

35. Section 12(2) of the specific relief act applies where the part which remains unperformed, of the contract is:

- (a) Small
- (b) Large
- (c) Considerable
- (d) All of these

34. The judicial basis of quasi-contractual obligation can be explained through the of:

- (a) Voluntary benefits
- (b) Just and reasonable solution
- (c) Unjust enrichment
- (d) "indebitus-assumpsit"

33. Which of the following cases is related to the doctrine of frustration?

- (a) Hadley v. Baxendale
- (b) Carlill v. Carbolic Smoke Ball Co.
- (c) Satyabrat Ghosh v. Mugneeram
- (d) State Bank of India v. Quality Bread factory

32. On which of the following grounds, a party to a contract cannot be discharged from performing it?

- (a) Destruction of the subject matter
- (b) Change of circumstances
- (c) Commercial hardship
- (d) Non-occurrence of a contemplated event

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31. X promises to make a sculpture for Y:

- (a) X's son can perform the Promise
- (b) X has to perform the Promise Personally
- (c) X's servant can Perform the Promise
- (d) X's agent who is an artist also, can perform the promise

30. The rule similar to the English doctrine of [anticipatory breach of contract] is incorporated under:

- (a) Section 38
- (b) Section 62
- (c) Section 73
- (d) Section 39

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29. Match List I with List II and select the correct answer by using the codes given below the lists:

List I

- A. Agreements in restraint of legal proceeding
- B. Agreement in restraint of Marriage
- C. Wagering contract
- D. Contingent Contract

List II

- 1. Section 28
- 2. Section 31
- 3. Section 26
- 4. Section 30

Code:

| | A | B | C | D |
|-----|---|---|---|---|
| (a) | 4 | 1 | 3 | 2 |
| (b) | 1 | 4 | 2 | 3 |
| (c) | 1 | 3 | 4 | 2 |
| (d) | 4 | 2 | 3 | 1 |

28. Which one of the following is not a wagering agreement?

- (a) Contract of insurance
- (b) A lottery
- (c) An agreement to buy a ticket for a lottery
- (d) Commercial transaction, the intention, of which is not to deliver the goods to pay the difference in price

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27. An agreement is restraint of trade is void when restraint is

- (a) Absolute
- (b) Partial
- (c) Partial or absolute
- (d) Partial but not absolute

26. Under Section 27 of the Indian Contract Act, 1872 in which of the following relation an agreement in restraint of trade is valid:

- (a) Mutual adjustment
- (b) Business contingency
- (c) Sale of goodwill
- (d) None of these

25. A promise to pay a debt barred by the law of limitation, has been made enforceable under which section of the Indian Contract Act?

- (a) Section 32
- (b) Section 47
- (c) Section 25
- (d) Section 8

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

List I

- A. Section 10 of the Indian Contract Act
- B. Section 27 of the Indian Contract Act
- C. Section 64 of the Indian Contract Act
- D. Section 23 of the Indian Contract Act

List II

- 1. Agreement in restraint of Trade
- 2. Essentials of valid contract
- 3. Unlawful consideration and object
- 4. Consequences of rescinding void contract

Code:

| | A | B | C | D |
|-----|---|---|---|---|
| (a) | 3 | 1 | 4 | 2 |
| (b) | 2 | 4 | 1 | 3 |
| (c) | 3 | 4 | 1 | 2 |
| (d) | 2 | 1 | 4 | 3 |

23. Assertion (A): Agreement without consideration is void.

Reason (R): Consideration may be given by promisee or any other person.

Codes:

- (a) (A) and (R) both are true and (R) is the correct explanation of (A).
- (b) (A) and (R) both are true, but (R) is not correct explanation of (A).
- (c) (A) is true, but (R) is false.
- (d) (A) is false, but (R) is true

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22. 'X' promises to obtain a service in government department for 'Y' and 'Y' agrees to pay Rs. 5000/- to 'X' for this service. 'Y' gets the job but refuses to pay the agreed amount. Which one of the following is the correct legal position?

- (a) 'X' is bound to pay Rs. 5000/- to 'Y'
- (b) 'X' is not bound to pay Rs. 5000/- to 'Y' because the agreement is void being opposed to public policy
- (c) In case 'X' does not pay, he will have to leave the job
- (d) 'X' shall be criminally liable for obtaining the job by illegal means

21. Which section of the Indian Contract Act, 1872 provides that the unilateral mistake of fact does not render an agreement void:

- (a) Section 13
- (b) Section 20
- (c) Section 21
- (d) Section 22

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20. Under Civil Procedure Code, 1908 "every suit shall be instituted by presenting a plaint in duplicate to the court or such officer as it appoints in this behalf." This is provided under

- (a) Section 26
- (b) Section 20
- (c) Order 3, Rule 11
- (d) Order 4, Rule 1

19. A suit may be defeated due to:

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

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18. Which order of the Civil Procedure Code provides for a "Representative Suit"?

