

38th Departmental Examination of Civil Judges-Cum-Judicial Magistrates

Time Allowed: 03 hours

Civil Law-II Paper-III (Total Marks-120)

- Note:- (i). Part-A (Q. No. 1) and Part-B (Q. No. 2) are compulsory.
- (ii). Attempt any three questions from Part-C.
- (iii). Be brief and refer relevant provision of concerned law, if needed, while attempting questions from Part-B & C.

PART-A

Q.No.1 (MCQs) Total Marks 25 (1.25 marks for each answer)

- a) Can clerk of court or reader be authorized to sign the summons. (Yes/No)
- b) Can a court strike out unnecessary parties and add necessary parties on its own. (Yes/No)
- c) Whether framing of issues can be left to the pleaders of the parties. (Yes/No)
- d) A civil court has the power to require the personal attendance of any party to the suit. (Yes/No)
- e) Any person may institute a suit on behalf of minor without permission of court. (Yes/No)
- f) Attachment automatically comes to an end on dismissal of an execution petition. (Yes/No)
- g) Can standing trees be sold in execution of decree. (Yes/No)
- h) Can agriculture produce in possession of judgment-debtor be attached in execution of a decree. (Yes/No)
- i) A decree holder can participate in auction proceedings without express permission of executing court. (Yes/No)
- j) Whether debtor can be arrested and imprisoned in execution of a decree for money under the Punjab Relief of Indebtedness Ordinance, 1960. (Yes/No)
- k) Whether a court is competent to make installments in decretal amount in respect of a debt. (Yes/No)

The period of limitation for an appeal under the Punjab Debtors Protection Act, 1936 is 60 days. (Yes/No)

- m) Can a plaint be received after office hours. (Yes/No)
- n) Can a witness not mentioned in list of witnesses be called without permission of court. (Yes/No)
- o) Whether the defendant is bound to pay court fee on his claims in his written statement by way of set off. (Yes/No)
- p) In decided cases, can the officer-in-charge of the Record Room return the documents without consulting the original court. (Yes/No)
- q) Does mere production of a record make the documents therein admissible in evidence. (Yes/No)
- r) In case, the claim is admitted by the defendants, can the suit be dismissed for non appearance of the plaintiff. (Yes/No)
- s) Whether the court is empowered to extend the period for deposit of one third of sale price beyond 30 days. (Yes/No)
- t) Can a pleader be appointed as guardian ad litem to pursue the case on behalf of minor. (Yes/No)

PART-B

Q.No.2 (PROPOSITIONS)

Total Marks 35

(7 marks for each answer)

- a) 'A' challenged a gift deed executed in favour of 'B' on the ground that he never made any gift to him. He appeared as his sole witness and denied the gift. On the other hand 'B' produced marginal witnesses who supported the execution of gift deed but did not say anything about gift transaction. What will be your decision about the said case?
- b) In execution petition, the judgment-debtor filed an application for dismissal of execution petition on the ground that decree was obtained by fraud; how will you decide the said application?
- c) 'A' instituted a suit seeking simple declaration to the effect that he was owner of plot in possession of 'B'. Can an effective decree be passed in such case?
- d) 'Z' filed a preemption suit on 6-4-2017. The court ordered to deposit one third of sale price till 30-4-2017. 'Z' did not comply with the order and suit was dismissed. Can 'Z' file fresh suit.

- e) The plaintiff instituted a suit for recovery of rupees 5 million. Evidence of both the parties was recorded and case was fixed for pronouncement of judgment. The defendant died between conclusion of hearing and pronouncement of judgment. In such situation, can the court pronounce judgment?

PART-C

(Total Marks-60)

- Q.NO. 3 Explain the instructions for issuance of temporary injunction mentioned in High Court Rules and Orders.
- Q.NO. 4 Point out the causes of delay in disposal of cases.
- Q.NO. 5 On presentation or receipt of plaint, what points are to be examined.
- Q.NO. 6 Illustrate order of preference for appointment of guardian at litem. Whether person can be appointed as guardian at litem without his consent.
- Q.NO. 7 Enumerate the guidelines for local commission appointed for demarcation of landed property.
- Q.NO. 8 Describe the modes in which execution of a decree may be ordered.

