

**EXAMINATION, 2024 FOR RECRUITMENT TO THE POSTS OF  
CIVIL JUDGES-CUM-JUDICIAL MAGISTRATES (BPS-18)**

Subject: Paper-I (CIVIL LAW)

Time Allowed: 03 Hours Maximum

Marks: 100

NOTE: (i) Question Nos. 1 & 2 are compulsory.  
(ii) Attempt any seven questions from question Nos. 3 to 12.

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**QUESTIONS**

**MARKS**

**JUDGEMENT WRITING**

Q.No.1.

Write a judgment after apprehending the following facts

"A has filed a suit against B on basis of agreement to <sup>sale</sup> executed between them over a shop with full consideration amount at Rs. Two (2) million. Half of the amount has been paid and the remaining amount has been agreed to be paid after six months. It has also been stipulated in the agreement that prior to passing of 6 months period, the possession has to be handed over.

The plaintiff A is seeking declaration to be valid, specific performance of agreement of sale as per stipulations and possession of the shop."

(Marks 20)

Q.No.2.

**Part-A**

**Mark True or false in the following.**

- Institution of Further suit is not barred in Section 12 of CPC.
- Suit to include the whole <sup>claim</sup> is a concept ordained in Order II Rule 2 CPC.
- The court in Pakistan shall presume a foreign judgment to be passed by a court of competent jurisdiction.
- A decree obtained based on fraud, misrepresentation or want of jurisdiction is not supposed to approach the same court for its invalidation.
- Section 24A CPC empowers a district court to transfer and withdraw a suit, appeal or other proceedings from one court to another in subordination to it.

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- vi. General Costs are awarded to a party by a court in accordance with section 35A CPC.
- vii. The concept of precepts has been defined in the section 46 CPC.
- viii. In execution of a decree for the restitution of conjugal rights a woman can be arrested.
- ix. A suit against the government may be instituted after the expiration of two months after delivering a notice in writing.
- x. A member of a legislative body is not exempted from arrest under a civil process according to section 135A CPC.

**Part-B.**

**Select the correct option.**

- i) Taking possession of certain property and delivering it back to a claimant and ordering a party to do the very act that he is under obligation to do is.
  - a) Specific Relief.
  - b) General Relief.
  - c) None of the above.
- ii) Appointment of Receiver is made:
  - a) As per section 44 Specific Relief Act.
  - b) Order XL CPC.
  - c) None of the above.
  - d) both of the above.
- iii) An interim temporary Order is to be passed under:-
  - a) Section 53 of Specific Relief Act.
  - b) Order XXXIX of CPC.
  - c) Both of the above.
  - d) None of the above.
- iv) In a civil process a Judge/ Magistrate or other Judicial Officer shall not be liable to arrest:
  - a) While going to preside over a court.
  - b) Returning from his/her court.
  - c) Both of the above.
  - d) None of the above.
- v) Particulars of a plaint have been elaborated in order:
  - a) VI CPC.
  - b) VII CPC.
  - c) VIII CPC.
  - d) None of the above.

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- vi) When parties are not at issue on the first hearing on any question of law or a fact:
- Judgment is pronounced.
  - Directions for replica are passed.
  - None of the above.
- vii) All questions arising between the parties to a decree relating to the execution, discharge or satisfaction of a decree, shall be determined by
- The Court executing the decree.
  - By a separate suit.
  - By filing an appeal.
  - None of the above.
- viii) Preferring an appeal from the decree or order shall
- Operates as a stay of proceedings under a decree or order.
  - Does not operate as a stay of proceedings under a decree or order.
  - As executing court deems fit.
  - None of above.
- ix) Where any period is granted by the Court for the doing of any act the Court may, in its discretion enlarge such period
- Even if the original period fixed has expired.
  - If the original period has not expired.
  - None of the above.
- x) Where the defendant is a soldier, sailor or airman the courts shall send the summons for service to his.
- Father.
  - Mother.
  - Commanding officer.
  - None of the above.

(Marks 10)

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Q.No.3

Write an imaginary stay order in a suit for injunction based on mutation entry in favor of plaintiff while explaining the three ingredients of stay.

(Marks 10)

Q.No. 4.

Identify the key elements of judgment as per Order XX CPC.

(Marks 10)

Q.No. 5.

Define and differentiate the followings.

- Who may testify as a competent witness?
- Explain the presumption attached to a 30-year-old document.
- Difference between primary and secondary evidence.
- Admission.
- Presumption provided under Article 129(g) of Qanoon-e-Shahadat Order 1984.

