally when should the decree be passed? What is considered as decree if it is not passed formally? (8)
- b) What is Legal Disability? If a minor becomes insane just before reaching the majority age, does such period of insanity also amount to legal disability? Discuss. (6)
- c) Discuss the powers of the Registering Officer for enforcing the appearance of executants and witnesses. (6)

4. a) Explain the properties liable to attachment and sale in execution of a decree? Are there any exceptions to such attachment? Explain. (8)
- b) How is the period of limitation computed? What is the impact of time of defendant's absence from the State on such computation? (6)
- c) Who are the persons exempt from appearance at registration office? What is the procedure followed by the registering officer in case of such an exemption? (6)

(14)

(2)

5. a) State the purposes for which a Civil Court can appoint Commissions. What is the procedure followed to examine a witness residing at any place within the State? (7)

b) In case of institution of proceeding bona fide in a Court without jurisdiction, what would be the impact of the time taken for such proceedings, on the computation of limitation period? Discuss. (7)

c) Discuss the law for registering documents relating to land. (6)

6. a) State the procedure for filing Suits by or against the Government. Explain the Section 80 Notice, and exceptions thereto, if any. (8)

b) Examine the effect of Acknowledgement in case of time barred suits or claims. (6)

c) Who can present documents for registration? State the position of *Power of Attorney*. (6)

7. a) Write Short notes on:

- i) Inter-pleader Suits (4)
- ii) Execution of Foreign Judgments (4)

b) The law of limitation puts the bar on remedy, but does not extinguish the right. Explain. (6)

c) Explain the procedure to register Wills. (6)

8. a) Differentiate First Appeal from Second Appeal. What are the grounds invoked generally in Second Appeals? (8)

b) What is the effect of death or fraud on computing the period of limitation? Discuss. (6)

c) Explain the different books kept in the registration offices. (6)

9. a) Write Short notes on:

- i) Right to lodge a Caveat (4)
- ii) Civil Revision Petition (4)

b) Explain the Special duties of Sub-Registrars. What is the procedure followed in case of document relating to land situated in several districts? (6)

c) If a suit is instituted, appeal is preferred, or an application made, after the period of limitation prescribed there for by the First Schedule to the J&K Limitation Act, what would be the effect? Is it necessary that the bar of limitation has to be pleaded as a ground by the defendant in such cases. (6)



(14)

(4)