LAHORE HIGH COURT, LAHORE



OBJECTIVE PORTION OF 39TH
DEPARTMENTAL EXAMINATION OF CIVIL
JUDGES-CUM-MAGISTRATES-2019

Serial No. _____

Roll No. (in figure) _____

(in words) _____

SUBJECT _____ PAPER _____

DATE _____

OBTAINED MARKS _____ EXAMINER'S SIGNATURE _____

SIGNATURE OF
SUPERINTENDENT

PAPER-III. (CIVIL LAW-II)

PART-I. MCQ's. Total marks: 25

Time allowed: 30 mins.

NOTE: Circle or tick only correct option of MCQs on the question Paper and return.

- Q. 1 As per proviso to Rule 1 of Order VIII CPC, period allowed for filling of written statement is:
a) 7 days b) 15 days c) 30 days.
- Q. 2 It is compulsory for a court to display a list of new cases at the end of the day, assigned to it by the office of the Senior Civil Judge:
a) True b) False
- Q. 3 In suits for recovery of money, specific amount has to be mentioned. However, approximate amount can be mentioned in suits for:
a) Rendition of accounts b) Mesne profits c) both of the two.
- Q. 4 Immediately after submission of written statement and documents, the court may call upon the parties to admit or deny such documents and record their statements of admission or denial, without waiting for formal recording of their evidence.
a) True b) False.
- Q. 5 A suit or appeal can be legally heard by a court with the consent of parties on a holiday:
a) True b) False
- Q. 6 In a suit to be heard by a Court of Small Causes, summons to be issued is:
a) to call the opposite party b) for settlement of Issues
c) for final disposal of the suit d) None of the three
- Q. 7 Generally officials of the court are responsible for loss of revenue for receipt of documents insufficiently stamped because of their neglect, but ultimate responsibility for such loss lies on the Judge of the court;
a) True b) False
- Q. 8 A question in leading form can be put to a witness during:
a) Examination-in-chief b) Cross-examination c) Re-examination
- Q. 9 If a suit is instituted by a Firm, the defendant has a right to get names with complete particulars of all the partners of the Firm, from counsel for the Plaintiff:
a) True b) False

- 50
- Q. 10 The written statement is to be submitted on plain paper, but it is to be stamped with court-fee if,
a) Submitted after 30 days b) Submitted by 3 defendants c) It claims set off
- Q. 11 Necessary Issues arising out of pleadings of the parties can be framed by:
a) The judge b) The counsel for the parties c) The reader of the court
- Q. 12 A decree passed by the appellate court shall be executed by:
a) The appellate court b) Any civil court c) Court of 1st instance
- Q. 13 A document executed on unstamped paper, or in-sufficiently stamped paper if presented in court, requires an action under;
a) Sec.33 & 35 of the Stamp Act 1899 b) Sec. 32 & 34 of the Stamp Act
c) None of the two.
- Q. 14 The register maintained by the Ahlmad in which each of the new civil suit is entered for registration, is:
a) Register no.1 b) Register no.2 c) Register no. 3
- Q. 15 Documents not exhibited in evidence are a burden on record and, thus should be:
a) Destroyed b) Returned to the party c) Kept on file separately
- Q. 16 Re-examination of a witness is permissible if a court thinks that the witness, during cross-examination:
a) Gave wrong answers b) Left ambiguity c) None of the two.
- Q. 17 A document exhibited in evidence, after the decision of the case and appeal etc. can only be returned after following the requisite formalities by:
a) The District Judge b) Incharge Record Room, c) Court concerned
- Q. 18 In a Pauper suit, after recording of statement of the petitioner or his agent, further evidence of the petitioner cannot be recorded unless a notice is issued to the:
a) Govt. Pleader b) The respondent c) Both of them.
- Q. 19 An order of temporary injunction granted in absence of the defendant cannot ordinarily exceed:
a) Seven days b) Ten days c) Fifteen days
- Q. 20 If a long lasting entry in Revenue record is replaced with a new entry without any legal justification, the correction can only be made by the:
a) Revenue Authority b) District Court c) Civil Court
- Q. 21 A judgment can be announced in open court:
a) Before it is written and signed b) After it is written
c) After it is written and signed.
- Q. 22 If a party to suit dies after final arguments but before pronouncement of judgment:
a) The judgment cannot be announced without impleading its legal heirs
b) Judgment can be announced forthwith c) judgment has to be sent to Dist. Judge
- Q. 23 Under the Punjab Debtors Protection Act 1936 the period for Limitation for filing an execution petition is:
a) 30 days b) 3 years c) 6 years.

