

**HIGH COURT OF TRIPURA
MAIN WRITTEN EXAMINATION FOR RECRUITMENT TO GRADE-III OF
TRIPURA JUDICIAL SERVICE (TJS), 2022**

LAW PAPER-I

**Total Marks-100
Duration-3 (three) hours**

PART-I

- 1. Write short notes on any 3 (three) of the following topics. Each carries 5 (five) marks.**

5x3=15

- A. Formation of Autonomous States for tribal areas.
- B. Doctrine of Pith and Substance.
- C. Protection against Double Jeopardy.
- D. Collective responsibility of the Council of Ministers.

- 2. Answer any 1 (one) of the following:**

10x1=10

- A. "Supreme Court is the watchful sentinel of the Fundamental Rights". Discuss.
- B. Is the division of legislative power between the Union and the State rigid? Explain referring to the Constitutional provisions and decided cases.

PART-II

- 3. Answer any 3 (three) of the following. Each question carries 5 (five) marks.**

5x3=15

- A. What is meant by mesne profits? Who are the persons against whom mesne profits can be claimed?
- B. Distinguish between lack of jurisdiction and irregular exercise of jurisdiction in respect of a Civil Court with example.
- C. What do you mean by set off? Distinguish between set off and counter claim.
- D. "A court which executes a decree cannot go beyond it". Discuss the statement with exceptions.

4. Answer any 1 (one) of the following:

10x1=10

- A. Explain the provision laid down under the Code of Civil Procedure for filing suits against the Government and Public Officers acting in their official capacity and also discuss the exceptions if any.
- B. State and discuss the grounds on which a second appeal lies to the High Court. Substantiate your answer with leading cases.

PART-III

5. Answer any 5 (five) of the following. Each question carries 5 (five) marks.

5x5=25

- A. Discuss the circumstances under which immovable property can be transferred for the benefit of an unborn person. Substantiate your answer with example.
- B. Explain the doctrine of election with suitable illustrations. Also discuss the right of the disappointed transferee under this doctrine.
- C. What is actionable claim? Discuss the mode of transfer of actionable claim under the Transfer of Property Act.
- D. Discuss the provision of Transfer of Property Act relating to 'determination of lease' and 'waiver of forfeiture'.
- E. What are the characteristics of usufructuary mortgage? "Once a mortgage, always a mortgage". Explain.
- F. What is rule against perpetuity? What are the exceptions to this rule? Also discuss the English law on the subject.

PART-IV

6. Answer any 7 (seven) of the following. Each question carries 3 (three) marks.

7x3=21

- A. What is meant by the expression 'Privity of Contract'? Discuss the rule with exception.
- B. 'Public policy is a very unruly horse and when once you get astride it you never know where it will carry you (Burroughs J.)'. Examine the relevancy of the statement under the Indian Law.

- C. A medicine company by an advertisement offered a reward of Rs. 10,000 to any person who should contact influenza after using its particular medicine as directed. Mrs. C purchased a bottle of that medicine and used it as directed, yet she contacted influenza. She wants to sue the company. What is your advice?
- D. A bails 100 bales of cotton marked with a particular mark to B. B, without A's consent, mixes the 100 bales with other bales cotton bearing a different mark of his own. Discuss the liability of B.
- E. A promises a subscription of Rs. 50,000 to Prime Minister's Relief Fund. He does not pay. Is there any remedy in a court of Law against him? Discuss citing the relevant legal provision.
- F. X agreed to supply timber to Y within 31st March, 2022. But due to disturbed condition in his home state, X could not supply the timber within the stipulated time. X claimed that the contract has been discharged. Is the claim valid? Answer citing the relevant legal provision.
- G. A finds a watch. After making reasonable efforts to find the owner, A sells it to B who buys it without knowledge that A was the merely finder. Can the true owner recover the watch from B? Discuss with legal reasons.
- H. A has received a letter of offer from B. He sends a letter of acceptance to B by post. State whether the acceptance is complete as against A and B in following cases with reasons. (i) The letter is lost in transit.
(ii) The letter reaches B after the expiry of the time prescribed by A for acceptance.
(iii) No time prescribed and the acceptance is sent after expiry of two years.

7. Write short notes on any 2 (two) of the following with suitable illustration:

2x2=4

- A. Standard form of contract.
B. Tender of performance
C. Anticipatory breach of contract

.....X.....

