

LAHORE HIGH COURT, LAHORE
CIVIL JUDGES CUM JUDICIAL MAGISTRATES
COMPETITIVE EXAMINATION, 2019

PAPER – I -----CIVIL LAW-I

TIME ALLOWED: 3 HOURS

TOTAL MARKS: 100

- NOTE:**
- (i) Attempt **ONE** question from each **PART**
 - (ii) All questions carry equal marks

PART-I

- Q.No.1** "Silence, even as to known defects does not amount to an actionable misrepresentation." Discuss the validity of this statement.
- Q.No.2** The limitation imposed on the validity of contracts made by minors make it extremely difficult for young people to make their way in the modern world. Discuss the reasons why the law imposes those limitations and assess the extent to which they need to be revised.

PART-II

- Q.No.3**
- (a) If a Muslim male citizen of Pakistan is already married to a non-citizen Muslim, can he marry another wife without getting consent of first wife? Explain
 - (b) You are working as a Judge of a Family Court. A suit for maintenance is presented before you. On the date of the first appearance of the defendant you are required to fix interim monthly maintenance for wife and children. Please write an interim order for maintenance. (Note: In the order you can write down the facts and circumstances as you wish)
- Q.No.4** Are the alienations valid in the following instances:
- (i) A Muhammedan mother appointed guardian by the Court sells house belonging to her ward, with the Court's sanction.
 - (ii) A Muhammedan mother, the de facto guardian of her minor son, sells immovable property belonging to her ward in order to pay off a pre-existing mortgage of the property.

Give reasons for your opinion.

PART-III

- Q.No.5** The object underlying the pre-emption under the Muhammedan Law is to prevent the inconvenience which may result from the introduction of a disagreeable stranger as a co-parcener or as a near neighbour. It is based on the ground of convenience and its object is to prevent possible vexation arising from a disagreeable neighbour. Do you think the Punjab Pre-emption Act, 1991 satisfy this statement. Explain in detail.

- Q.No.6** (a) Allah Yar owns 50 kanals of land. He has a school on this land and has been teaching children for over ten years. Allah Yar is finding it difficult to run a school because of his illness, so he has sold the school and land to Aslam. In these circumstances, if a person wants to exercise his right of pre-emption, then he has to consider what matters? Explain
- (b) Akhtar owns a house which he sells to Bashir. Majid owns a house towards the north of Akhtar's house, and is entitled to a right of way, through that house. Naeem owns a house towards the south of Akhtar's house, separated from Akhtar's house by a partition wall, and having a right of support from that wall. Both Majid and Naeem claim pre-emption of the house to Bashir. Who is entitled to pre-emption? Explain your opinion with reasons.

PART-IV

Q.No.7 How the following terms have been defined in the Punjab Rented Premises Act, 2009.

- | | | |
|--------------------|-----------------------|----------------|
| (i) Building | (ii) Pagri | (iii) Premises |
| (iv) Rented land | (v) Tenancy agreement | (vi) Landlord |
| (vii) Final Order | (viii) Tenant | (ix) Rent |
| (x) Rent registrar | | |

Q.No.8 Keeping in mind Section 6 of the Punjab Rented Premises Act, 2009, draft a tenancy agreement regarding commercial shop.

PART-V

Q.No.9 Write down the limitation period prescribed in the relevant law, for the following suits / applications:

- (i) Application for the re-hearing of an appeal heard ex-parte.
- (ii) Application for order to set-aside a dismissal for default.
- (iii) Application under the Arbitration Act, 1940 for the filing of award.
- (iv) Application for the execution of decree or order of any civil court etc.
- (v) Suit for compensation for the breach of a contract in writing registered.
- (vi) Suit for an account and a share of the profit of a dissolved partnership.
- (vii) Suit to declare the forgery of an instrument issued or registered.
- (viii) Suit by a surety against a co-surety.
- (ix) Suit for compensation for trespass upon immovable property.
- (x) Suit against carrier for compensation for non-delivery of goods.

Q.No.10 Explain the difference between Section 5 and 14 of the Limitation Act, 1908.

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PAPER –II -----CIVIL LAW-II

TIME ALLOWED: 3 HOURS

TOTAL MARKS: 100

- NOTE:**
- (i) Attempt **FIVE** questions selecting **TWO** questions from **PART-I** and **ONE** each from **PART-II, III & IV**
 - (ii) All questions carry equal marks

PART-I

- Q.No.1** Discuss the merits and demerits of the current process for hearing cases in the civil system of justice.
- Q.No.2** In a suit for breach of contract, 21st April, 2019 was fixed for evidence, which was subsequently declared a holiday. The case was called and taken up the next day when the plaintiff alone appeared. Orders were passed on 22nd April, 2019 that proceedings be taken ex-parte and case was adjourned to 27th April, 2019. On that date the plaintiff examined his witnesses and an ex-parte decree was passed in his favour. Whether the proceedings conducted by the court are valid? Discuss. Also explain the remedies which are available to the defendant against the said proceedings.
- Q.No.3** Enumerate all those particulars which are required to be stated in an application for the execution of a decree?