- Q. 24 While deciding a pauper suit, a copy of the Decree has to be sent to;
a) The District Judge b) The Collector c) The Chairman Union Council
- Q. 25 The period for filing of petition of discharge of insolvent should not, ordinarily exceed:
a) One Month b) Six Months c) Twelve Months

LAHORE HIGH COURT, LAHORE.

39th DEPARTMENTAL EXAM OF CIVIL JUDGES-CUM-MAGISTRATES -2019

PAPER-III. (CIVIL LAW-II) TOTAL Marks-120

PART-II (PROPOSITIONAL)

- Q. 1 (a)** For non-payment of debt by a member of agricultural tribe, his self-cultivated land supporting the debtor and his family was attached in execution, and for its temporary alienation it was sent to the Collector. While proceeding with alienation process, successfully, through order of the Collector the land was temporarily alienated for 25 years. Keeping in view relevant provisions of the law kindly critically examine this order.

OR

- (b)** Through a decree, a government servant was directed to pay maintenance allowance to his wife and two children. For non-payment of the same his salary was attached in execution petition and in order to discharge his liability, the salary remained attached for three years. While inviting to Rule 17 of the West Pakistan Govt. Servants Conduct Rules 1966, the executing court informed the Head of Department of the said Govt. Servant. Discuss the legality of the order of the executing court. (15)

- Q. 2 (a)** In an agreement with his Creditor, a debtor agreed in writing that in case of his default, he shall have no objection if for the recovery of loan his milch animals are put to sale. Discuss the legal status of such agreement in the light of relevant provisions of The West Pakistan Relief of Indebtedness Ordinance, 1960.

OR

- (b)** Whether a private person can enter into a business of Money Lending after getting a license from a competent authority. If so, which is such authority and what are the requirements? If not, whether it is an offence and what is its punishment? (15)

- Q. 3 (a)** What are the pre-requisites for initiation of proceedings of summary administration of the estate of a Debtor?

OR

- (b)** What are the restrictions, if any, upon a creditor for filing a petition for insolvency of the debtor? (15)

PART III (PROCEDURAL).

- Q. 4 (a)** Documents are legally required to be submitted along with pleadings of the parties at initial stage of the case. What requirements should be strictly observed by a court, before permitting any party to bring on record, documents claimed to be very relevant, at a late stage?

OR

- (b)** Re-use of impressed or adhesive stamps of court fee on plaints, applications, appeals, process fee etc. has to be strictly watched by every judicial officer so that no loss to

public exchequer is caused. What is required of whom to do the needful? Who is to make surprise inspection of the Record room of the district in this behalf, and what for? (17)

- Q. 5 (a)** How many times in a year and on which dates each and every subordinate judicial officer has to make inspection of his own court. What inspection he has to make? Whether he has to prepare a report of the same for its submission to anyone? Give a detailed note of importance of inspection.

