LAHORE HIGH COURT, LAHORE
COMPETITIVE WRITTEN EXAMINATION, 2023
FOR THE POST OF CIVIL JUDGE CUM JUDICIAL MAGISTRATE

PAPER – I **CIVIL LAW-I**

TIME ALLOWED: 03 HOURS **TOTAL MARKS:100**

Instructions: **Attempt any FIVE questions**

Q.1 Explain difference between following expressions and elucidate with illustrations, other than those stated in the textbook?

a) Pledge and Hypothecation.
b) Guarantee and Indemnity.
c) Recission and revocation of contract.
d) Trust and bailment.

[05 Marks for each part]

Q.2 A manufactures, ready to wear denim jeans at its factory premises in the vicinity of Lahore. B, resident of Michigan United States, places an order with A for supply of 1000, ready to wear, denim jeans. Agreement envisages obligation to supply jeans by the 30th of December 2020. A failed to supply jeans in the wake of lockdowns enforced due to spread of COVID-19 pandemic. B alleges default on the part of A, in performance of contractual obligations, and claims monetary damages. Whether A can plead defence under the doctrine of *frustration of contract*. If so, what requisite conditions need to be met for a claim to be successful. And briefly explain conceptual difference between the *doctrine of frustration* of contract and incidence of *Force Majeure*, and suggest that why plea of waiver of obligations under the concept of *Force Majeure* is not available to A.

[20 Marks]

Q.3 A secures financing from B, a Bank, against pledge of stocks and personal guarantee executed by C favouring B, to secure the repayment of finance extended by B to A. Upon A's failure, notice of demand is issued by B to C for repayment of overdue claim in lieu of personal guarantee. C makes payment in terms of personal guarantee and request B to deliver possession and interest in the pledge goods to C, which request is returned with the response that pledge stocks were misappropriate by the Muqaddam, appointed by the Bank. Whether C has any remedy against A or B or against none. Discuss with reference to the relevant provisions of Contract Act 1872.

[20 Marks]

Q.4 A marries B and has two children therefrom. A and B acquired foreign nationality and children also acquired foreign nationality. A later divorced B. A along the children flew to Lahore to meet her parents. A is settled in Lahore after divorcing B. A approached the guardian judge and seeks custody of the minors on the premise that children are ordinarily residing within the territorial jurisdiction of the Guardian Judge. And to

substantiate the factum of ordinary residency of the minors, A provided airline tickets and pleaded entry endorsement at the Lahore Airport. House of the parents of B is within the territorial jurisdiction of the Guardian Court. B objects to the jurisdiction of the Guardian Judge at Lahore, claiming that children are not residing with the jurisdiction of the Court. Give judgment qua the objections to the maintainability of petition.

[20 Marks]

Q.5 Whether subsequent marriage of the mother of the minor daughter would result in mother's *per se* disqualification to claim custody on the premise that subsequent husband, being stranger to the daughter, does not fall within the prohibited degree of relationship. Do you support or oppose the grant of custody to the mother. Support your respective opinion(s) in the context of the guidelines prescribed under section 17 of the Guardian & Wards Act 1890 and judicial pronouncements by the constitutional courts on the subject.

[20 Marks]

Q.6 Law of limitation merely extinguishes the remedy and not the right. Explain and discuss this statement with reference to the characteristics of the procedural and substantive law and comment that whether law of Limitation is procedural or substantive.

[20 Marks]

Q.7 Whether a void order is immune from the law of limitation. What are the exceptions, explain.

[20 Marks]

Q.8 Whether the Family Court mandatorily requires to forthwith pass the decree of dissolution of marriage, by way of Khula, when reconciliation fails without adverting to or calling for the evidence despite cruelty was one of the grounds alleged for Khula claimed. [20 Marks]

Q.9 Whether the courts enforcing the decrees of the Family Courts are entitled and competent to entertain applications for transfer of execution proceedings and pass appropriate orders. Discuss this statement in the light of the powers conferred and available to the Courts enforcing decrees in terms of section 13 read with section 25A of the Family Courts Act 1964 and rules framed thereunder.

