

LAW, PAPER-I

**FEDERAL PUBLIC SERVICE COMMISSION
COMPETITIVE EXAMINATION FOR
RECRUITMENT TO POSTS IN BPS-17 UNDER
THE FEDERAL GOVERNMENT, 2010**

<u>Roll Number</u>

LAW, PAPER-I

TIME ALLOWED:	(PART-I) 30 MINUTES	MAXIMUM MARKS:20
	(PART-II) 2 HOURS & 30 MINUTES	MAXIMUM MARKS:80

NOTE: (i) First attempt PART-I (MCQ) on separate Answer Sheet which shall be taken back after 30 minutes.
(ii) Overwriting/cutting of the options/answers will not be given credit.

PART – I (MCQ)
(COMPULSORY)

Q.1. Select the best option/answer and fill in the appropriate box on the Answer Sheet. (20)

- (i) A suit for the recovery of property may be instituted in the court:
 (a) Where the defendant resides (b) Where the plaintiff resides
 (c) Where the property situates (d) Where the cause of action arises
- (ii) A decree may be executed by a court:
 (a) in whose jurisdiction the defendant resides (b) having criminal jurisdiction
 (c) in whose jurisdiction the subject matter situates (d) Which passed the decree
- (iii) In the execution of a decree the court may attach and sell:
 (a) all saleable, moveable or immovable property (b) necessary wearing apparel
 (c) property surrendered by the judgment debtor (d) Any of these
- (iv) A revisional jurisdiction of a High Court may be invoked:
 (a) where the judgment of the subordinate court is based on error
 (b) if the subordinate court has acted without jurisdiction
 (c) on merits of the case
 (d) for permission to file, an appeal
- (v) Amendments of pleadings may be allowed by the court:
 (a) before framing the issues (b) before close of the evidence
 (c) at any stage of the proceedings (d) None of these
- (vi) A minor can sue:
 (a) Himself (b) Through next friend
 (c) Upon attaining the age of majority (d) Any of these
- (vii) A tender for the sale or purchase of goods is:
 (a) proposal (b) an invitation to make an offer (c) acceptance (d) None of these
- (viii) The communication of an acceptance is complete:
 (a) when it comes to the knowledge of the proposer
 (b) when the proposee is informed by the proposer of its receipt
 (c) when its transmission is out of the control of the proposee
 (d) Any of these
- (ix) An agreement made by a minor is:
 (a) enforceable (b) unenforceable
 (c) enforceable upon minor's attainment of age of majority (d) enforceable if beneficial to minor
- (x) An agreement in restraint of legal proceedings is:
 (a) void (b) voidable (c) unlawful (d) None of these
- (xi) An agreement may be performed:
 (a) by the parties (b) by the legal representatives of the parties
 (c) by the assignor and the assignee of the contract (d) All of these
- (xii) Novation of contract means:
 (a) rescission (b) breach (c) modification (d) None of these
- (xiii) A promise to be liable for a debt conditionally on the principal debtor making default is a contract of:
 (a) indemnity (b) guarantee (c) pledge (d) None of these
- (xiv) The term pawn is used in the contract of:
 (a) indemnity (b) guarantee (c) agency (d) None of these

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- (xv) A tort is an infringement of:
(a) a private civil right (b) a public right
(c) both private and public rights (d) None of these
- (xvi) In order to establish tort, the victim must show the presence of:
(a) Legal damage (b) actual damage (c) pecuniary damage (d) Any of these
- (xvii) A battery is:
(a) an attempt to do a corporeal hurt to another
(b) a bodily harm whereby a man is deprived of the use of any member of his body or sense
(c) the actual striking of another person
(d) None of these
- (xviii) In order to constitute false imprisonment the confinement of the person must be:
(a) actual i.e. physical
(b) constructive i.e. mere show of authority
(c) restraining the movement of the person against his will
(d) Any of these
- (xix) Dismissal of a servant by the master is justifiable on:
(a) grave misconduct
(b) a proof of habitual negligence of serious character
(c) misconduct on one occasion only if sufficiently gross
(d) Any of these
- (xx) A person is guilty of public nuisance if he does acts leading to:
(a) wrongful disturbances of easement or servitude
(b) wrongful escape of deleterious substances into another's property
(c) an illegal omission causing any common injury or annoyance to the people in general
(d) None of these

PART – II

NOTE:	<p>(i) PART-II is to be attempted on the separate Answer Book.</p> <p>(ii) Attempt ONLY FIVE questions from PART-II selecting at least ONE question from EACH SECTION. All questions carry EQUAL marks.</p> <p>(iii) Extra attempt of any question or any part of the attempted question will not be considered.</p>
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SECTION – I (Civil Procedure Code)

- Q.2.** Explain the principle of resjudicate. How does it differ from the principle of res-subjudice? (16)
- Q.3.** State the grounds on which an appeal from a judgement, decree or final order of a High Court may be made to the Supreme Court. Is there any bar on certain appeals? If so, explain. (16)
- Q.4.** What is meant by Temporary Injunctions? Discuss the law governing the grant of injunctions. (16)

SECTION – II (The Contract Act)

- Q.5.** Define proposal and distinguish it from an invitation to proposal. How is it revoked? (16)
- Q.6.** Explain the term damages. Discuss the rules governing the award of damages upon breach of contract. (16)
- Q.7.** What is an act of ratification? State the conditions necessary for ratification. (16)

SECTION – III (Law of Torts)

- Q.8.** Write a detailed note on discharge of tort. (16)
- Q.9.** What is negligence? Discuss fully the essentials of negligence. (16)
- Q.10.** What judicial remedies are available in tort? Discuss fully. (16)