(Marks 10)



Q. No.6 Write down a detailed note (procedure and proceedings) on dissolution of marriage on basis of *Khula*. (Marks 10)

Q. No.7. Explain the following.

- i. Examination-in-chief.
- ii. Cross-examination .
- iii. Re-examination and re-cross-examination.
- vi. Leading Question.
- v. Difference between public and private document.

(Marks 10)

Q. No.8. What are the grounds for setting aside an Arbitration Award?

OR,

Explain powers of an Arbitrator appointed under Arbitration Act 1940.

(Marks 10)

Q. No.9. Under what circumstances period of limitation can be extended in terms of Section 5 & 14 of the limitation Act 1908?

(Marks 10)

Q. No.10. Elaborate in detail, what contract(s) is/are not specifically enforceable?

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Q. No.11. Write a short note.

- i) Cause of action.
- ii) Preliminary Decree.
- iii) Guardian-ad-litem.
- iv) Inherent Powers of Civil Court.
- v) Presumptions of law.

(Marks 10)

Q.No.12. Answer precisely.

- i) Further and better statement.
- ii) Arrest and attachment before judgement with a single condition under relevant order of CPC.
- iii) Difference between S.10 and S.11 CPC 1908.
- iv) Conceptualize the term "set off".
- v) Alternative mode of service of summons.

OR

Define the following.

- i) Conjugal Rights.
- ii) Estoppel.
- iii) Legal Character.

(Marks 10)

**HIGH COURT OF BALOCHISTAN, QUETTA.**

Examination: **EXAMINATION, 2024 FOR RECRUITMENT TO THE POSTS OF  
CIVIL JUDGES-CUM-JUDICIAL MAGISTRATES (BPS-18)**

Subject: **Paper II (Criminal Law)**

Time Allowed: **03 Hours**

Maximum Marks: **100**

**Jinnah Judicial Academy Lahore** Passing Marks:

NOTE: (i) QUESTION No. 1 is COMPULSORY.  
(ii) Attempt ~~any Nine~~ Questions from question numbers 02 to 12.

Q. No.1 (A). Write a judgment of the following facts:

"The prosecution has submitted a report under section 173 Cr.P.C in the court of magistrate first class Quetta against the accused Mr. X for stealing a motorbike from a dwelling house situated on Spini Road Quetta on the intervening night of 28<sup>th</sup> and 29<sup>th</sup> June 2024. The Evidence Includes the complainant, one recovery witness of the said motorbike which was recovered on the lead of the accused Mr. X on 3<sup>rd</sup> day of his remand during police custody. The accused has been arrested on basis of supplementary statement of the complainant. The police report also includes a statement of an independent witness who has alleges Mr. X to be an habitual thief according to his estimates. The Investigation Officer has also exhibited the original documents of the motor bike through challan."

(Marks 20)

Q.No.2. Write a comprehensive note on identification parade highlighting its evidentiary value, while appreciation evidence.

(Marks 10)

Q.No.3. Write a note on the following:

- i. Confessional Statement
- ii. Statement of accused under Section 342 Cr.P.C.
- iii. Statement of accused under Section 340(2) Cr.P.C.
- vi. Plead guilty.
- v. Common intention.

(Marks 10)

Q.No.4. What is meant by disclosure of an accused during investigation? When it is admissible?

(Marks 10)

Q.No.5. Define charge, alteration, error and its effect as well as effect of alteration of charge on trial.

(Marks 10)

Q.No.6. Explain as to how proclamation proceedings against an absconder are conducted and what steps are required to be taken for proclamation of his attendance in court.

(Marks 10)

Q.No.7. Explain the concept of safe custody, safe transmission and sampling of recovered "*psychotropic substance*" in the trial conducted under the Control of Narcotic Substances Act 1997.

(Marks 10)

Q.No.8. Explain Sections 16 & 17 of the Prevention of Electronic Crimes Act 2016.

(Marks 10)

Q.No.9. Explain the burden of proof in a criminal case as well as hearsay evidence.

(Marks 10)

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Q.No.10. Elaborate the procedure adopted by a court of Magistrate in conducting judicial proceedings when a petition is filed against a respondent for obtaining security bond and to secure ~~the~~ <sup>his/her</sup> good behavior of peace.

(Marks 10)

Q.No.11. Define the following:

- i. Valuable security.
- ii. Wrongful gain
- iii. Counterfeit.
- vi. Criminal conspiracy.
- v. Criminal intimidation.

Q.No.12. Is Section 103 Cr.P.C applicable in Narcotic cases, if not, under what provision of law?

And

Write down a judicial *Superdari* order of a vehicle on behalf of the registered and lawful owner being taken into police custody in a narcotic case on account of recovery of 10 kgs Opium from its secret cavities.

(Marks 10)