

Judiciary Gold
Championship Mock – 01
Law Section
No. of Questions - 110

1. 'A' gave 'B' a pen-drive which he knows has files that were infected with a virus. 'A' did not inform 'B' of the same. 'B' inserted the pen-drive into his computer and opened the files. His computer was infected by the virus, and most of the files on it, were lost. Which of the following offences can 'A' be held guilty of?

- (a) Criminal Breach of Trust
- (b) Criminal Trespass.
- (c) Mischief
- (d) Cheating.

Answer: (c)

Solution: A can be held for the offence of Mischief as defined under Section 425 of IPC. Since all the requirements of the section are being fulfilled i.e. "intention to cause wrongful loss to property" (laptop), he is said to commit the offence of Mischief.

2. When 'A' dies as a result of act of violence by person 'B', person 'C' not present at the scene of crime can be prosecuted under the Indian Penal Code:

- (a) Under Section 120A and 120B of the Indian Penal Code
- (b) Under Section 141 to 149 of the Indian Penal Code
- (c) For act done in furtherance of common intention under Section 34 of the Indian Penal Code
- (d) For vicarious liability as C was aware that offence as likely to be committed by B

Answer: (a)

Solution: They have committed the offence as defined under Section 120A of IPC i.e. criminal conspiracy. For this offence there must be two more persons who agree to do some illegal act. Here in such offences the most important element is the meeting of the mind of the conspirators. Presence of every conspirator is not vital for the offence to be complete. Therefore, C can be prosecuted under Section 120B of IPC.

3. Whether Indian Penal Code, 1860 applies to an offence committed by a citizen of India outside India ? .

- (a) Yes
- (b) No
- (c) If the offence is associated and has nexus with another offence committed in India.
- (d) Only if there is a mutual treaty between India and the country in which the offence was committed

Answer: (a)

Section 4 of IPC states the applicability of this Act to those cases which have been committed outside India. Sub-section 1 of this Section mentions that, the provisions of IPC shall apply also to any offence committed by any citizen of India in any place without and beyond India.

4. When 'A' dies as a result of an act by 'B'; 'B' cannot be tried and convicted:

- (a) For murder under Section 302 of the Indian Penal Code.
- (b) For culpable homicide not amounting to murder under Section 304 of the Indian Penal Code
- (c) For attempt to murder under Section 307 of the Indian Penal Code
- (d) For grievous hurt under Section 325 of the Indian Penal Code

Answer: (c)

Solution: For the punishment of the offence of Murder, as defined under Section 302 of IPC, death must have been caused. Here in the above situation, A has died due to some act of B, therefore, 'B' cannot be tried and convicted for attempt to murder under Section 307 of the Indian Penal Code.

5. Right to private defense extends to:

- (a) Defense of body only.
- (b) Defense of property only.
- (c) Defense of body and property both.
- (d) None of the above.

Answer: (c)

Solution: Every person has a right to defend, as per Section 97 of the Indian Penal Code,
- His own body, and the body of any other person, against any offence affecting the human body;
- The property, whether movable or immovable, of himself or of any other person, against any act which is an offence falling under the definition of theft, robbery, mischief or criminal trespass.

6. Under Section 320 of IPC which of the following kinds of hurt is not designated as "Grievous Hurt":

- (a) Emasculation
- (b) Privation of any joint.
- (c) Permanent disfiguration of the chest.
- (d) Dislocation of tooth.

Answer: (c)

Solution: Section 320 of Indian Penal Code provides the description of hurt which is referred to as grievous hurt. All of the above, i.e. Emasculation, Privation of any joint, are kinds of hurt which are designated as "Grievous Hurt". Penal provisions regarding this offence has been provided under Section 322 of IPC.

7. "Dowry Death" is an offence under:

- (a) Sec. 304-A IPC
- (b) Sec. 304 IPC
- (c) Sec. 304-B IPC
- (d) Sec. 302 IPC

Answer: (c)

Solution: As per Section 304B of IPC, following are the essential ingredients for the offence. Death should be caused by burns or bodily injury or by any other circumstances. It must occur within the seven years of marriage and must be revealed that soon before her marriage she was exposed to cruelty or harassment by her husband or any other relative and such cruelty or harassment on her should be in connection with the demand for dowry.

8. Voluntarily causing hurt on grave and sudden provocation to a person is punishable under?

- (a) Sec. 331 IPC.
- (b) Sec. 332 IPC.
- (c) Sec. 333 IPC.
- (d) Sec. 334 IPC.

Answer: (d)

Solution: When a person voluntarily causes hurt on grave and sudden provocation, and if he neither intends nor knows himself to be likely to cause hurt to any person other than the person who gave the provocation, is liable under Section 334 of IPC.

9. As defined in IPC a "Woman" denotes a female human being of —

- (a) 16 years of age & above.
- (b) 18 years of age & above.
- (c) 21 years of age & above.
- (d) Of any age.

Answer: (d)

Solution: As stated by Section 10 of IPC, the word "woman" denotes a female human being of any age.

10. A instigate 'B' to burn 'Z' house, 'B' sets fire to the house and at same time 'B' commits theft of property there. 'A' is guilty of.....

- (a) Abetting the theft.
- (b) Abetting the burning of house.
- (c) Abetting the theft & burning.
- (d) A is not guilty because offence was committed by B

Answer: (b)

Solution: A shall be liable for abetting the burning of house only as per section 111 of IPC. As per the Section, when an Act is abetted and a different act is done, the abettor is liable for the act done, in the same manner and to the same extent as if he had directly abetted it. The only condition is that the act done was a probable consequence of the act abetted, since theft was in no way a probable consequence of the burning of the House. Therefore, A is guilty of abetting the burning of house only.

11. Which is not the ingredient of offence of Dowry Death defined under IPC?

- (a) Death within 7 years of marriage.
- (b) A woman was subjected to cruelty or harassment by her husband or by any other person.
- (c) Cruelty or harassment with women should be in connection with demand for dowry.
- (d) None of the above.

Answer: (d)

Solution: All the above mentioned ingredients are mentioned in the definition of the Dowry Death under Section 304B. The section states that, when the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death. therefore, all of the above are essentials for the offence of Dowry Death.

12. 'A' in good faith believing property of 'Z' to be own property, takes the Property out of 'B's possession. Here 'A' commits?

- (a) Theft.
- (b) Criminal Misappropriation on the Property.
- (c) Criminal Breach of Trust.

(d) No Offence.

Answer: (d)

Solution: The essential requirements of theft as mentioned under Section 378 of IPC, state that, when one, intending to take dishonestly any movable property out of the possession of any person without that person's consent, is said to commit theft. Here since A under good faith took the property, he shall not be liable for theft.

13. In which of the following cases, the constitutional validity of Section 377 Indian Penal Code been upheld by Supreme Court?

- (a) Suresh Kumar Kaushal v. Naz Foundation
- (b) Naz Foundation v. Govt. Of NCT Delhi
- (c) Subramaniam Swamy v. Union of India
- (d) Shreya Singhal v. Union of India

Answer: (a)

Solution: The SC made it clear in this case that Article 14 of the Constitution guarantees equality before law and this applies to all classes of citizens there by restoring 'inclusiveness' of LGBTQ Community. The court had therefore, struck down Section 377 of IPC.

14. What does the recent Supreme Court judgement in Subramaniam Swami v. Union of India relate to?

- (a) Right to die
- (b) Upholding Section 499 and 500 (criminal defamation) IPC
- (c) Upholding Section 388 IPC
- (d) Contempt of Court

Answer: (b)

Solution: In this Supreme Court has upheld that, Section 499 and 500 of IPC are perfectly valid and must be abided with. Such judgement was held in the Subramaniam Swami v. Union of India.

