

SERIES-01



HARYANA CIVIL SERVICE JUDICIAL EXAMINATION-2021

Paper-II

Civil Law-2

TIME: 3 HRS.

MAX. MARKS: 200

Notes:

- (i) Candidates are required to attempt all the question of equal weightage in the same serial order as they appear in the Question Paper including the parts and sub-parts of the attempted question.
- (ii) Marks are indicated against each part or sub-part of the given question.
- (iii) Support your answer with relevant provisions and judicial precedents.
- (iv) No extra Answer Sheet will be provided and the candidates are expected to confine their answers within the limit of the sheets provided in the answer book.

1. (a) “Judicial separation is considered to be a lesser evil than divorce” explain the statements **(10 Marks)**
- (b) Distinguish between a Hindu joint family and Hindu Mitakshara coparcenary. A, a mitakshara Hindu, holds joint family property. A has a son P. P has a son Q. Q has son R. R has a son S. Can S ask for partition of joint family property from A? **(10 Marks)**
- (c) “Desertion is not withdrawal from a place but from a state of things” in the light of above statement explain the meaning and ambit of the term desertion. Support your answer in the light of relevant case laws. **(10 Marks)**
- (d) What do you understand by the terms ‘stridhan and woman’s estate? What are the major changes brought by the provisions of the Hindu succession Act, 1956? **(10 Marks)**
2. (a) 'X' dies intestate leaving behind his father F, mother M, widow W, two son (S_1 and S_2), one unmarried daughter (D_1) one married daughter (D_2), a son of a predeceased son (S_3) and a son of predeceased daughter DS as his heirs. S_1 became converted to some other religion in the lifetime of X. D_1 is the illegitimate daughter of X. Ascertain the sharers of the aforesaid heirs in the separate property of X, if X is a Sunni Muslim. **(15 Marks)**
- (b) Define the term ‘hiba’, what are the legal rules related to the transfer of property in hiba? **(10 Marks)**
- (c) What do you understand by ‘Marz-ul-Maut’? Discuss the essential conditions for Marz-ul-Maut. Mark out the distinction between Gifts made during Marz-ul-Maut and ‘donatio Mortis Causa. **(15 Marks)**
- (d) Discuss the various sources of Muslim law, also discuss the significance of ‘urf’ as a sources of Muslim law. **(10 Marks)**
3. (a) Discuss the law related to Guardianship of Minor, also explain in brief the powers given to the guardian as provided under the provisions of Hindu Minority and Guardianship Act, 1956. **(15 Marks)**
- (b) Discuss the applicability of section 125 of the Code of Criminal Procedure, 1973 to Muslim after the enactment of Muslim women (Protection of Rights on Divorce) Act, 1986. **(10 Marks)**
- (c) What do you understand by the right of pre-emption? Discuss the basis and nature of the right of pre-emption. K. a Muslim offers to sell his share of a house to D, a shafee (pre-emptor). D refuses to buy it. K there upon sell it to E, a stranger, can D claim pre-emption?**(15 Marks)**
- (d) The owner of a plot of land 'X', is entitled to irrigate 'X' by water from channel running over plot 'Y' plot Y adjoins another plot Z which, however is not irrigated by the aforesaid channel. Y is sold. The owners of X and Z claim pre-emption. Who is entitled to a decree? **(10 Marks)**

4. Write short notes on following **(15 Marks)**
- (a) Doctrine of relation back
 - (b) Anand Karaj ceremony
 - (c) Hizanat
5. (a) Explain the concept of acknowledgement of debt and its consequences in the light of the statutory provisions of the limitation Act, 1963 with suitable illustration. **(10 Marks)**
- (b) What documents are required to be compulsorily registered under the provisions of Indian Registration Act, 1908? 'X' a Muslim gifted his dwelling house to his wife orally. Both were residing in the house. After one year he executed a deed stating the fact of gift of his house to his wife. The deed was not registered whether gift was valid? **(15 Marks)**
- (c) " Law of limitation simply bars the remedy , it never destroys the substantive right". Explain. **(10 Marks)**