[20 Marks]

Q.10 A has rented its building to B. B fails to pay the rent. A has invoked jurisdiction of the Rent Tribunal, wherein application for leave to contest was filed by B. B alleges further transfer of property to C. C institutes civil suit before the Civil Court and seeks decree of specific performance, based on alleged agreement to sell with B. Whether suit for specific performance by C is maintainable or not before the Civil court. Discuss the issue of maintainability of Civil Suit in the context of limitations, if any provided under the provisions of the Punjab Rented Premises Act 2009. [20 Marks]

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PAPER – II CIVIL LAW-II

TIME ALLOWED: 03 HOURS TOTAL MARKS:100

Instructions: Attempt any FIVE questions

Q.1 Explain difference in the character of the suits instituted under sections 39 and 42 of the Specific Relief Act 1877. Whether action under section 42 of the Specific Relief Act 1877 could be brought by the vendee, based on agreement to sell, when entire consideration amount has been paid and possession was delivered at the time of payment of consideration. Elaborate and give reasons qua the maintainability or non-maintainability of the suit, whatever the case may be.

[20 Marks]

Q.2 A standard order to deposit balance amount of sale consideration cannot be homogenously passed in every suit for specific performance of agreements to sell but some cases call for different treatment. Elaborate the instances where and when it is reasonable and equitable to depart from practise of ordering deposit of balance sale consideration contemporaneous to the institution of the suit.

[20 Marks]

Q.3 Is it true that deluge of litigation, relating to revenue matters is largely a consequence of non-fulfilment of requirements and procedures prescribed for the recording, attestation and sanctioning of mutation(s) under the Land Revenue Act 1967. Critically analyse the statement while elaborating significant requirements.

[20 Marks]

Q.4 Whether the Office of Village Headman [Lambardar] is still effective and fulfils the objectives envisaged while creating the office or an instrumentality for gaining self-aggrandizement. Discuss this statement critically in the light of the expertise / criterion prescribed in law for the appointment of Lambardar; and suggest measures to make office of village headman objective, effective and meaningful.

[20 Marks]

Q.5 What are the classes of Revenue Officers, scope of jurisdiction vested of each of them, and extent of functions to be performed by each of the class of Revenue officers under the Land Revenue Act 1967.

[20 Marks]

Q.6 This question has two parts and must be attempted jointly.

a) Explain principles of remand of case by the Appellate Court. And how remand is different from reference to court for recording of evidence. Discuss it in the context of Rules (23), (23-A) and (25) of Order XLI of Code of Civil Procedure 1908.

b) Additional evidence is permissible but subject to fulfilment of conditions prescribed. Discuss in the context of Order XLI Rule 27 of Code of Civil Procedure 1908.

[10 Marks for each part]

Q.7 Explain principle of *Res Judicata* and under what conditions the principle is applicable. Also explain the scope of *constructive Res Judicata*. If the principle of *Res Judicata* is applicable to co-defendants, notwithstanding some are unrepresented.

[20 Marks]

Q.8 How and to what extent the nature and scope of the objections preferred under section 47 of the Code of Civil Procedure 1908 (CPC), Order XXI Rule 58 and Order XXI Rule 103 differ. Explain with illustrations.

[20 Marks]

Q.9 Define *Ad Valorem* Court Fee and explain with illustrations suits that require affixation of *Ad Valorem* Court Fees to avoid objections of deficiency of court fee.

[20 Marks]

Q.10 This question has two parts and must be attempted jointly.

a) What is the difference between Sections 7(iv-c) and 7(iv-a) of the Court Fees Act 1870.

b) with regard to the Suit for declaration and suit for benami transactions how the court fee would be computed.

[10 Marks for each part]

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Paper-III Criminal Law

TIME ALLOWED: 03 HOURS TOTAL MARKS: 100

NOTE: Attempt all questions which carry equal marks

1. Please give a brief note on kinds of hurt entailing punishment of arsh and what standard of evidence is required to prove such categories. Formulate your answer while referring the relevant provisions of law.

OR

Explain the difference between dishonestly and fraudulently; whether dishonesty is a state of mind or course of action.

2. On what grounds police recommends cancellation of an FIR; please cite the relevant provisions of Police Rules and before passing any order on such report, whether magistrate is bound to give notice to the complainant as per section 173 Cr. P.C.

OR

Write a note on followings;

i. A class, B class & C class cancellation Report
ii. Untraced report
iii. Whether interim police report & incomplete police report are the same.
iv. Recusant complainant or witnesses

3. Discharge, Stay of proceedings, premature acquittal, and withdrawal from prosecution; comment on stages for such actions and requirement under the law.

OR

After pleading not guilty to charge, no intermediary stage is available to confess the guilt by the accused except one under section 342 Cr.P.C. comment upon this legal situation. Reply while referring judicial precedents.