15. According to Section 57 of the Indian Penal Code, what is the term of imprisonment for life?

- (a) 20 years
- (b) 14 years
- (c) 16 years
- (d) 12 years

Answer: (a)

Solution: In calculating fractions of terms of punishment, imprisonment for life shall, as per section 57, be reckoned as equivalent to imprisonment for twenty years.

16. Offences in which a compromise can be arrived at between the parties are :

- (a) Bailable offences
- (b) Non-cognizable offences
- (c) Compoundable offences
- (d) Non-compoundable offences

Answer: (c)

Solution: There are cases in which during the trial or inquiry are compoundable i.e. there is a possibility of giving compensation to the victim and end the pending trial. Only those offences are compoundable which have been specifically included in the list under Section 320 of CrPC.

17. The provisions of plea bargaining are applicable :

- (a) To juvenile offenders
- (b) At appellate stage
- (c) Where punishment is for more than 7 years imprisonment
- (d) After issuance of process under section 204

Answer: (d)

Solution: It refers to a person charged with a criminal offence (accused) negotiating with the prosecution for a lesser punishment than what is provided in law by pleading guilty to a less serious offence. Plea bargaining was introduced in 2006 as part of a set of amendments to the CrPC as Chapter XXI-A, containing Sections 265A to 265L. The provisions of plea bargaining are applicable after issuance of process under section 204.

18. The code of criminal procedure, 1973 can be amended by :

- (a) Parliament or any state legislature
- (b) The parliament only
- (c) The supreme court and parliament
- (d) State legislature only

Answer: (a)

Solution: The Code of Criminal Procedure is the main legislation on procedure for administration of substantive criminal law in India. The subjection of Criminal law has been kept under the III List of 7th schedule of the constitution, which means either the Parliament or any state legislature shall be at freedom, subject to certain restrictions, to amend the laws.

19. The judgment of acquittal passed by judicial magistrate is appealable before sessions court in any.....offence.
- (a) Cognizable and non-bailable
 - (b) Cognizable and compoundable
 - (c) Non-cognizable and non-bailable
 - (d) Non-cognizable and bailable

Answer: (a)

Solution: Section 378(1)(a) provides that, in any case, if an order of acquittal is passed by a Magistrate in respect of a cognizable and non-bailable offence the District Magistrate may direct the Public Prosecutor to present an appeal to the court of Sessions.

20. Can a person discharged under sec. 258 of CrPC be tried again for the same offence?
- (a) No he cannot be tried
 - (b) He can be tried with the consent of the court by which he was discharged
 - (c) No since principle of double jeopardy would be applicable
 - (d) Yes by the consent of the state government

Answer: (b)

Solution: When an accused has been discharged under Section 258 of CrPC, then as per Section 300(5), he shall not be tried again for the same offence except with the permission the court by which he was discharged.

21. Which of the following persons cannot claim maintenance u/s 125 CrPC
- (a) A legitimate child who after attaining majority cannot maintain himself by reason of economic hardship
 - (b) Divorced wife who is living in adultery
 - (c) Wife who took divorce by mutual consent
 - (d) All of the above

Answer: (d)

Solution: Section 125 of Cr.PC deals with "Order for maintenance of wives, children and parents". According to Section 125(1), ONLY the following persons can claim and get maintenance:

- Wife from her husband,
- Legitimate or illegitimate minor child from his father,
- Legitimate or illegitimate major child, not able to maintain itself owing to the physical or mental abnormality, from his father, and
- Father or mother from his son or daughter.

Therefore, all of the above mentioned in the options are not eligible for maintenance.

22. Under section 41C of CrPC state government shall establish police control room:
- (a) Only at district level
 - (b) Only at state level
 - (c) Only at commissioner level
 - (d) At state and district level

Answer: (d)

Solution: As required by Section 41C of the code of criminal procedure, the State Government shall establish a police control room-

- (a) in every district and
- (b) at State level

The above provision was added by the amendment in the year 2009.

23. Under which provision an arrested person has right to meet an advocate of his choice during interrogation:
- (a) Section 39 of CrPC
 - (b) Section 40 of CrPC
 - (c) Section 41a of CrPC
 - (d) Section 41d of CrPC

Answer: (d)

Solution: Section 41 D of CrPC provides a right to an arrested person and states that, when any person is arrested and interrogated by the police, he shall be entitled to meet an advocate of his choice during interrogation, though not throughout interrogation.

The above provision was added by the amendment in the year 2009.

24. Under section 102 of CrPC who is authorized to seize stolen property?
- (a) Police officer
 - (b) Judicial magistrate
 - (c) Executive magistrate
 - (d) Special magistrate

Answer: (a)

Solution: Section 102 authorises the Police officer to seize the stolen property which may be alleged or suspected to have been stolen or which may be found under circumstances which create suspicion of the commission of any offence. The report of such a seizure shall be forwarded to the magistrate.

25. Which provision of CrPC deals with power of revision of high court:

- (a) Section 398
- (b) Section 399
- (c) Section 400
- (d) Section 401

Answer: (d)

Solution: The revisionary power of the HC has been provided under Section 401 of CrPC, according to which, in the case of any proceeding the record of which has been called for by itself or otherwise comes to its knowledge, the High Court may, in its discretion, exercise any of the powers conferred on a Court of Appeal and court of sessions. However Nothing in this section shall be deemed to authorise a High Court to convert a finding of acquittal into one of conviction.

26. Under section 468 of CrPC for an offence punishable with imprisonment exceeding one year but not exceeding three years, the limited period for taking cognizance is -

- (a) One year
- (b) Two years
- (c) Three years
- (d) Five years

Answer: (c)

Solution: Chapter XXXVI of the Criminal Procedure Code provides for the limitation of the period for taking cognizance of offences. Section 468 of the Code provides the period of limitation, after which no cognizance shall be taken by the Courts. For offences punishable with imprisonment exceeding one year but not exceeding three years, the limited period for taking cognizance is Three years.

27. Private alienation of property after attachment is :

- (a) Legal
- (b) Irregular
- (c) Void
- (d) Voidable

Answer: (c)

Solution: Section 64 sub-section (1) of the code of civil procedure states that a private alienation of property made after the attachment is void as against the claims enforceable under the attachment.

28. A statement under section 164 of the code of criminal procedure may be recorded by:

- (a) An executive magistrate
- (b) A police officer
- (c) A judicial magistrate or a metropolitan magistrate
- (d) All the officers named above

Answer: (c)

Solution: It has been clearly mentioned under Section 164 of CrPC, any Metropolitan Magistrate or Judicial Magistrate may, whether or not he has jurisdiction in the case, record any confession or statement made to him in the course of an investigation under this Chapter XII of this Code or under any other law for the time being in force or at any time afterwards before the commencement of the inquiry or trial.

29. Which one of the following statement is not correct?

- (a) A sentence of death passed by the sessions court is subject to confirmation by the high court
- (b) A sentence of death passed by the sessions court can be confirmed by the high court only when a bench hearing the case consists of at least two judges
- (c) No order of confirmation of death sentence shall be made prior to expiry of the period for preferring appeal
- (d) The high court, considering the death punishment for confirmation, if no appeal is preferred by the accused challenging the death sentence passed, cannot acquit the accused person

Answer: (d)

Solution: Option (d) is incorrect as per clause (c) sub-section (1) Section 368 of CrPC. It states that, the high court, considering the death punishment for confirmation, if no appeal is preferred by the accused challenging the death sentence passed, can acquit the accused person.