OR

- (b)** 1-“Went to the given address. Defendant has refused to accept service.” Sd/- Process server

2-“Went to the given address. Defendant met to whom copy of Summons given in acknowledgement of his personal service.” Sd/- Process server. Sd/- ABC defendant

Are you satisfied with above reports of the process server? Kindly elaborate your view point in the light of relevant provisions of law, rules and orders. (17)

- Q. 6 (a)** Generally in civil cases after a money suit is decreed, the court cannot direct payment of decretal amount in instalments. Is there any exception to this rule in any other enactment? If so give a note on the same.

OR

- (b)** What is the object of Law of Insolvency? Write a detailed note on it. (16)

2019

42nd Departmental Exam

Paper Civil Law-II

Time allowed 3 hours

Total Marks 120

Note Please attempt any 4 questions from Part-I and one from Part-II

PART-I

Q No.1:- Careful and minute examination of Plaint on its presentation can check delay in disposal of lis and also rule out unnecessary complications at later stages of the proceedings. Please elaborate with reference to instructions embodied in the Rules and orders of the High Court and provisions of Code of Civil Procedure, 1908. 25

Q No.2:- What are the instructions of the High Court and legal provisions contained in CPC qua the followings:

- a) Signing and verification of Plaint. 8
 - b) Striking out and adding parties 8
 - c) Return and Rejection of Plaint. 9
- 25

Q No.3:- Judgment must be a true reflection of conscientious conclusion arrived at for judicial consideration alone. The guide lines are provided in the High Court Rules and Orders. Please elaborate with reference to the same and the Provisions of CPC. 25

Q No.4:- Please describe different modes of execution of a decree and also enumerate the Courts which are competent to execute the same. 25

Q No.5:- 5(a) Which Courts are invested with the jurisdiction to try the cases under the Provisional Insolvency Act, 1920 and hear the appeals arising from their orders 10

(b) What is the maximum period for moving an application for discharge and if date once fixed can be extended. Also discuss the effect of insolvent not applying for discharge within the period fixed. 15

Q No.6:- a) Please discuss general provisions regarding service of summons and also describe the rules regarding service in particular cases. 12 ½

b) Please describe different modes of service of process and duties of the Judges in this respect ? 12 ½

PART-II

Q No.7:- What do you understand from the term and "debtor" in light of the provisions of the Punjab Relief of Indebtedness Ordinance, 1960 ? Please discuss the Relief granted in form of concessions, Immunities, exemptions, payment through installments and waiver of interest. 20

Q No.8:- Write a short note on

1. Evasive denial. 5
2. Equitable set off. 5
3. Misjoinder of causes of action. 5
4. Precepts. 5

20

100

LAHORE HIGH COURT LAHORE

43rd DEPARTMENTAL EXAMINATION OF CIVIL JUDGES-CUM-MAGISTRATE 2022

CIVIL LAW-II (PAPER-3)

Total Marks: 120

Time Allowed 3 Hours

Attempt four (4) questions from part-I and one (1) from Part II.

PART-I

- Q. No. 1. What are the instructions of the High Court and legal provisions contained in CPC qua the following:
- a) Signing and verification of Plaint.
 - b) Striking out and adding parties.
 - c) Return and Rejection of Plaint. (Marks 8+8+9=25)
- Q. No. 2. Judgment must be a true reflection of the conscientious conclusion arrived at for judicial consideration alone. The guidelines are provided in the High Court Rules and Orders. Please elaborate with reference to the same and the Provisions of CPC. (Marks 25)
- Q. No. 3. A) On presentation or receipt of the plaint, what points are to be examined?
- B) Explain the instructions for issuance of temporary injunction mentioned in High Court Rules and Orders.
- (Marks 12 ½ + 12 ½ =25)
- Q. No. 4. A) Stress has been laid down in High Court Rules and Orders with regard to the framing of correct issues. Pen down relevant guidelines for framing correct issues, and placing the burden of proof on the parties.
- B) Describe the modes in which execution of a decree may be ordered. (Marks 12 ½ + 12 ½ =25)

Q. No. 5. A) What are the duties of a Presiding Officer in land suits where a plaintiff is an illiterate person?

B) Court can interfere during the examination of a witness. Discuss the statement with reference to High Court Rules and Orders. (Marks $12\frac{1}{2} + 12\frac{1}{2} = 25$)

Q. No. 6. A) Write a brief note on the misjoinder of the plaintiff Misjoinder of the defendant and Misjoinder of the cause of action. Give an illustration in each case. When should an objection on the ground of non-joinder or misjoinder of parties be taken?