4. Remand of accused u/s 167 Cr.P.C. and one u/s 344 Cr.P.C. please discuss the requirements.

OR

On what grounds a case can be adjourn sine die and if it is due to absence of witnesses then what coercive measures can be taken to procure their attendance. Reference to judicial precedents shall be appreciated.

5. What is summary trial; please discuss the mode of recording evidence and other processes including imposition of punishment.

OR

Removal of public nuisance through the institution of a Magistrate or in such proceedings through appointment of jury; please discuss in detail.

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PAPER – IV GENERAL LAW

TIME ALLOWED: 03 HOURS TOTAL MARKS:100

Instructions: Attempt any FIVE questions

Q.1 Eight clauses of Article 46 of Qanun-e-Shahadat Order 1984 provide an exception to the general rule against hearsay evidence. Discuss the evidentiary value of such piece of evidence; and explains that who bears the burden to prove the circumstances to bring matter within the exceptions.

[20 Marks]

Q.2 '*Test of admissibility of a confession is its voluntariness and not its truth*'. Explain the statement in the context of the categories of confession(s) discussed and dealt with under the Qanun-e-Shahadat Order 1984. [20 Marks]

Q.3 Qanun-e-Shahadat Order 1984 recognizes certain classes / kinds of presumptions, explain the followings with illustrations.

a) Presumptions of law
b) Presumptions of fact
c) Mixed presumptions.
d) Absolute and conditional presumptions
e) Difference between 'fiction of law' and 'irrebuttable presumptions of law'.

[04 marks for each part]

Q.4 In terms of High Court Rules & Orders [Part-G, Volume-I], what procedure(s) and requirements the court(s) must follow / adopt in following circumstances:

a) suspicious, forged or not properly stamped documents are produced in court
b) where signatures and attestation of a document is sought to be produced
c) when documents produced are admitted and when documents are non-admitted.
d) where plans are submitted, not admitted, and required to be proved.

e) conditions to be fulfilled before ordering production of public records

[04 marks for each part]

Q.5 Explain the scope of instructions that could be issued to the Subordinate courts regarding Court inspections according to the High Court Rules & Orders - Part-B, Chapter-II, Volume IV.

[20 marks]

Q.6 Explain efficacy of Council of Common Interests, what is its composition, and what functions does it perform under the Constitutional framework. Is the objective of achieving provincial autonomy has been achieved by the Council. Quote one instance to support analysis.

[20 Marks]

Q.7 The Parliament, being a creature of the Constitution, and not being a Constituent Assembly, cannot destroy or fundamentally change the salient features of the Constitution of Pakistan. Discuss this statement in the context of constitutive salient features of the Constitution of Pakistan with added emphasis on the feature of Independence of Judiciary.

[20 Marks]

Q.8 Article 19 of the Constitution of Pakistan guarantees freedom of Speech. Is that right an absolute right, if not what limitations are imposed on exercise of such right(s). Give realistic analysis of extent of freedom of press in Pakistan and role of the Courts in defending such freedom.

[20 Marks]

Q.9 Unless otherwise provided, forum of appeal is determinable according to the value of the suit quantified in the plaint. If appeal is preferred before a wrong forum, then under what circumstances the Court shall grant the benefit of sections 5 and 14 of the Limitation Act 1908 to condone the delay caused. Explain instances where such benefit could be extended or denied depending on the facts of each case.

[20 Marks]

Q.10 Section 18 of the Punjab Civil Courts Ordinance 1962 prescribes forum to which appeal lies from the orders / judgments of the Civil Judges. How forum of appeal would be determined when two suits, wherein nature of reliefs sought and valuation for court fee purposes were different, were decided through a consolidated judgment and in terms of the valuation one of the appeals is competent before the District Judge and other before the High Court. Whether the appeals would be heard separately, or consolidation thereof is possible. Explain with illustrations.

[20 Marks]

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Paper-V ENGLISH

Time allowed: 03 HOURS **Total marks: 100**

Note: Attempt all questions.

Q: 1 Read the following passage and answer the questions given at the end:

People moan about poverty as a great evil; and it seems to be an accepted belief that if people only had plenty of money, they would be happy and useful and get more out of life. As a rule, there is more genuine satisfaction in life and more obtained from life in the humble cottage of the poor man than in the palaces of the rich. I always pity the sons and daughters of rich men who are attended by servants and have governesses at a later age; at the same time I am glad to think that they do not know what they have missed. It is because I know how sweet and happy and pure the home of honest poverty is, how free from perplexing care and from social envies and jealousies_ how loving and united its members are in the common interest of supporting the family that I sympathize with the rich man's boy and congratulate the poor man's son. It is for these reasons that from the ranks of the poor so many strong, eminent, self reliant men have always sprung and always must spring. If you will read the list of the "Immortals who were not born to die," you will find that most of them have been born poor.