30. With whose previous approval the high court may make rule under section 304 of the code of criminal procedure 1973 -

- (a) Central government
- (b) State government
- (c) Ministry of law
- (d) Supreme court

Answer: (b)

Solution: As per sub- Section (2) of section 304 of CrPC, The High Court may, with the previous approval of the State Government, make rules providing for-

- (a) the mode of selecting pleaders for defence,
- (b) the facilities to be allowed to such pleaders by the Courts,
- (c) the fees payable to such pleaders by the Government.

31. Exception to admissibility of Hearsay evidence is

- (a) Section 62 Evidence Act
- (b) Section 32 Evidence Act
- (c) Section 21 Evidence Act
- (d) Section 72 Evidence Act

Answer: (b)

Solution: Section 60 of the Indian Evidence Act deals with the direct evidence I.e. the the person who has seen himself he must be witness and where the person has heard it himself, evidence must br given by the one who saw it.That is to say hear say evidence is no evidence and is not admissible. Dying declaration under Section 32 is exceptions to the rule of hearsay evidence, i.e they are admissible in the court of law.

32. Under Section 27 of the Evidence Act the 'Fact discovered' means.....

- (a) The object produced only
- (b) The place from where the object is produced only
- (c) The knowledge of the accused as to the object and the place
- (d) None of these

Answer: (c)

Solution: As per Section 27 of the Act, when any fact is deposed to as discovered inconsequence of information received from a person accused of any offence, in the custody of a police-officer, so much of such information, as relates distinctly to the fact thereby discovered, may be proved. Here the 'Fact discovered' means the knowledge of the accused as to the object and the place of crime.

33. Under Indian Evidence Act, 1872 'Motive" becomes more relevant in a case based on

- (a) Direct evidence
- (b) Circumstantial evidence
- (c) Documentary evidence
- (d) Without any evidence

Answer: (b)

Solution: Motive, preparation, and conduct find a very specific reference in The Indian Evidence. When the evidence is not clear, then in such criminal cases courts depends on circumstantial evidence. Hence, Section 8 of The Indian Evidence Act deals with these terms, and therefore this section plays a very important role in those cases where evidence is not clear and direct. The Motive, preparation, and conduct are very essential to prove the mens rea or a guilty mind in a criminal case. This section is accorded with a high amount of importance in the case of circumstantial evidence.

34. Under Indian Evidence Act, 1872, evidence of "hostile witness"

- (a) Cannot be taken into consideration for any purpose
- (b) It cannot be relied on by the prosecution
- (c) It can be relied only by the defence
- (d) It can be relied on by the prosecution as well as the defense

Answer: (d)

Solution: As per Section 154 of the Act, the court may, in its discretion, permit the person who calls a witness to put any questions to him which might be put in cross examination by the adverse party, when the witness turns hostile. As per the rules, evidence of "hostile witness" can be relied on by the prosecution as well as the defense in the proceedings.

35. For recording a confession, the Magistrate should

- (a) Get that person arrested
- (b) Summon the complainant
- (c) Inform such person about the accusation against him
- (d) Inform such person that he is not bound to make a confession

Answer: (d)

Solution: When a statement is made voluntarily without inducement, threat or promise from a man in authority and when it is not made to a police officer, it is admissible notwithstanding the fact that the person who took the confessional statement did not warn the accused that he was bound to make the statement and if he did so, it may be used in evidence against him and upon that he may be convicted. But when the Magistrate is recording a confession, he should inform such person that he is not bound to make a confession.

36. To ensure fairness and accuracy in a Test Identification Parade, the requirement is

- (a) Parading persons of same social status
- (b) Parading persons of same or similar physical appearance along with the suspect
- (c) Parading be done in presence of all the witnesses simultaneously
- (d) None of these

Answer: (b)

Solution: As a generally accepted rule, the parade conducted at the investigation cannot be considered as important substantial evidence and also conviction cannot be founded on the sole reason of test identification parade. Test identification is not required when both witness and accused know each other as they reside in the same place. The reason for test identification is to support and examine the genuinely of that evidence. Mere purpose is primarily to test and strengthen the existing substantial evidence of the witness in court. Hence, to ensure fairness and accuracy in a Test Identification Parade, the requirement is parading persons of same or similar physical appearance along with the suspect

37. Section 90 of the Indian Evidence Act creates presumption as to documents that are.....years old.

- (a) 5
- (b) 30
- (c) 7
- (d) 12

Answer: (b)

Solution: Under Section 90 of the evidence act when any document purporting and proved to be thirty years old is produced in the court, then the court may presume that the signature and every other part of the document which purports to be in the hand writing of any particular person is in that person's hand writing and that it was duly executed and attested by the person by whom it purports to be executed and attested. This presumption can be draw is respect of original documents.

38. How many minimum numbers of witnesses are required to proof any fact?

- (a) No particular number of witnesses is required for the proof of any fact
- (b) 3
- (c) 2
- (d) 4

Answer: (a)

Solution: As per Section 134 of act, in any case, no particular number of witnesses shall be required for proof of any fact in the case. This section of Indian Evidence Act clearly laid down that no particular number of witnesses required to proof or disproof the facts of the case. This section applies to civil and criminal cases. This section is based on the popular maxim that evidence is to be weighed and not counted.

39. In which section of the Indian Evidence Act, 'Presumption as to Dowry Death' is provided?

- (a) Section 111A
- (b) Section 113A
- (c) Section 113B
- (d) Section 113

Answer: (c)

Solution: Section 113B of the Indian Evidence Act, deals with presumption as to dowry death. It says that when the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman had been subjected by to cruelty or harassment in connection with any demand for dowry, the court shall presume that such person had caused the dowry death.

40. Match the List-I with List-II and select the correct answer using the codes given below:

List I

List II

- | | |
|----------------|---------------------|
| A. Section 60 | 1. Leading Question |
| B. Section 141 | 2. Hostile Witness |
| C. Section 154 | 3. Refresh Memory |
| D. Section 159 | 4. Oral Evidence |

Code:

A B C D

- (a) 4 1 2 3
- (b) 1 2 3 4
- (c) 1 2 4 3
- (d) 1 3 4 2

Answer: (a)

Solution: Following is the correct match:

1. Leading Question - Section 141
2. Hostile Witness - Section 154
3. Refresh Memory - Section 159
4. Oral Evidence - Section 60

41. Recent judgment of the Supreme Court in Raju Devade v. State of Maharashtra deals with:
- (a) Dying declaration
 - (b) Hostile witness
 - (c) Child witness
 - (d) Expert witness

Answer: (a)

Solution: The case of Raju Devade v. State of Maharashtra is a case dealing mainly with Dying declaration. The provisions as to dying declarations have been given under Section 32 of the Indian Evidence Act.

42. What does Iqbal v. State of U.P. (2015) 6 SCC 623 refer to ?
- (a) Identification parade
 - (b) Appointment of public prosecutor
 - (c) Prevention of corruption
 - (d) Compounding of matrimonial offence

Answer: (a)

Solution: The test identification parade has been dealt with under Section 9 of the Indian Evidence Act.

In this case, it was held that the evidence of identification merely corroborates and strengthens the oral testimony in court which alone is the primary and substantive evidence as to identify.

43. Which of the following statement is incorrect?
- (a) Admissions must be clear, if they are to be used against the person making it.
 - (b) Admissions are substantive evidence by themselves.
 - (c) Admissions are conclusive proof of the matters admitted.
 - (d) Admissions are not conclusive proof of the matters admitted.

