

**DELHI HIGHER JUDICIAL SERVICE MAINS**  
**EXAMINATION (WRITTEN) 2023**

**LAW-II**

**PART-I**

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

1. Under the Partnership Act, 1932 what are the different modes of dissolution of a partnership firm?
2. Explain which person is capable of making Will under the Indian Succession Act, 1925 and what is the effect of a Will obtained by fraud, coercion or importunity under the Indian Succession Act, 1925?
3. Under what circumstances a Divorce by mutual consent can be granted, under the Hindu Marriage Act, 1955 and can any party withdraw his/her consent?
4. Explain what matters are to be considered by the Court in appointing a guardian of a minor under the Guardians and Wards Act, 1890?
5. Elaborate about General Prohibition of strikes and lock-outs as well illegal strikes and lock-outs, as per the Industrial Disputes Act, 1947?
6. Explain as to how under the Minimum Wages Act, 1948, the Court shall take cognizance of offences against, any person as well as against a company. **(10 marks x 4 = 40 marks)**

**PART-II**

**Attempt any two out of the following three questions:**

7. Elaborate as to what are the Rights and Liabilities of lessor and lessee under Section 108 of the Transfer of Property Act, 1882?
8. What are the obligations of the parties to a contract, effect of refusal to accept offer of performance and effect of refusal of party to perform promise wholly, under the Indian Contract Act, 1872?
9. Elaborate the difference between Temporary and Perpetual injunctions and under what circumstances Injunction can be refused as per provisions of the Specific Relief Act, 1963? **(20 marks x 2 = 40 marks)**

*From Student to Lawyer to Judge*

**PART-III**

**Attempt any four out of the following six questions:**

**10.** How 'Just Compensation' has to be determined under Section 168 of the Motor Vehicle Act, 1988?

In a motor accident case, the victim aged 28 years old died. He is survived by his wife, three minor children and his parents. The deceased used to run a business and earned about Rs.15,000/- per month.

The claimants approached the Motor Accidents Claims Tribunal by filing a claim petition under Section 166 of the Motor Vehicle Act, 1988 and sought compensation of Rs.20 lakhs.

The Tribunal awarded Rs.6 lakhs together with interest at the rate of 9% per annum from the date of filing the claim petition.

Not satisfied with the amount as awarded by the Tribunal, the claimants approached the High Court for enhancement.

In your view, whether the claimants are entitled for enhancement of the awarded amount and if so, then what should be the just compensation in this case?

**11.** What is the legal recourse against an Arbitral Award passed by an Arbitral Tribunal under the Arbitration and Conciliation Act, 1996. Cite the legal provisions in this regard with brief reasons.

One of the objectives of the Arbitration and Conciliation Act, 1996 is the speedy resolution of the disputes. How to achieve this objective? Elaborate.

**12.** In the proceedings initiated under the SARFAESI Act, action is taken against the borrower and the borrower is aggrieved by that action of the private bank. Then, the borrower has what remedy under the law? Quote the relevant provisions of law.

A School availed credit facilities of Rs.1 crore from a private bank by executing various loan/security documents as well as by mortgaging property in favour of the bank. Subsequently, on account of non-payment of dues, the school account was declared as a non-performing asset (NPA). As the school failed to make payments, a notice under Section 13 (2) of the SARFAESI Act was issued to it. In spite of the above notice, the school continued to default in making the payments.

Ultimately, the bank sent a letter informing the school of its intention to take possession of the mortgaged properties on the expiry of 15 days from the date of the letter.

Against the bank's letter, the school filed a writ petition under Article 226 of the Constitution of India before the High Court, challenging the above

letter of the bank. Will the writ petition be maintainable before the High Court? Elaborate with reasons.