PART-II

- Q.No.4** An instrument of mortgage on land which required to be registered was presented for registration to a Registrar within whose District no portion of land was situated, and was registered by such Registrar. In a suit to enforce such mortgage, it was objected that the instrument could not be received into evidence. Is this objection valid? If not how would you meet it?
- Q.No.5** What mode of levying court fees has been prescribed in the Court Fees Act, 1870? Explain.

PART-III

- Q.No.6** Specific performance is a discretionary remedy in civil law. Explain the nature of this remedy and discuss the conditions under which a court might exercise its discretion and grant it for breach of contract.
- Q.No.7** Abdul Haq persuaded Shams to accept the post of Chief Accountant of his firm at monthly salary of Rs.300,000/- with a definite prospect of becoming a Chief Financial Officer of his firm at a monthly salary of Rs.900,000/-. On account of these assurances Shams agreed and joined the firm on the 4th March, 2015. While working as Chief Accountant he had to inform Abdul Haq of some irregularities committed by the Manager of the firm, with the result that the Manager became inimical to him. The Manager enlisted the support of other staff of the firm, for throwing Shams out of service, and as a result through letter dated 4th April, 2019 his services were terminated. It was mentioned in the letter that one month's salary (Rs.300,000/-) was being paid in lieu of notice. Acting on this letter Shams handed over charge but did not accept the sum of Rs.300,000/-, which was offered to him, but this amount was paid to him subsequently by means of a money order. Shams sent a registered letter to Abdul Haq saying that there was no justification for forcing him out of service but Abdul Haq did not reply to his letter. Shams now wishes to claim that his termination was void and he continued to hold the post of Chief Accountant in the firm of Abdul Haq. Advise Shams.

PART-IV

- Q.No.8** Who may apply to a Revenue Officer for partition of share in the land and what are the restrictions and limitations imposed upon partition of land?
- Q.No.9** Describe briefly but comprehensively the effect of repeal of law.

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PAPER –III -----CRIMINAL LAW

TIME ALLOWED: 3 HOURS

TOTAL MARKS: 100

- NOTE:**
- (i) Attempt **FIVE** questions selecting **TWO** each from **PART-I** & **PART-II** and **ONE** from **PART-III**
 - (ii) All questions carry equal marks

PART-I

- Q.No.1** "All criminal defences amount to the same thing. It is a defence to criminal liability if the accused acts reasonably in the face of immediate crisis." Explain and evaluate this statement by reference to the following criminal defences:
- (a) Self-defence (b) Duress (c) Necessity**
- Q.No.2** What reasons do you assign for the departure from the ordinary rule that a breach of a contract forms the ground for a civil action only?
- Q.No.3** Arshad and Noor are colleagues who work at an art gallery. One day a valuable painting goes missing and Arshad accuses Noor of stealing it. This is untrue. Noor is outraged and picks up a bronze sculpture and hurls it at Arshad. In attempting to avoid being struck by the sculpture Arshad strikes his head on an open door, suffering a fracture of skull. Noor shouts, "you deserved that!", and storms out of the room. When Arshad is found an hour later an ambulance is called. He is taken to hospital but is not examined for several hours due to the hospital receptionist forgetting to log his arrival. By the time doctor arrives Arshad has died. If he had been examined on arrival he would have survived.
Discuss the criminal liability of Noor. How, if at all, would your answer differ if Arshad's accusation was true?

PART-II

- Q.No.4** A driver of the wagon had been arrested for causing death of a passerby due to rash and negligent driving and the wagon had been taken into custody by the police. How long police can retain the custody of wagon at police station? Later on, owner of the wagon, who was not an accused in the case applied to the Station House Officer (S.H.O) for the release of wagon but the same was not released. How would you deal with the matter if a petition for supurdari is filed by the owner? Discuss.
And can a magistrate pass a fresh order of supurdari if an earlier order regarding the same is found by him to be based upon incorrect facts or unjust in the circumstances of the case.

Q.No.5 The rights of accused are given considerable protection under the Code of Criminal Procedure, 1898. Discuss the extent to which you consider this to be an accurate statement.