Answer: (c)

Solution: As per Section 31 of the Indian evidence Act, admissions are not conclusive proof of the matters admitted, but they may operate as estoppels under the provisions contained from Section 115-117 of the Act. Option (c) is incorrect whereas, all other statements are correct.

44. Which of the following is NOT specifically included in Section 45 of the Evidence Act?
- (a) Art
 - (b) Science
 - (c) Foreign law
 - (d) Indian law

Answer: (d)

Solution: An opinion under Section 45 of the Act can be upon a point of foreign law or of science or art of persons specially skilled in such foreign law, science or art. Such persons are called experts. Therefore, Indian Law has not been specifically included under Section 45.

45. Section 65 of the Evidence Act permits the parties to adduce:
- (a) Secondary evidence
 - (b) Documentary evidence
 - (c) Oral evidence
 - (d) Expert evidence

Answer: (a)

Solution: As a general rule provided by Section 64 of the Evidence Act, documents must be proved by primary evidence. However Section 65 states those exceptional cases in which even secondary evidence can be adduced as evidence in the Court of law.

46. On which one of the following grounds under civil procedure code, 1908 a warrant of arrest against a "judgment debtor" may be cancelled by the court?
- (a) Serious illness
 - (b) Appearance in marriage of his son
 - (c) To case vote in general elections
 - (d) None of the above

Answer: (a)

Solution: Section 59 of the Code of civil procedure provides with various grounds for the release on ground of the judgment-debtor. One such ground is that, at any time after a warrant for the arrest of a judgment-debtor has been issued the Court may cancel it on the ground of his serious illness.

47. A decree against government of India or state government shall not be executed unless it remains unsatisfied for the period of:
- (a) One month
 - (b) Two months
 - (c) Three months

(d) Six months

Answer: (c)

Solution: As per Section 82 of CPC, execution shall not be issued on any such decree (against the government) unless it remains unsatisfied for the period of three months computed from the date of such decree.

48. Under civil procedure code, 1908 copy of plaint :
- (a) Shall be attached with every summons
 - (b) Is not necessary to attach with every summons
 - (c) May be attached with the summons when court permits
 - (d) Is attached with summons on the request of the plaintiff

Answer: (a)

Solution: As per Order V Rule 2 of the code of civil procedure, every summons shall be accompanied by a copy of the plaint. Order V of the Code deals with the 'Issue and service of summons'.

49. Which one of the following is not suit of civil nature?
- (a) Suits for rights to hereditary offices
 - (b) Suits from rights of franchise
 - (c) Suits for recovery of voluntary payments of offerings
 - (d) Suits relating to right of worship

Answer: (c)

Solution: As specifically mentioned under Section 9 of CPC, the Courts shall have jurisdiction to try all suits of a civil nature excepting suits of which their cognizance is either expressly or impliedly barred.

From the Explanation I attached to this section it is clear that Suits for rights to hereditary offices, Suits from rights of franchise and Suits relating to right of worship are all suits of civil nature except the suits for recovery of voluntary payments of offerings.

50. Under civil procedure code, 1908 pleading can be amended:
- (a) Before the its appellate court
 - (b) Before the trial court
 - (c) Before the 2nd appellate court
 - (d) Before (a) and (c) only

Answer: (b)

Solution: Rules 17 and 18 of Order VI of Code of Civil Procedure deal with amendment of pleading. These provisions aim towards achieving justice in the society. Rule 17, it provides that, either parties may be ordered to amend or alter his pleading at any stage of the proceeding. Rule 18 deals with the issue of failure of amending the pleading. Pleading can be amended before the trial court.

51. Under section 51 of CPC, which one is not a method to enforce execution of the decree?
- (a) By appointing a receiver
 - (b) By sale without attachment
 - (c) By arrest and detention
 - (d) By appointing a commission

Answer: (d)

Solution: On the application of the decree-holder, the Court has been empowered under Section 51 of the Code to order execution of the decree by any of the following ways:

- (b) by attachment and sale or by the sale without attachment of any property;
- (c) by arrest and detention in prison
- (d) by appointing a receiver.

Therefore, by appointing a commission is not a method to enforce execution of the decree.

52. Which of the following statement is correct?
- (1) An appeal may lie from an original decree passed ex parte
 - (2) No appeal shall lie from a decree passed by the court with the consent of parties
 - (3) No appeal shall lie on a question of law.
- (a) Only (1)
 - (b) Only (2)
 - (c) Only (3)
 - (d) Both (1) and (2)

Answer: (d)

Solution: Only statement 1 and 2 are correct as per clause (2) and (3) of Section 96 of CPC. This section states that, an appeal shall lie from every decree passed by any Court exercising original jurisdiction.

- (2) An appeal may lie from an original decree passed ex parte.
- (3) No appeal shall lie from a decree passed by the Court with the consent of parties.

53. Under section 115 of CPC, the High Court has the power of:
- (a) Revision

- (b) Review
- (c) Reference
- (d) Vary or reverse any order whatsoever

Answer: (a)

Solution: The revisionary powers are given to the High Court under Section 115 of CPC, according to which a HC may call for the record of any case which has been decided by any Court subordinate to such High Court and in which no appeal lies and if such subordinate Court appears to have exercised a jurisdiction not vested in it by law or failed to exercise a jurisdiction so vested and the High Court may make such order in the case as it thinks fit.

54. Which one of the following questions may be determined by the court executing the decree?

- (a) Execution of decree
- (b) Discharge of decree
- (c) Satisfaction of decree
- (d) All the above

Answer: (d)

Solution: All questions arising between the parties to the suit in which the decree was passed and relating to the execution, discharge or satisfaction of the decree, as per Section 47 of the Code, shall be determined by the Court executing the decree and not by a separate suit. Therefore, all of the above is correct answer option.

55. A suit may be defeated due to :-

- (a) Non joinder of a proper party
- (b) Misjoinder of a necessary party
- (c) Non joinder of a necessary party
- (d) Misjoinder of a proper party.

Answer: (c)

Solution: Order 1 Rule 9 of CPC deals with the 'Mis-joinder and non-joinder' parties. It states that, no suit shall be defeated by reason of the mis-joinder or non-joinder of parties but this rule shall apply to non-joinder of a necessary party. Therefore it is clear that, a suit may be defeated due to the non joinder of a necessary party.

56. The commissioner appointed under the provisions of order xviii of the code of civil procedure for the purposes of recording of evidence cannot :-

- (a) Re-examine a witness
- (b) Decide objections raised during the recording of evidence :
- (c) None of the above
- (d) Both (a) & (b)

Answer: (b)

Solution: Order XVIII Rule 4 of the code of civil procedure provides the rule for the recording of evidences. The commission can record re-examination of a witness as provided under sub-sub-rule (2) and it can record remarks regarding the demeanour of the witness while under examination as provided under sub-rule (3) and it can record the evidence either in writing or mechanically as given under sub-rule (4). Therefore, they are not allowed to decide objections raised during recording of evidence.

57. In which of the following are provisions relating to injunction mentioned?

- (a) Section 95 read with order XXXIX
- (b) Section 30 read with order XI
- (c) Section 36 read with order XXI
- (d) Section 51 read with order XXI

Answer: (a)

Solution: Section 95 provides for the compensation to the other party in case the court finds that such an injunction was applied for on insufficient grounds, the court may grant such amount of compensation it deems it to be a reasonable compensation to the defendant for the expense or injury, which includes injury to the reputation as well, caused to him. Order XXXIX provides with the rules for the issue of temporary injunctions.