(a)Write a précis of the above passage and assign a suitable heading to it.

(15 Marks)

(b) Translate the above passage in to Urdu.

(15 Marks)

Q: 2 Write an essay on any ONE of the following topics:

(i) Social Media: Bane or Boon? (ii) Hard Work VS Smart Work (iii) Importance of Investing in Alternative Fuels (iv)The Right to Privacy is a Fundamental Right in Pakistan (v) Participation of the Judiciary in Politics (vi) Global Warming.

(20 Marks)

Q: 3 Write a letter to the editor of a newspaper discussing the role of judges and lawyers in defending the rule of law. (Please make sure that Name, Roll No. etc. is not given)

(20 Marks)

Q:4 Write sentences illustrating the use of FIVE of the following idiomatic expressions:

(i)Take a rain check (ii)Bolt from the blue (iii)Cut the mustard (iv)Get wind of something (vi)Once in a blue moon (vii) A snowball effect (viii)Spill the beans

(10 Marks)

Q:5 Construct sentences to distinguish between meanings of any FIVE of the following pair of words:(No credit will be given for single correct sentence)

(i) Cite, Site (ii) Council, Counsel (iii) Descent, Dissent (iv) Elusive, Illusive (v) Rain, Reign (vi) Cession, Session(vii)Collision, Collusion viii)Decry, Descry

(10 Marks)

Q:6 Punctuate the following paragraph:

If you look about you and consider the lives of others as well as your own if you think how few are born with honour and how many die without name or children how little beauty we see and how few friends we hear of how many diseases and how much poverty there is in the world you will fall down upon knees and instead of repining at one affliction will admire so many blessings which you have received from the hand of God.

(10 Marks)

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PAPER-VI URDU

TIME ALLOWED: 03 HOURS TOTAL MARKS: 100

Note; Attempt All question.

سوال نمبر1-مندرجہ ذیل اقتباس کی تلخیص کیجئے اور ایک عنوان تجویز کیجیئے۔

ازل سے سورج، چاند اور ستارے اس انتظار میں ہیں کہ کوئی ان کو دیکھے، سنے اور سمجھے۔ زمین کے حروف تہجی انتظار کر رہے ہیں کہ کوئی ان کی وضاحت کرے، مکاں شاہرانیں منتظر ہیں کہ کوئی ان کا سفر کرے۔ زماں کی لپٹی ہوئی ڈور اس انتظار میں ہے کہ کوئی اس کو ادھیڑے، کائنات کی خوشبو منتظر ہے کہ کوئی اس کو سونگھے، درد کا زمین دوز قبرستان اس انتظار میں ہے کہ کوئی اس کو ڈھائے، موت کی غار اس انتظار میں ہے کہ کوئی اس کو غارت کرے، عرفان کی روٹی منتظر ہے کہ کوئی اس کو چکھے، وہ وقت آ گیا ہے کہ انسان انسانوں کی غارت گری بند کریں اور متحد ہو کر مشترکہ کام انجام دیں جو امن پر منتج ہو۔ یہ کام بہت عظیم کام ہے۔ اس کی تکمیل بھی اتنی ہی شیریں ہو گی۔ اس کے آگے سب کچھ خالی اور بے کار ہے۔ ہاں یہی وقت ہے انسانوں کے انسانوں کو قتل کرنے سے باز رہنے کا۔ لیکن بہت ہی کم لوگ اس جانب متوجہ ہوں گے اوران کو کسی دوسرے موقع کا انتظار کرنا ہو گا کسی دوسری صبح کے طلوع ہونے کا۔

سوال نمبر2- درج ذیل اقتباس کا اردو ترجمہ کیجیئے۔

I wish I could impart to you that softness of feeling which fills my heart when I meet one of these younger brothers in service. I don't mean that I have a step-brotherly feeling when I meet the elder brothers. And that reminds me of an anecdote—for anecdotage goes with dotage and since I have started going to sleep in the court room. I have become convinced that one day I am going to suffer from dotage.