Q.No.6 On 14th September, 2019 Aslam put in an application under Section 145 Cr.P.C. stating that there was some dispute regarding land between him and Riaz and others, who wanted to evict him forcibly, and the dispute was likely to cause the breach of peace. That very day the Magistrate passed a preliminary order under sub-section (1) of Section 145 Cr.P.C. After several adjournments, when the case was taken up on 10th October, 2019, Aslam was found to be absent, and, accordingly Magistrate dismissed his application in default.
Whether the order dismissing the application is valid? Express your opinion with reasons. Also explain the remedies which are available to Aslam against this order.

PART-III

Q.No.7 Write a comprehensive note on the juvenile justice system of Pakistan. Suggest measures for the improvement of juvenile justice system of Pakistan.

Q.No.8 Write short notes on:

- (a) Causes of juvenile delinquency in Pakistan.
- (b) Procedure for determining juvenility.

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PAPER –IV -----GENERAL LAW

TIME ALLOWED: 3 HOURS

TOTAL MARKS: 100

- NOTE:**
- (i) Attempt **FIVE** questions selecting **TWO** from **PART-I** and **ONE** each from **PART-II, III & IV.**
 - (ii) All questions carry equal marks

PART-I

- Q.No.1** When facts not otherwise relevant, become relevant? What facts are relevant-
- (a) In suits for damages
 - (b) When the question is whether a particular act was done?
- Q.No.2** On whom does the burden of proof lie in the following cases? Give your reasons.
- (a) Akbar accused of murder alleges that by reason of unsoundness of mind he did not know the nature of the act.
 - (b) Arshad is charged with travelling on a Railway without a ticket.
- Q.No.3** "Primary evidence is required as a rule, but this is subject to seven important exceptions". Explain.

PART-II

- Q.No.4** What is meant by "Judicial independence" and why is it thought to be essential to the rule of law?
- Q.No.5** Write short notes on:
- (a) Supreme Judicial Council.
 - (b) Council of Islamic Ideology.
 - (c) Council of Common Interests.
 - (d) National Economic Council.
 - (e) National Finance Commission.

PART-III

Q.No.6 What are those important points which a Civil Judge should bear in mind while granting succession certificate? Explain.

Q.No.7 Write short notes on:

- (i) Identification parade.
- (ii) Remand to police custody.

PART-IV

Q.No.8 What are those matters for which the Punjab Civil Courts Ordinance, 1962 empowers the High Court to frame rules?

Q.No.9 Explain the territorial and pecuniary jurisdiction of Civil Courts within the scheme as contained in the Punjab Civil Courts Ordinance, 1962.

Example

LAHORE HIGH COURT, LAHORE
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PAPER – V -----ENGLISH

TIME ALLOWED: 3 HOURS

TOTAL MARKS: 150

- Q.No.1** What did Bacon mean in the line "some books are to be tasted, others to be swallowed, and some to be chewed and digested:"? (25)

OR

Helen Keller says that people value their time and gifts only when they run short of them. Why?

- Q.No.2** Write an essay on **ONE** of the following topics: (30)

- (a) What's in a name. (b) Prosperity gains friends and adversity tries them.
(c) What Pakistan needs today. (d) Lawyers and strikes.
(e) Knowledge is power.

- Q.No.3** Write a letter to the Education Secretary requesting him to instruct the Heads of Educational institutions to inculcate in the minds of their students the sense that the National Flag must be respected. (25)
(Please make sure that Name, Roll No. etc is not given in the letter)

- Q.No.4** Read the following passage and answer the questions given at the end:

Teaching is not confined to parents and professional teachers. Wherever there are beginners and experts, old and young, there is some kind of learning going on, and some sort of teaching. In every business and industry there are learners and teachers. Indeed, we are all pupils and we are all teachers. Think of your own life as an individual: much of it is routine; some of it is amusement; the rest is made up of learning and of teaching. Whether you are a doctor enlarging his knowledge of certain types of illness or a housewife planning her work more effectively, whether you are a trade union official learning about economics or a typist learning about life on a minimum wages, whether you are a young husband cheering upon his wife, a political speaker influencing an audience, a bus driver covering a new route, or an author writing a book ---- you are learning for yourself and teaching others. Most people do not realize how much even of their private life is taken up with amateurish teaching and haphazard learning; and not many understand that most of us, as public beings, either learn or teach incessantly.