58. Which of the following properties are not liable to attachment in execution of decree?

- (a) Bank notes and cheques
- (b) Promissory notes
- (c) Land
- (d) Books of accounts

Answer: (d)

Solution: The properties which are liable to attachment and sale in execution of decree have been given under Section 60 of CPC. goods, money, bank-notes, cheques, bills of exchange, hundis, promissory notes, Government securities, bonds. The attachment of Books of accounts has been specifically been denied under the said Section.

59. 'garnishee' is a person who is :

- (a) Defaulter
- (b) Decree holder
- (c) Debtor of judgment debtor
- (d) Foreigner

Answer: (c)

Solution: A garnishee is a person (debtor of judgment debtor) who is liable to pay a debt to a judgment debtor or to deliver any movable property to him. Garnishee Order is an order passed by an executing court directing or ordering a garnishee not to pay money to judgment debtor since the latter is indebted to the garnisher (decree holder). It is an Order of the court to attach money or Goods or properties belonging to the judgment debtor in the hands of a third person.

60. Interlocutory order are issued by civil court :
- (a) During pendency of civil proceedings
 - (b) To summon the person
 - (c) For execution of decree
 - (d) For attachment of property

Answer: (a)

Solution: An interlocutory order is the interim order, decree or sentence passed by the court in between i.e. during pending of the suit. Injunctions are one of the interlocutory orders under CPC. Interlocutory orders have been provided from Rule 6-10 under Order XXXIX of the Code.

61. In which of the following case the Apex Court of India has recognized "Trans gender Person" to be the persons of Trans gender"
- (a) Nalsar University Hyderabad v. Union of India
 - (b) Nalsa v. Union of India
 - (c) DLSA v. Union of India
 - (d) None of the above.'

Answer: (b)

Solution: Nalsa v. Union of India is a landmark decision by the Supreme Court of India, which declared transgender people the 'third gender', affirmed that the fundamental rights granted under the Constitution of India will be equally applicable to them, and gave them the right to self-identification of their gender as male, female or third gender. This judgement has been distinguished as a major step towards gender equality in India

62. Under which article of the constitution confers power to grant pardon on the Governor of the state's
- (a) Article 161
 - (b) Article 272
 - (c) Article 72
 - (d) Article 172.

Answer: (a)

Solution: Just like the President of India, under Article 72, has the pardoning power, the Governor, under Article 161 has been empowered with similar powers. The Governor of a State shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the State extends. The major difference of the powers is that, the President can grant pardon in all cases where the sentence given is sentence of death but pardoning power of Governor does not extend to death sentence cases.

63. Article 24 of the Constitution prohibits employment of children in any factory or mine or in any hazardous employment below the age of
- (a) 15 years
 - (b) 16 years
 - (c) 14 years
 - (d) 21 years.

Answer: (c)

Solution: The fundamental right provided under Article 24 of the constitution of India is Right against Exploitation. This article has been made for the welfare of children under the age of 14 years. It states that, no child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

64. Which of the following articles of the Constitution of India relates to the protection and improvement of environment?
- (a) Article 51A(g)
 - (b) Article 48A
 - (c) Article 34
 - (d) Both (a) & (b).

Answer: (d)

Solution: The provisions for the protection and improvement of environment have been given under two articles, Article 48A and Article 51 A (g).

Under Article 48 A it has been provided as the DPSP, wherein it has been stated that, the State shall endeavor to protect and improve the environment and to safeguard the forests and wild life of the country. Whereas, under Article 51A, it has been given in the form as a fundamental duty of every citizen of the country to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.

65. In which one of the following cases was it laid down that presidential proclamation dissolving a state legislative assembly is subject to judicial review?
- (a) Abhey Singh v. UOI
 - (b) S.R. Bommai v. UOI
 - (c) Indira Sawhney v. UOI
 - (d) State of Rajasthan v. UOI

Answer: (b)

Solution: The SR Bommai case gave one of the landmark judgements of the Supreme Court regarding the basic structure doctrine, as well as, regarding the blatant misuse of Article 356. It was held in this case that, the power of the President to dismiss a government of a state is not absolute. It further held that the President should use this power only after his proclamation (of imposing President's Rule) has been approved by both Houses of the Parliament.

66. The provision as to disqualification on ground of defection which was also amended by the Constitution 91st amendment of 2003 is provided in:
- (a) 7th Schedule to Constitution
 - (b) 9th Schedule to Constitution
 - (c) 10th Schedule to Constitution
 - (d) 12th Schedule to Constitution

Answer: (c)

Solution: The 10th Schedule of the Indian Constitution, commonly referred to as the anti-defection law, is designed to prevent political defections prompted by the lure of office or material benefits or other like considerations. The Anti-defection law was passed by Parliament in 1985 and reinforced in 2002. Any question regarding disqualification arising out of defection is to be decided by the presiding officer of the House. The anti-defection law aims to maintain a stable government by ensuring that the legislators do not switch sides. However, this law also limits a legislator from voting according to his conscience, judgement and electorate's interests.

67. The Constitution 92nd amendment of 2003 added the languages in the 8th Schedule viz-a-viz:
- (a) Dogri, Maithili, Santhali, Konkari
 - (b) Bodo, Dogri, Maithili and Santhali
 - (c) Santhali, Nepali, Maithili and Sindhi
 - (d) Konkani, Kannada, Kashmiri and Sanskrit.

Answer: (b)

Solution: The Eighth Schedule of the Constitution of India lists the 14 official languages of the Republic of India and other 8 languages were added by various amendments. With the Constitution Act (92nd Amendment Act, 2003), during Shri Atal Bihari Vajapeyi period Addition to Bodo, Dogri, Maithili and Santhali languages were added in the 8th Schedule pushing the total number of languages in the schedule to 22.

68. Panchayats were given Constitutional status by
- (a) 72nd Amendment
 - (b) 73rd Amendment
 - (c) 74th Amendment
 - (d) None of the above.

Answer: (b)

Solution: Panchayati Raj Institution is a system of rural local self-government in India. Local Self Government is the management of local affairs by such local bodies who have been elected by the local people. This system was given a constitutional recognition through the 73rd Constitutional Amendment Act, 1992 to build democracy at the grass roots level and was entrusted with the task of rural development in the country.

69. Mandal Commission for Backward Classes was set in
- (a) 1976
 - (b) 1979
 - (c) 1980
 - (d) 1987.

Answer: (b)

Solution: The Mandal Commission, officially known as the Socially and Educationally Backward Classes Commission (SEBC), was set up on 1st January 1979 by the Indian Government under the then Prime Minister

Morarji Desai. The chief mandate of the Mandal Commission was to identify the socially or educationally backward classes of India and to consider reservations as a means to address caste inequality and discrimination.

70. In which recent judgment it was held that tax administration is a complex subject and while imposing tax, the Government has to strike a balance between collection of revenue and business friendly approach
- (a) State of Kerala v. Kurian Abraham (P) Ltd.
 - (b) Steel Authority of India v. Collector of Customs
 - (c) Union of India v. Azadi Bachao Andolan
 - (d) None of the above.

Answer: (a)

Solution: In the case of State of Kerala v. Kurian Abraham (P) Ltd. it was held that tax administration is a complex subject and while imposing tax, the Government has to strike a balance between collection of revenue and business friendly approach.