- (a) Order I, Rule 8
- (b) Order II, Rule 1
- (c) Order III, Rule 1
- (d) Order IV, Rule 1

17. General power to amend any error or defect in any proceedings in a suit vests in court by virtue of

- (a) Section 152 CPC
- (b) Section 153 CPC
- (c) Section 153 A CPC
- (d) Section 153 B CPC

16. Inherent powers conferred under Section 151 of the Code of Civil Procedure, 1908, may be exercised by the

- (a) Supreme Court only
- (b) High Court only
- (c) District Court only
- (d) Supreme Court, High Court, District Court as well as by any Civil Court

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14. Which Section of the Code of Civil Procedure provides for Right to lodge a 'Caveat'?

- (a) Section 148
- (b) Section 148-A
- (c) Section 153-A
- (d) Section 153-B

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15. The duration of existence of a Caveat filed under Code of Civil Procedure, 1908 is

- (a) 60 days from the date on which it was filed
- (b) 30 days from the date on which it was lodged
- (c) 120 days from the date when it was lodged
- (d) 90 days from the date, when it was lodged

13. Under Code of Civil Procedure, 1908, which one of the following is not exempt from personal appearance in the Court?

- (a) Ministers of Union
- (b) Ministers of State
- (c) Vice-President of India
- (d) Chairman of Public Service Commission

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12. Which Section of the Civil Procedure Code grants exemption to Members of Legislatures from arrest and detention under civil process?

- (a) Section 80
- (b) Section 134
- (c) Section 135-A
- (d) Section 132

11. Which one of the following sections of the Code of Civil Procedure, 1908 emulates the principle of restitution?

- (a) Section 134
- (b) Section 144
- (c) Section 148-A
- (d) Section 151

10. Which of the following is correct:

- (a) Section 113-Review, Section 114-Revision, Section 115-Reference of the CPC
- (b) Section 113-Reference, Section 114-Review, Section 115-Revision of the CPC
- (c) Section 113-Reference, Section 114-Revision, Section 115-Review of the CPC
- (d) None of the above

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9. Section 114 of Civil Procedure Code, should be read with the provisions of which of the following orders?

- (a) Order 46, Rule 1
- (b) Order 41
- (c) Order 47, Rule 1
- (d) Order 47, Rule 3

8. A judgment passed by a court can be reviewed by:

- (a) the Court passing the judgment
- (b) the court of District Judge
- (c) the High Court
- (d) the Supreme Court

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7. Where does the second appeal shall lie under Section 100 of CPC?

- (a) High Court
- (b) Supreme Court
- (c) District Court
- (d) High Court and Supreme Court both

6. Under Section 96 of the Code of Civil Procedure, the consent decree is

- (a) appealable
- (b) not appealable
- (c) appealable to the High Court only
- (d) appealable to the Supreme Court only

5. Who can file a suit under Section 91 of Civil Procedure Code for public nuisance?

- (a) Advocate-General
- (b) Any citizen
- (c) District Magistrate
- (d) Any 10 or more citizens

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4. The court under Section 89 (1) of the CPC can refer the dispute for:

- (a) Mediation or Lok Adalat
- (b) Arbitration or conciliation
- (c) Conciliation or mediation
- (d) All the above

3. Under Section 80 of Civil Procedure Code:

- (a) Ninety days
- (b) Sixty days
- (c) Three months
- (d) Two months

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2. Match List-1 with List-II and select the correct answer by using the code given below the lists:

List I

- A. Interpleaded Suit.
- B. Letter of Request
- C. Precepts
- D. Power to order discovery

List II

- 1. Section 46
- 2. Section 88
- 3. Section 30
- 4. Section 77

Code:

- | | A | B | C | D |
|-----|---|---|---|---|
| (a) | 4 | 3 | 1 | 2 |
| (b) | 2 | 4 | 1 | 3 |
| (c) | 3 | 2 | 4 | 1 |
| (d) | 2 | 1 | 3 | 4 |

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1. As provided in Section 79 of the Code of Civil Procedure a suit by the Central Government must be filed in the name of

- (a) The President of India
- (b) Attorney-General of India
- (c) Prime Minister of India
- (d) Union of India