B) What are the duties of the presiding officer to admit or deny the document in evidence? (Marks $12\frac{1}{2} + 12\frac{1}{2} = 25$)

Q. No. 7. What do you understand from the term "debtor" in light of the provisions of the Punjab Relief of Indebtedness Ordinance, 1960? Please discuss the Relief granted in form of concessions, Immunities, exemptions, payment through instalments and waiver of interest. (Marks 25)

PART-II

Q. No. 8. Write a short note on:

a) Evasive denial.

b) Equitable set off.

c) Misjoinder of the cause of action.

d) Precepts.

(Marks $5+5+5+5=20$)

Q. No. 9. While preparing a decree, what particular points have to be borne in mind by the judicial officer, in view of the guidelines given in High Court Rules and Order, particularly when a decree is to be passed on the basis of a compromise?

(V/1 Ch.11-B R/1 n 5)

(Marks 20)

LAHORE HIGH COURT LAHORE
44TH DEPARTMENTAL EXAMINATION OF CIVIL JUDGES-CUM-MAGISTRATE 2023

CIVIL LAW-II (PAPER-3)

Total Marks: 120

Time Allowed 3 Hours

Attempt any six questions, each having equal marks

- Q.No.1. What should you consider for the preparation/delivery of the judgment and decree?
- Q. No.2. Explain briefly how the mode of service is to be conducted and the duties of the Court to make such procedure effective.
- Q.No.3. Mention the documents on which thumb impressions are to be affixed and what appliances the Judicial Officer requires to read the impressions.
- Q.No. 4. Enumerate the guidelines/instructions for the grant of temporary injunction mentioned in the High Court Rules & Orders.
- Q.No. 5. What measures are to be adopted by the Local Commission appointed for the demarcation of Sakni () property?
- Q.No.6. On receipt of the fresh plaint, what factors are to be primarily considered? Also, explain the importance of the date of hearing when, during the trial, the suit is to proceed further.
- Q.No.7. Write a note on any two of the following topics: -
- a. Proper and necessary party.
 - b. Transfer of decree.
 - c. Execution of order.
- Q.No.8. Explain the duty of the Court in framing issues and placing the burden of proof on the parties.
- Q.No.9. What measures are to be considered for the appointment of guardian ad litem as well as for recording compromise when one of the parties to the suit is minor?
- Q.No.10. Write a note on the object of Insolvency Law.

LAHORE HIGH COURT LAHORE

45th DEPARTMENTAL EXAMINATION OF CIVIL JUDGES-CUM-

JUDICIAL MAGISTRATE 2024

CIVIL LAW II (PAPER 3)

Total Marks 120

Time Allowed 3 hours

Attempt any six questions. Each having equal marks.

- Q NO.1 Explain in detail the process of framing issues and recording Examination in chief of witnesses? How far a court should interfere in conduct of examination.?
- QNO. 2. "Some judicial officers are inclined to dismiss cases in default hastily in order to show an increased out turn. "do you agree with this procedure. If not explain how to deal with the absence of a party on the date fixed for hearing?
- Q. no.3 a. What order of preference should be observed while appointing guardian ad litem?
b.Explain how should a court deal with the requests for compromise or adjustment of suit?
- Q.no.4. What kind of decrees should be transferred to the collector for execution and explain the procedure to be followed by the collector for sale of land by public auction?
- Q.no 5. Explain the process of appointing and working of the official receiver for administration of insolvent estate?
- Q.NO.6. What important points should be noted while conducting inspection of civil records?
- Q. NO 7. Which properties are exempt from attachment and sale under The Punjab Relief of Indebtedness Ordinance? What is the effect of an agreement to waive of these exemptions?