سوال نمبر 3- تشبیہ اور استعارہ کی تعریف دو اشکال کی امثال سے واضح کیجیئے۔

یا

مرکب سے کیا مراد ہے۔ مرکب اضافی اور مرکب توصیفی کی وضاحت مثالوں سے کریں۔

سوال نمبر 4- مندرجہ ذیل انگریزی قانونی اصطلاحات میں سے صرف پانچ کا مفہوم لکھیئے۔

(i) Pauper suit
(ii) Set-off
(iii) Mesne profits
(iv) Cause of action
(v) Mens rea
(vi) Status quo

سوال نمبر 5- درج ذیل عنوانات میں سے کسی ایک پر مضمون لکھیئے

(i)عدالت اور عدالتی فیصلوں کا احترام
(ii)اردو غزل کا ارتقاء
اقبال کا فلسفہ خودی
(iii)مفلسی حس لطافت کو مٹا دیتی ہے مدلل تائید یا تردید۔

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PAPER-VII GENERAL KNOWLEDGE

TIME ALLOWED: 03 HOURS TOTAL MARKS: 100

NOTE:

I. All questions of Part-I are compulsory.
II. Attempt two questions from Part-II.
III. Attempt one question from Part-III.

PART-I

Question No.1: Write only correct answer in the answer book. (10x1=10)
Do not reproduce the question

I. Jawaharlal Nehru took the place of Abu-ul-Kalam Azad as Congress president in the year:
   a) 1940 b) 1932
   c) 1946 d) 1939

II. Which country has largest army in the world?
   a) Russia b) India
   c) USA d) China

III. Name the vitamin that may help to protect against memory loss in old age:
   a) Vitamin A b) Vitamin B
   c) Vitamin C d) Vitamin D

IV. Who is known as founder of Algebra?
   a) Al-Khwarizmi b) Rumi
   c) Abu Yousaf d) Ibne Sina

V. The brightest star in the sky is named as:
   a) Sirius b) Hayes
   c) Sun d) Praesepe

VI. The element found on the surface of moon is named:
   a) Tin b) Tantalum
   c) Titanium d) Tungston

VII. First Constituent Assembly of Pakistan was dissolved on:
   a) May 20, 1949 b) October 24, 1954
   c) June 24, 1653 d) April 1, 1954

VIII. "Widow's tears" is the name of:
   a) Lake b) Rain
   c) Waterfall d) Peninsula

IX. Name of the current UN Secretary General is:
   a) Ban Ki Moon b) Batrus Ghali
   c) Antonio Guterres d) None of these

X. Equater also passes through one of these countries.
   a) China b) Iran
   c) Brazil d) Nepal

Question No.2: Fill in the blanks. (10x1=10)

i. Gold and silver are known as_____metals.
ii. The branch of zoology that deals with the study of insects is called_____.
iii. Morphine can cause_____.
iv. The amount of ozone in the atmosphere is expressed in_____.
v. The study of eye and its diseases is called_____.
vi. The highest military award in Pakistan is _____.
vii. Water is compound of _____.
viii. The longest river in the world is _____.
ix. _____is the unit of electric current.
x. The solar system has _____planets.

Question No.3: Explain briefly any four of the following:- (2.5x4=10)

i.	Digestive system	**ii.**	Radar	**iii.**	Folk culture
iv.	Smoke & smog	**v.**	Infection & allergy	**vi.**	Nebula

Question No.4: What do the following abbreviations stand for: (10x1=10)

i.	DNA	**ii.**	ASEAN	**iii.**	UNICEF	**iv.**	ILO	**v.**	NAM
vi.	BBC	**vii.**	AIDS	**viii.**	EMF	**ix.**	OIC	**x.**	IBRD

PART-II

(20x2=40)

Question No.5: Examine the failure of Parliamentary Government in Pakistan resulting in the abrogation of the 1956 Constitution and discuss the causes of failure.

Question No.6: Pakistan is presently confronted with alarming political and economic crisis. Discuss in detail causes and suggest solution.

Question No.7: Explain ideology of Pakistan. Whether two nation theory is still relevant after the fall of Dhaka?

Question No.8: What is judicial activism? Has it contributed to the independence of judiciary? Discuss.

PART-III

(20x1=20)

Question No.9: Explain the significance of the Holy Quran as a primary and major source of Islamic Law.

Question No.10: Define concept of Ijtihad by discussing its importance in the light of injunctions of the Holy Quran and Sunnah.

ETHICS FOR NON-MUSLIM CANDIDATES

i. Discuss the importance of normative values in society.
ii. Describe the characteristics of a good citizen.