- (a) Write a precis of the above passage and also suggest a suitable title. (15)
(b) Translate the above passage into Urdu. (15)

Q.No.5 Re-write the following dialogues in continuous narrative in reported speech (indirect) throughout: (10)

"Look here!" said the boy who was struggling violently to escape, "who are you?" Why do you hold me in this manner? I've done nothing to you." "No," said the man, "you've done nothing to me, my boy; but you've done a great deal to other folk! I happen to live opposite to the house of which you broke the window this morning; and I saw you slip a fire – work yesterday into Mrs. Brown's letter-box."

Q.No.6 Insert commas, semi-colons, colons and any other marks of punctuation, where necessary, in any five of the following sentences: (10)

- (a) If we compare different kinds of men or different races of men or the same animals or men when differently fed we find still more distinct proof that the degree of energy essentially depends on the nutritiveness of the food.
- (b) Look brother to the left and tell me if you do not see a light.
- (c) At length he reached Madina the most sacred city of the Muslims.
- (d) He is sure to burn himself some time and it is quite essential to his safety in life that he should learn by experience the properties of flame.
- (e) He was eminently suited for the post he had long experience in the work and he was popular with his colleagues.
- (f) They found a comfortable harbour in the island and they went ashore next morning for water.
- (g) Fatigued by the protracted labours of the day we retired early to rest.

Q.No.7 Construct sentences to distinguish between the meanings of any FIVE (10) of the following pair of words (No credit will be given for single correct sentence).

- (a) Antipathy, apathy (b) Equable, equitable (c) Disinterested, indifferent
- (d) Infamous, notorious (e) Morals, morale (f) Organism, organisation
- (g) Scrip, script (h) Status, statute

Q.No.8 Write sentences illustrating the use of FIVE of the following idiomatic phrases: (10)

- (i) Bad form (ii) East about (iii) Clean hands
- (iv) A far cry (v) Eat one's words (vi) With an eye to
- (vii) Fly in the face of (viii) With flying colours

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TIME ALLOWED: 03 HOURS

TOTAL MARKS: 150

**PAPER-VI
(URDU)**

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سوال نمبر 1 مندرجہ ذیل عنوانات میں سے کسی ایک پر مضمون لکھیے۔

- (i) قانون (قانون تک رسائی ہر ایک کے لیے آسان ہونی چاہیے)۔
(ii) ماحولیات (آپ اپنے علاقے میں آلودگی کم کرنے کے لیے کیا کر سکتے ہیں)۔
(iii) قانون اور نظم و ضبط (انٹرنیٹ استعمال کرنے والوں کو قانون کا پابند کیسے بنایا جاسکتا ہے؟)۔
(iv) مساوی مواقع (ترقی کے مساوی مواقع کا حصول ہر فرد کے لیے کیسے ممکن بنایا جاسکتا ہے؟)۔
- سوال نمبر 2 آپ گھر پر انٹرنیٹ لگوانا چاہتے ہیں مگر آپ کے والدین اس بات سے متفق نہیں۔ آپ اپنے والد اور والدہ کو قائل کر رہے ہیں۔ پیش آنے والا مکالمہ لکھیں۔

40

سوال نمبر 3 درج ذیل اقتباس کو بغور پڑھیے اور اقتباس کے آخر میں دیئے گئے سوالات کے جواب تحریر کیجیے۔

مجھے عبادت کی اس تفسیر سے مایوسی بھی ہوئی اور غصہ بھی آیا۔ آخر میں نے مضطرب ہو کر پوچھا۔ "اگر عبادت گناہ کا کفارہ نہیں تو وہ کون سا عمل ہے جو گناہوں کے داغ دھوسکتا ہے۔" وہ بولی۔ "میرے آقا! داغدار کپڑا خواہ کتنی بار دھویا جائے، نئے لباس کی برابری نہیں کر سکتا۔ ہاں گناہ کا داغ حسن عمل سے صاف ہو سکتا ہے۔" میں عقیدت مند مرید کی طرح نہایت عجز سے بولا۔ "میرے گناہوں کو کون سا عمل دھوسکتا ہے؟"۔ میری رفیقہ حیات مسکرائی اور کہا کہ کفارے کا اصول یہ ہے کہ اگر بے گناہوں کو قتل کیا ہے تو کسی کی جان بچاؤ۔ جھوٹ بول کر کسی کو نقصان پہنچایا ہے تو سچ کہہ کر کسی کو فائدہ پہنچاؤ۔ ناحق کسی کا حق چھینا ہے تو کسی حقدار کو حق دلاؤ۔ اگر اپنے ملک و قوم یا نوع انسانی کی کوئی خدمت انجام دے سکو تو تجات قدرے یقینی ہو جاتی ہے۔ بنی نوع انسان کے لیے جان کو جتنی جوکھوں میں ڈالو گے، اتنا ہی اجر پاؤ گے۔ خدا کی پیاری مخلوق کے لیے جو کوئی جتنا کھوئے گا، اس سے کہیں زیادہ حاصل کرے گا۔ اس لیے آقا! گناہوں کی کثرت سے مایوس نہ ہونا چاہیے۔ فوراً توبہ کر کے بندگان خدا کی خدمت کا عزم بالجزم کرنا چاہیے۔