71. A, for natural love and affection, promises to give his son, B, Rs. 1,000/- and A puts his promise to B in writing and registers it. This is a:
- (a) Contract
 - (b) Voidable contract
 - (c) Void contract
 - (d) None of the above

Answer: (a)

Solution: As a general rule, an agreement without consideration is void. But there are cases, as provided by Section 25, in which an agreement without consideration is valid if certain conditions are fulfilled. One such case is the case involving natural love and affection. In such cases the condition to make the agreement without any consideration a contract is in writing and registered. Therefore, the above transaction is a contract.

72. In the following cases which case relates to general offers?
- (a) Lalman Shukla Vs. Gauri Datt
 - (b) Carlill Vs. Carbolic Smoke Ball Comp.
 - (c) Both (a) and (b)
 - (d) None of the above

Answer: (c)

Solution: Both the above cases, are the landmark judgements on "general offer". In general offer, the contract is made with the person who having the knowledge of the offer comes forward and acts according to the conditions of the offer. An offer of reward made by way of advertisement for finding lost articles is the most appropriate example of general offer as seen in case of Lalman Shukla Vs. Gauri Datt.

73. Who said that "An offer need not be made to an ascertained person, but no contract can arise until it has been accepted by an ascertained person"?
- (a) Lord Atkin
 - (b) Lord Goddard
 - (c) Chashre and Fifoot
 - (d) Anson

Answer: (d)

Solution: As per the rules of the Contract Act, for the formation of a proper contract, there must be an enforceable agreement, which is made upon the acceptance of a proposal. As stated by Anson in the landmark case of Carlill v. Carbolic Smoke Ball Co. An offer need not be made to an ascertained person, but no contract can arise until it has been accepted by an ascertained person.

74. Nudum Pactum means:
- (a) Without consideration
 - (b) Invalid contract
 - (c) Void contract
 - (d) Voidable contract

Answer: (a)

Solution: A contract is considered as a legally binding agreement or a relationship that exists between two or more persons to do or abstain from doing an act, which the law will enforce. If a contract needs to be formed an offer must be backed by acceptance of which there must be some consideration.

In cases where promise is not supported by consideration, the promise will be nudum pactum (i.e. a mere promise), which is not enforceable at law. The object of the agreement must be lawful and not one which the law disapproves.

75. In law of contract Bailor in pledge is called:
- (a) Pawnor
 - (b) Pawnee
 - (c) Agent

(d) Bailee

Answer: (a)

Solution: Section 148 of the Indian Contract Act deals with the concept of Bailment, Bailor and Bailee. A bailment is a contract in which one person transfers goods to another person with a contract that he will return the goods after completion of the purpose for which contract takes place. The person who delivers goods to another person is known as Bailor and the person to whom bailor delivered goods, is known as Bailee.

Likewise under Section 172, in pledge, the pawnor transfers his goods to the Pawnee as security against the amount he takes from the Pawnee. The pawnor has a duty to pay the amount back to the Pawnee and the Pawnee has a duty to return the goods after pawnor pays the amount. Therefore, in law of contract, a Bailor in pledge is called pawnor.

76. Contingent agreements to do or not to do anything, if an impossible event happen.....

- (a) Are void if the impossibility of the event is known to the parties at the time when it is made
- (b) Are void if the impossibility of the event is not known to the parties to agreement at the time when it is made
- (c) Are void whether the impossibility of the event is known or not to the parties to the agreement at the time when it is made
- (d) Are voidable at the option of the parties

Answer: (c)

Solution: According to Section 36 of the Indian Contract Act, Contingent agreements to do or not to do anything, if an impossible event happens, are void, whether the impossibility of the event is known or not to the parties to agreement at the time when it is made.

77. A proposal cannot be revoked:

- (a) By failure of the acceptor to fulfill a condition precedent to acceptance
- (b) By lapse of the time prescribed in the proposal for its acceptance
- (c) By insanity of the proposer if the fact of insanity comes to the knowledge of the acceptor before acceptance
- (d) After the communication of its acceptance is complete

Answer: (d)

Solution: A proposal, as per Section 5 of the contract Act, can be revoked at any time before the acceptance is put in the course of transaction to reach the proposer and once the acceptance is dispatched, thereafter, the proposal cannot be revoked.

78. Section 170 of Indian Contract Act deals with:

- (a) General lien
- (b) Particular lien
- (c) Wharfing lien
- (d) Broker's lien

Answer: (a)

Solution: When, in accordance with the purpose of the bailment, the bailee has rendered any service involving the exercise of labour or skill in respect of the goods bailed, he, as per Section 170 of the Act, has a right to retain such goods until he receives due remuneration for the services he has rendered in respect of them, unless the contract otherwise provides. This general right is recognised as the 'right of lien'.

79. Doctrine on clog on the equity of redemption is a rule of justice, equity and good conscience. This was affirmed by the Supreme Court in

- (a) Apte v. Rice
- (b) Murari Lal v. Dev Karan
- (c) Surapur v. Dewan Chand
- (d) None of the above

Answer: (b)

Solution: The maxim 'once a mortgage always a mortgage' means that there can no covenant that modifies the character of the mortgage agreed between the parties that would stop the mortgagor to redeem his property back on payment of the principal and respective interests. Any provision inserted to prevent redemption on payment or performance of the debt or obligation for which the security was given is what is meant by a clog on the equity of redemption and is therefore void. The basis of this doctrine of clog lies in the exercise of equity, justice and good conscience as was held in the case of Murari Lal v. Dev Karan and is extensive to areas where the act is not applicable.

80. 'A' lets a farm to 'B' for the life of 'C'. 'C' dies but 'B' continues in possession with A's assent. B's lease is

- (a) Determined
- (b) Renewed from year to year
- (c) Renewed forever
- (d) Renewed for the year of death

Answer: (b)

Solution: This is referred to as the concept of "holding over". The effect of holding over has been provided under Section 116 of the Act, which provides that, if a lessee of property remains in possession even after the

determination of the lease granted to the lessee, and the lessor accepts rent from the lessee or otherwise assents to his continuing in possession, the lease is, in the absence of an agreement to the contrary, renewed from year to year. In the above case, B's lease is thus renewed from year to year.

81. Which of the following is not correctly matched under Transfer of Property Act?

- (a) Universal donee - Section 128
- (b) Doctrine of part performance - Section 53A
- (c) Marshalling by subsequent purchaser - Section 65
- (d) Mortgagee's right to foreclosure - Section 67

Answer: (c)

Solution: Following is the correct match:

- Universal donee - Section 128
- Doctrine of part performance - Section 53A
- Mortgagee's right to foreclosure - Section 67
- Marshalling by subsequent purchaser - Section 56.

82. In view of Section 105 of the Transfer of Property Act, 1882 a lease of immovable property is a transfer of-

- (a) A right to enjoy such property in consideration of a price paid or promised or of money, a share of crops, service or any other thing of value
- (b) An interest in specific immovable property for securing the payment of money advanced.
- (c) Ownership in consideration of price paid or promised.
- (d) Certain immovable property, made voluntarily and without consideration.

Answer: (a)

Solution: Lease means when one person through the means of a contract conveys or rents his property to another person for a specified amount of time in return for a periodic payment.

Lease has been defined under Section 105 of the Act as a right to enjoy such property in consideration of a price paid or promised or of money, a share of crops, service or any other thing of value.

-Lessor- The transferor of the immovable property is called lessor.

-Lessee- The transferee of the immovable property is called lessee.

83. A lease of immovable property for any term exceeding one year can be made:

- (a) Only by a registered instrument
- (b) By oral agreement
- (c) By oral agreement accompanied with delivery of possession
- (d) Either by oral agreement or by a registered instrument

Answer: (a)

Solution: A lease for an immovable property shall be made for 11 months. In case the duration exceeds a year i.e 12 months or more, then a lease agreement can only be made by a registered instrument as per Section 107 of the Transfer of Property Act.