Continued...

P# 1/2

Q.NO.8

Write a note on any two of the following topics: -

- a. Examination of plaint.
- b. causes of delay in disposal of cases.
- c. Judgment writing.

P# 2/2

LAHORE HIGH COURT LAHORE

46TH DEPARTMENTAL EXAMINATION OF CIVIL JUDGES-CUM JUDICIAL MAGISTRATES 2024

CIVIL LAW-II (PAPER-3)

MCQ'S

Total Marks: 20

Time Allowed: 30

Minutes

State whether the following statements are True or False.

Sr No.	Particulars	True	False
1.	Permission of court is necessary for filing a representative suit		
2.	Every allegation of fact made by any person other than a pleader shall be on oath or solemn affirmation		
3.	Documents admitted in evidence can be returned to the person producing them.		
4.	An agreement for payment of debt and a bond are not liable to payment of stamp duty.		
5.	When a suit for redemption is dismissed in default under order IX, Rule 9 the plaintiff is precluded from bringing another suit for Redemption of mortgage.		
6.	If the party to the suit dies between the conclusion of the hearing and pronouncement of judgment, the judgment is ineffective.		
7.	Creditors are not The Punjab Debtors Protection Act 1936 entitled to cross examine the debtor when an estate is ordered to be administered in summary manner in insolvency proceedings		
8.	It is duty of presiding officer of every court to supervise the cancellation Of court fee, stamps and labels attached to the plaints, appeals complaints.		
9.	The Civil Nazir should not keep the civil deposit and Repayment accounts		
10.	Loan includes a deposit of money or other property in a post office Under The Punjab Debtors Protection Act 1936		
11.	The Punjab Debtors Protection Act 1936 The period of limitation for filing an appeal und The Punjab Debtors Protection Act 1936, is 60 days from the date of order		
12.	Guardian ad litum can be appointed without issuing notice to the guardian Of the minor appointed by the court		
13.	Court can grant interest on costs awarded under S 35(3) CPC		
14.	Court can compel any person to take charge of attached property as custodian		
15.	Any person can file a suit on behalf of a minor and permission of court is not necessary for the purpose.		

Pg 14/2

16.	A person is a pauper when he does not own any immovable property		
17.	The civil courts can take cognizance of a case filed under the the Companies Ordinance 1984		
18.	The pronouncement of judgement should not be delayed beyond a period of thirty days		
19.	When a decree is for payment of money, the court can order immediate arrest of the judgment debtor on oral application of the decree holder at the time of passing of decree.		
20.	There is no limitation for filing an application for execution of a decree.		

pg 2 of 2

LAHORE HIGH COURT LAHORE

46TH DEPARTMENTAL EXAMINATION OF CIVIL JUDGES-CUM JUDICIAL MAGISTRATES 2024

(PAPER-3)

CIVIL LAW-II

Total Marks: 100

Time Allowed: 2.5 hours

Attempt five (5) questions.

All question carries equal marks

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- Q1. "The period for filing a written statement should not, ordinarily, exceed thirty days". Discuss the law relating to filing of written statements. 13
- b. what are the consequences of contumacious refusal to comply with the court's order to file written statement? 7
- Q. 2. How to execute decree for possession of immovable property? 20
- Q.3 what are the modes of proof of service of summons and the substituted service? 20
- Q.4 a. what is meant by "debt" under The Punjab Relief of Indebtedness Ordinance 1960? 6
- b. What are the powers of the court to facilitate the debtor in payment of the amount due? 12
- Q.5 what are the causes of delay in disposal of insolvency cases? 20
- Q. 6. can a judgment debtor arrange private alienation of an immovable property attached in execution proceedings? Can a decree holder purchase such a property? 20
- Q.7. Write short notes on any two of the following each 10
- a. Documents on which thumb impressions are to be affixed.
 - b. How to deal with private money lenders.
 - c. Acquisition and disposal of immovable property by Judicial officer and their staff
 - d. Compensatory costs