سوالات

- (الف) اس اقتباس کی تلخیص کیجیے۔ جو اصل عبارت کے ایک تہائی سے زیادہ نہ ہو اور اس کا (لفظ ایک) عنوان تجویز کیجیے۔
(ب) اقتباس کا انگریزی ترجمہ کیجیے۔

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PAPER – VII -----GENERAL KNOWLEDGE

TIME ALLOWED: 3 HOURS

TOTAL MARKS: 100

- NOTE:**
- (i) Question No.1 and 2 are compulsory
 - (ii) Attempt ONE question from each PART.
 - (iii) All questions carry equal marks.

Q.No.1 Choose the correct answers. Do not reproduce the question.

- (a) Which of the following vitamins rich diet may help to protect against memory loss in old age?
- | | |
|-----------------|----------------|
| (i) Vitamin A | (ii) Vitamin B |
| (iii) Vitamin C | (iv) Vitamin D |
- (b) The hybrid between horse and donkey is called?
- | | |
|------------|------------|
| (i) Pony | (ii) Colt |
| (iii) Mule | (iv) Zebra |
- (c) In which of the following countries euthanasia is legalized?
- | | |
|------------------|--------------------|
| (i) Belgium | (ii) Thailand |
| (iii) Luxembourg | (iv) All the above |
- (d) What is Archipelago?
- | | |
|-------------------------|--------------------|
| (i) Cluster of Islands | (ii) Group of seas |
| (iii) Group of students | (iv) Group of army |
- (e) In which continent there is no glacier:
- | | |
|------------|--------------------|
| (i) Africa | (ii) Australia |
| (iii) Asia | (iv) North America |
- (f) Etymology is science (study) of:
- | | |
|-----------------|------------|
| (i) Insects | (ii) Words |
| (iii) Medicines | (iv) Space |
- (g) Harappa city is situated on the bank of:
- | | |
|--------------------|-------------------|
| (i) Ravi river | (ii) Chenab river |
| (iii) Sutlej river | (iv) Indus river |
- (h) Who was the founder of Algebra?
- | | |
|------------------|-------------------|
| (i) Al-Khwarizmi | (ii) Umar Khayyam |
| (iii) Lao Tze | (iv) Abu Yousaf |
- (i) Who was the first viceroy of India?

- | | |
|-------------------|-------------------|
| (i) Lord Ripon | (ii) Lord Canning |
| (iii) Lord Curzon | (iv) Lord Mayo |

(j) Second largest ethnic group in Afghanistan after Pushtun is:

- | | |
|--------------|--------------|
| (i) Uzbek | (ii) Hazaras |
| (iii) Tajiks | (iv) Tatars |

Q.No.2 Fill in the blanks with appropriate words:

- (i) _____ is a chemical which kills rats and mice.
- (ii) _____ deals with functioning of the various organs of living organisms.
- (iii) Animals which do not possess backbones are called _____.
- (iv) _____ produces insulin in the human body.
- (v) DNA stands for _____.
- (vi) _____ is commonly known as Adam's Apple.
- (vii) Diseases that spread through air are called _____.
- (viii) When iron is less in body the quantity of _____ cell decrease.
- (ix) Arteries become hard due to deposition of _____ in them.
- (x) Large trees give off _____ for the support of their heavy and spreading branches.

PART-I

Q.No.3 Unplanned population growth is the root cause of problems relating to health, education, shelter, law and order, unemployment and environment in Pakistan. Discuss.

Q.No.4 Pakistan is confronted with serious economic crisis. Analyse.

PART-II

Q.No.5 "Pak - US relations are subject to constant ups and downs." Comment.

Q.No.6 Critically evaluate Pak - Afghan relations in the light of changing global scenario.

PART-III

(Islamiyat for Muslim candidates)

Q.No.7 Define Ijtihad, also highlight its contemporary importance in the light of Islamic Fiqh.

Q.No.8 The Holy Prophet (PBUH) is the prophet of peace and safety. Explain with arguments.

(Ethics for Non-Mulsim candidates)

Q.No.9 Does family contribute in the promotion of Moral values?

Q.No.10 Describe the characteristics of a good citizen.