84. What is the effect of "Holding over"?

- (a) The lease becomes illegal
- (b) The lease is renewed
- (c) The lease becomes extinguished
- (d) The lease becomes void

Answer: (b)

Solution: The effect of holding over has been provided under Section 116 of the Act, which provides that, if a lessee of property remains in possession even after the determination of the lease granted to the lessee, and the lessor accepts rent from the lessee or otherwise assents to his continuing in possession, the lease is, in the absence of an agreement to the contrary, renewed from year to year. Therefore, it is clear that the lease is 'renewed' under the holding over.

85. Within the meaning of section 51 of the Transfer of Property Act, 1882, the transferee:

- (a) Is not entitled to value of improvements.
- (b) Is entitled to value of improvements.
- (c) Has conditional entitlement to value of improvements.
- (d) None of these

Answer: (b)

Solution: IN all those cases in which a transferee of immovable property makes any improvement on the property, believing in good faith that he is absolutely entitled thereto and is subsequently evicted therefrom by any person having a better title, then as per Section 51 of the Act, the transferee has a right to require the person causing the eviction either to have the value of the improvement estimated.

86. Under Specific Relief Act, 1963, Specific Relief may be granted -

- (a) For enforcing individual civil rights

- (b) For enforcing a Penal law
- (c) For enforcing both Civil law and a Penal law
- (d) For enforcing public rights.

Answer: (a)

Solution: It has been specifically mentioned under Section 4 of the Act, that the Specific relief can be granted only for the purpose of enforcing individual civil rights and not for the mere purpose of enforcing a penal law.

87. The declaration given U/S 34 of the Specific Relief Act is binding on whom?

- (a) Only on the parties to the Suit
- (b) On the persons claiming through parties to the Suit.
- (c) Trustee of the trust which is party to the Suit.
- (d) All of the above.

Answer: (d)

Solution: Any person can get his legal character or his legal right to any property established when any other person is denying his character or the right or is interested in denying i.e he might deny in the near future. Such a declaration can be sought with the help of Section 34 of the Specific relief Act. The effect of such a declaration has been given under Section 35 of the Act. As per this section, this declaration is personam and it includes all of the above given person.

88. An order or decree passed in a suit presented u/s 6 of the Specific Relief Act is-

- (a) Appealable
- (b) Re-viewable
- (c) Neither Appealable nor Re-viewable
- (d) Appealable & Re-viewable Both

Answer: (c)

Solution: On the careful reading and understanding of Section 6 of SRA, when any person is dispossessed without his consent of immovable property otherwise than in due course of law he may, by suit, recover possession thereof, notwithstanding any other title that may be set up in such suit. Therefore, it is proved that Plaintiff cannot be dispossessed except in accordance with law, irrespective of the fact of his being there illegally. Any order or decree passed under this section shall not be a subject of appeal or review.

89. Under section 7 of the Specific Relief Act, a person entitled to the Possession of specific movable property may recover it in the manner provided by which legislation:

- (a) The Limitation Act
- (b) The Evidence Act
- (c) The Code of Civil Procedure
- (d) The Transfer of Property Act

Answer: (c)

Solution: Section 7 of the Act provides that, when ever a person, who is entitled to the possession of specific movable property may recover it in the manner provided by the Code of Civil Procedure. Therefore the manner which shall be followed for the recovery shall be guided by the laws of CPC

90. Which of the contract is not specifically enforceable-

- (a) A contract for the non-performance of which compensation in money is not an adequate relief
- (b) A contract which is in its nature determinable
- (c) A contract, the performance of which does not involve the performance of a continuous duty, which the Court can supervise
- (d) A contract which is not dependent on the personal qualification or volition of the parties

Answer: (b)

Solution: As per Section 14 of the specific relief act, a contract which is in its nature determinable cannot be specifically enforced, that is if a contract has a term that if the proposal is not accepted within a stipulated time then the proposal is deemed to revoke. In such cases, the contract cannot be specifically enforced.

91. Decree for specific performance for movable property can be granted:

- (a) In case the seller fails to supply the goods.
- (b) When the goods are not available with the seller, but the equivalent are available with third persons.
- (c) When the plaintiff sues for a 50 year old painting.
- (d) Where movable property has been destroyed.

Answer: (c)

Solution: Section 8 of the Act states that there are various cases in which a person having the possession or control of a particular article of movable property, not as the owner, may be compelled specifically to deliver it to the person entitled to the immediate possession. One such cases is when the compensation in money would not afford the adequate relief for the loss of the thing claimed. Here since the old painting was 50 years old, it might be carrying some special emotions for the plaintiff, therefore, the decree for specific performance for movable property can be granted in such case.

92. Which of the following Sections of the Limitation Act, 1963 defines applicant?

- (a) Section 2(a)
- (b) Section 2(b)
- (c) Section 2(c)
- (d) Section 2(d)

Answer: (a)

Solution: As per Section 2 clause (a) of the limitation Act, "applicant" includes

- (i) a petitioner,
- (ii) any person through whom an applicant derives his right to apply,
- (iii) any person whose estate is represented by the applicant as executor, administrator.

93. For the purpose of Limitation Act, 1963 which of the following claims shall be treated as a separate suit?

- (a) Set-off
- (b) Counter-claim
- (c) Both (a) and (b)
- (d) None of these

Answer: (c)

Solution: As per sub-section (2), clause (b) Section 3 of the limitation Act, when ever there are defences of a set off or a counter claim, they shall be be treated as a separate suit and shall be deemed to have been instituted.

94. When right to Institute a suit for the possession of any property become time barred, right-to-property shall be

- (a) Continued
- (b) Extinguished
- (c) Subject to argument
- (d) None of these

Answer: (b)

Solution: General Rule that the law of limitation only bars the remedy but does not bar the right itself. Section 27 is an exception to this rule. It talks about adverse possession. Adverse possession means someone who is in the possession of another's land for an extended period of time can claim a legal title over it. It states that, when right to institute a suit for the possession of any property become time barred, right to property shall be extinguished.

95. Period of limitation is not attracted in case of suit against:

- (a) Debtor
- (b) Mortgagee
- (c) Tenant
- (d) Trustees

Answer: (d)

Solution: It is well settled that, "once a trustee always a trustee". Therefore, as per Section 10 of the Act, no suit against a person in whom property has become vested in trust for any specific purpose, or against his legal representatives or assigns for the purpose of following in his or their hands such property, shall be barred by any length of time.

96. An offence under section 138 of Negotiable Instrument Act is compoundable-

- (a) If the cheque amount is up to one lakh rupees.
- (b) If the cheque amount is up to five lakhs rupees.
- (c) If the cheque amount is up to ten lakh rupees.
- (d) Cheque of any amount.

Answer: (d)

Solution: As provided by Section 147 of the Negotiable Instrument Act, every offence under this Act is compoundable. An offence of dishonour of cheque as provided under Section 138 of the Act is compoundable. The amount which is compoundable has not been mentioned under the Act, therefore, the amount up to the amount of the cheque in dispute can be compounded.

97. A Court can take the cognizance of an offence U/S 138 of Negotiable Instrument Act upon?

- (a) Upon Police Report
- (b) Upon Complaint
- (c) Upon Self knowledge of Magistrate
- (d) Upon Others knowledge

Answer: (b)

Solution: No court shall take cognizance of any offence punishable under Section 138 except upon a complaint, in writing, made by the payee or, as the case may be, the holder in due course of the cheque. Such has been provided under Section 142 of the Act.

