

MIZORAM PUBLIC SERVICE COMMISSION
GRADE-III OF MIZORAM JUDICIAL SERVICE (CIVIL JUDGE)
MAIN EXAMINATION UNDER LAW & JUDICIAL DEPARTMENT,
GOVERNMENT OF MIZORAM. JUNE, 2024

LAW PAPER- I

Time Allowed : 3 hours

Full Marks : 100

Marks for each question is indicated against it.
Attempt all questions.

THE CONSTITUTION OF INDIA- 30 MARKS

1. "Article 14 of the Indian Constitution permits reasonable classification but prohibits class legislation". Comment on the statement by citing suitable case laws. (10)
2. Answer the following. (2×5=10)
 - (a) Highlight the jurisdiction and composition of tribunals under Article 323A and 323B of the Indian Constitution.
 - (b) What do you understand by the term "Doctrine of Pleasure" as found under Article 310 of the Indian Constitution?
3. Discuss the function and composition of the Union Public Service Commission. When can the Chairman or other Members of the Commission be removed? What is the role of the Supreme Court of India in the removal of the Chairman or other Members of such Public Service Commission? (3+3+4=10)

CODE OF CIVIL PROCEDURE – 30 MARKS

4. Discuss whether under Part-V of the Code of Civil Procedure, 1908 it is obligatory for a Court to refer a dispute for settlement outside Court. Discuss the various settlement mechanisms recognised by the Code of Civil Procedure, 1908 along with the manner in which such reference is to be effectuated. (3+3+4=10)
5. What is an 'Application for restitution'? Specify the Courts that are included in the expression "Court which passed the decree or order," and consider whether a Court of first instance whose order has been set aside in a separate suit is such Court? (5+5=10)
6. Answer the following:
 - (a) What should be contained in a memorandum of appeal? Explain when the execution of an appealable decree be stayed by the Court which passed the decree. (2.5+2.5=5)
 - (b) What do you understand by the term 'suit of a civil nature'? Is a suit for right to franchise a suit of civil nature? (2+3=5)

THE TRANSFER OF PROPERTY ACT 1882 – 20 MARKS

7. (a) Discuss the essential conditions for the application of the doctrine of “*Lis pendens*” in a suit while commenting on how long a suit is considered ‘pending’ once it commences? (2.5+2.5=5)
- (b) What are the rights of a mortgagor to redeem? When and under what circumstances is a mortgagor entitled to redeem a portion of his mortgaged property? (2+3=5)
8. (a) Define a Gift. What are the essentials of a valid Gift? Are conditional gifts valid? (2+1.5+1.5=5)
- (b) It is said that an owner of a property has three basic rights that are also referred to as ‘interest’ in the property’. Elaborate. (5)

THE INDIAN CONTRACT ACT, 1872 – 20 MARKS

9. (a) Explain the “*Doctrine of Ratification*”. What are the acts that cannot be ratified? (3+2=5)
- (b) In what way is an agreement different from a contract? (5)
10. Discuss the requisites of a valid contract within the ambit and scope of the Indian Contract Act, 1872. Explain the law relating to compensation for breach of a contract where the contract contains stipulation by way of penalty. (5+5=10)

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