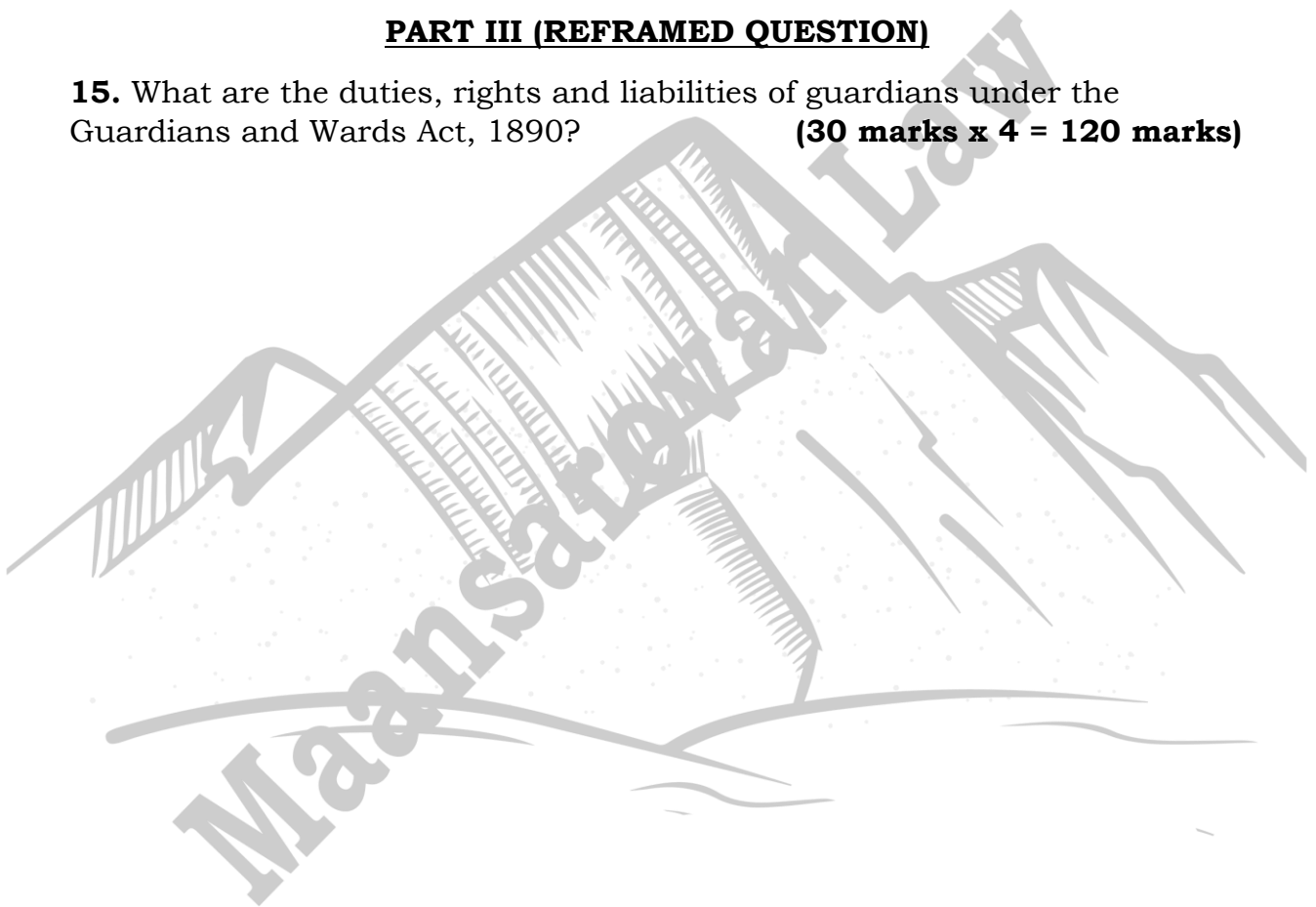
**13.** What are the requisites of a valid adoption under the Hindus Adoptions and Maintenance Act, 1956 and who are the persons capable of giving in adoption?

What are the effects of adoption and what is the right of adoptive parents to dispose of their properties?

**14.** What is the object of “Conditions and Warranties” under the Sales of Goods Act, 1930? Elaborate with illustrations.

**PART III (REFRAMED QUESTION)**

**15.** What are the duties, rights and liabilities of guardians under the Guardians and Wards Act, 1890? **(30 marks x 4 = 120 marks)**



*From Student to Lawyer to Judge*