98. Whether director is liable if the cheque, issued on behalf of company, is dishonored?

- (a) Yes, he is liable, if he was in charge of and was responsible for the conduct of business of the company
- (b) No, only company is liable

- (c) No, director is not liable
- (d) None of the above

Answer: (a)

Solution: If the person committing an offence under Section 138 is a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished as per Section 138. 'Every person' here includes the Director as well.

99. Which of the following is not a bill of exchange?

- (a) Share
- (b) Demand Draft
- (c) Post-dated Cheque
- (d) None of these

Answer: (a)

Solution: A "bill of exchange" is an instrument in writing containing an unconditional order, signed by the maker, directing a certain person to pay a certain sum of money only to, or to the order of, a certain person or to the bearer of the instrument. All of the above are forms of bills of exchange except a share.

100. The term "a cheque in the electronic form" is defined in the Negotiable instrument Act, 1881 under:

- (a) Section 6(a)
- (b) Section 6(b)
- (c) Explanation 1(a) of Section 6
- (d) None of these

Answer: (c)

Solution: The definition of a 'cheque in the electronic form' had been added in the Act in 2015 in the Explanation 1 attached to Section 6 of the Act, according to which, a "cheque in the electronic form" means a cheque drawn in electronic form by using any computer resource and signed in a secure system with digital signature.

101. The accommodation let for residential purposes is required bona-fide by a religious institution exempted u/s. 3 of M.P. Accommodation Control Act for occupation as a residence for itself-

- (a) It has to file the suit u/s. 12(1)(e) Accommodation Control Act
- (b) It has to file the suit u/s. 12(1)(f) Accommodation Control! Act
- (c) Civil suit tie u/s. 12(1)(e) Accommodation Control Act, but no court fees is payable as exemption granted
- (d) No provision of Accommodation Control Act shall be applicable.

Answer: (d)

Solution: It has been specifically mentioned under Section 3 of the Act that, by notification, the Government may exempt any accommodation which is owned by any educational, religious or charitable institution or by any nursing or maternity home from the application of the provisions of this Act.

102. A suit shall be filed against the tenant who has neither paid nor tendered the whole of the arrears of the rent legally recoverable from him within.....of the date on which a notice of demand for the arrears of the rent has been served on tenant by the landlord.

- (a) One month
- (b) Two months
- (c) Three months
- (d) Six months

Answer: (b)

Solution: Section 12 of the Act provides with the grounds of eviction of the tenants. It states that no application against a tenant for his eviction from any accommodation except that the tenant has neither paid nor tendered the whole of the arrears of the rent legally recoverable from him within two months of the date on which a notice of demand for the arrears of rent has been served on him by the landlord.

103. Under M.P. Accommodation Control Act, landlord can institute a suit for eviction against tenant for accommodation let for non-residential purpose if required bona fide by the landlord-

- (a) For hotel business
- (b) For temple construction
- (c) For opening orphanage
- (d) On all of the above grounds

Answer: (a)

Solution: Section 12 of the Act provides with various grounds on which a landlord can seek a decree for the eviction of the tenant. Clause (f) of this Section states that, when the accommodation was let for non-residential purposes but is now required bonafide by the landlord for the purpose of starting his business or that of any of his major sons or unmarried daughters if he is the owner or such person has no other reasonably non-residential accommodation of his own in his occupation in the city, the landlord may seek decree to evict the tenant. Among the given options, only the hotel business can be taken as a ground to evict.

104. Under Section 12(1)(f) of M.P. Accommodation Control Act for whose need, Landlord cannot obtain decree of eviction against a tenant?
- (a) For himself
 - (b) For unmarried daughter
 - (c) For major son
 - (d) For his wife

Answer: (d)

Solution: Section 12 of the Act provides with various grounds on which a landlord can seek a decree for the eviction of the tenant. Clause (f) of this Section states that, when the accommodation was let for non-residential purposes but is now required bonafide by the landlord for the purpose of starting his business or that of any of his major sons or unmarried daughters if he is the owner or such person has no other reasonably non-residential accommodation of his own in his occupation in the city, the landlord may seek decree to evict the tenant. However, such grounds cannot be taken by the landlord for his wife.

105. In which of the following cases it was held that a Retired Government servant acquiring accommodation after his retirement is "landlord" within meaning of Section 23-J of the M.P. Accommodation Control Act-
- (a) Badrilal Vs. Sita Bai
 - (b) Kunjilal Yadu and others Vs. Paras ram Sharma
 - (c) Ashok Kumar Vs. Baboolal
 - (d) None of the above

Answer: (b)

Solution: Persons who are tenants for the purposes of Chapter III A of the Act have provided under Section 23 J of the Act. The court in this case held that, a retired Government servant who acquires accommodation after his retirement and lets out the same to a 'tenant', is entitled to invoke Section 23 A of the Act.

106. Who is competent to transfer a revenue case from Rewa (M.P.) to Katai (M.P.) u/s. 29 of M.P.L.R.C.?
- (a) Commissioner
 - (b) District Survey Officer
 - (c) State Government
 - (d) Collector

Answer: (a)

Solution: The Commissioner may, as per Section 29, if is of opinion that it is expedient for the ends of justice, order that any particular case be transferred from a Revenue Officer (Rewa) to another Revenue Officer (Katai) of an equal rank in the same district or any other district in the same division.

107. A Revenue Officer may award costs incurred in any case or proceeding arising under M.P. Land Revenue Code to the extent of-
- (a) Three hundred rupees
 - (b) Five hundred rupees
 - (c) One thousand rupees
 - (d) As he thinks fit

Answer: (d)

Solution: A Revenue Officer as per Section 37 of the Code, may award costs incurred in any case or proceeding arising under this Code or any other enactment for the time being in force in such manner and to such extent, as he thinks fit. The fees of a legal practitioner is not included in the definition of cost.

108. Any proceeding pending in revision immediately prior to coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018, if initiated by the Settlement Commissioner, shall be transferred to-
- (a) Board of Revenue
 - (b) Collector
 - (c) Commissioner of concerned division
 - (d) Officer appointed by the State Government in this behalf

Answer: (c)

Solution: As per Section 54 of the Code, any proceeding pending in revision immediately prior to coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018, if initiated by the Settlement Commissioner, shall be transferred to the 'Commissioner of concerned Division'.

109. Who may make rules for carrying out the land survey under Chapter VII?
- (a) State Government
 - (b) Commissioner Land Records
 - (c) District Survey Officer
 - (d) Sub-Divisional Officer

Answer: (a)

Solution: The various activities as defined under Section 61 such as division of land into survey numbers, recognition of existing survey numbers, reconstitution thereof or forming new survey numbers in land used for

agricultural purposes and activities incidental thereto are referred to as land survey. As per Section 77, the power to make rules for carrying out the land survey shall lie with the State Government.

110. For each urban area a map shall be prepared of each sector showing the area occupied by holders and area not so occupied, giving separate survey numbers, block numbers and plot numbers and such other particulars as may be prescribed, which shall be called-

- (a) Village map
- (b) Abadi map
- (c) Block map
- (d) Sector map

Answer: (d)

Solution: The mention of "Sector map" has been made under Sub-Section (2) of Section 107 of the Land revenue Code, according to which for each urban area a map shall be prepared of each sector showing the area occupied by holders and area not so occupied, giving separate survey numbers, block numbers and plot numbers and such other particulars as may be prescribed and it shall be called "sector map".