Andhra Pradesh Civil Judge (Screening Test) 2011

High Court of Andhra Pradesh at Hyderabad · Civil Judge (Junior Division) Screening Test · 100 questions

Screening Test

1. Under which provision of the C.P.C., is a suit to set-aside a decree on the ground of lack of territorial jurisdiction barred?

(A) Section - 21;
(B) Section - 21 -A;
(C) Section - 22;
(D) Section - 37.

2. Attachment before judgement in a suit dismissed for default/non- prosecution revives automatically on the restoration of a suit.

(A) True;
(B) Partly true;
(C) False;
(D) None of the above.

3. Which final judgement, order or decree of a Competent Court, among.The following is a judgement in rem?

(A) in a money suit;
(B) in a suit for permanent injunction;
(C) in exercise of matrimonial or insolvency jurisdiction;
(D) none of the above.

4. In civil proceedings where a decree is silent as regards future interest; future interest shall be deemed to have been refused and a separate suit shall not lie:

(A) true;
(B) false;
(C) partly true;
(D) none of the above.

5. A transfer of immovable property made with the intent to defeat or delay the creditors of the transferor shall be :

(A) void;
(B) voidable at the discretion of the Court;
(C) voidable at the option of any creditor so defeated or delayed;
(D) all the above.

6. Right to redeem a mortgage can be enforced by following:

(A) a suit for redemption of the mortgage;
(B) a suit for possession of the mortgaged property;
(C) a suit for declaration that the mortgage property is redeemed;
(D) a suit for cancellation of the mortgage.

7. An easement is extinguished:

(A) only when either the dominant or the servient heritage is completely destroyed;
(B) only when the same person becomes entitled to the absolute ownership of the whole of the dominant and servient heritages;
(C) both (a) & (b);
(D) neither (a) nor (b).

8. An instrument stating I promise to pay the bearer the sum of rupees five hundred guaranteed by the Central Government and signed by the Governor of the Reserve Bank of India is:

(A) a cheque issued by the Central Government,
(B) a promissory note;
(C) a currency note;
(D) both (b) or (c).

9. Aditya threatens to publish defamatory statement concerning Anand, unless he is given money What is the offence committed by Aditya?

(A) Extortion,
(B) Theft;
(C) Criminal intimidation;
(D) Misrepresentation.

10. Which one of the following is correct?

(A) A person summoned to produce a document becomes a witness by mere fact that he produces it.
(B) A person summoned to produce a document becomes a witness by mere fact that he produces it and can be cross examined without calling him as witness.
(C) A person summoned to produce a document does not become a witness by the mere fact that he produces it, and cannot be cross examined unless and until he is called as a witness.
(D) None of the above.

11. A gives B a receipt for money paid by B. Oral evidence is offered to prove the non-payment.

(A) The evidence is admissible.
(B) The evidence is not admissible.
(C) Section 90 of the Indian Evidence Act deals with this aspect,
(D) None of the above.

12. The right of the villagers of a particular village to use the water of a particular well is a general custom or right within the meaning of one of the following Sections of the Indian Evidence Act.

(A) 48
(B) 47A
(C) 114
(D) None of the above.

13. The good faith of a sale by a client to an attorney is in question in a suit brought by the client.

(A) The burden of proving the good faith of the transaction is on the attorney,
(B) The burden of proving the good faith of the transaction is on the client.
(C) Both a) and b).
(D) None of the above,

14. In a suit for recovery of possession by the Government who will sign the plaint.

(A) The Chief Secretary to the Government.
(B) The District Collector.
(C) The Governor of the State.
(D) The Person nominated by the Government.

15. After completion of the trial, the judge pronounced the judgment but did not sign the decree and he is transferred. Then

(A) The decree prepared can be signed by the newly posted Judge,
(B) The decree prepared is sent for the approval of the High Court.
(C) The decree is sent for signature to the Court to which the trial Court is sub-ordinate.
(D) The new Judge has to rehear the arguments in the suit.

16. In a suit for recovery of money based under mortgage interest is awarded to the plaintiff

(A) On the principal amount found due on the mortgage.
(B) On the value of the mortgage property.
(C) Only on the cost of the suit awarded.
(D) None of the above.

17. A proposes, by letter sent by post, to sell his house to B. The proposal of A is accepted by B by letter sent by post. When can A revoke his proposal?

(A) A may revoke proposal after B sent letter of acceptance by post
(B) A can revoke proposal at any time before B sent letter of acceptance;
(C) Both (a) and (b) are correct
(D) None of the above

18. Ramaiah and Laxmaiah jointly owe Rs. 10,000/- to Sattaiah. Ramaiah pays the amount to Sattaiah. Laxmaiah not knowing this fact again pays Rs 10,000/- to Sattaiah. In law he is bound to repay the amount to Laxmaiah. Which provision of Indian Contract Act 1872, contains the principle?

(A) Section 73.
(B) Section 83.
(C) Section 93.
(D) Section 72.

19. In a suit for specific performance of agreement of sale of immovable property, the plaintiff must aver and prove the following

(A) That plaintiff paid entire sale consideration
(B) That plaintiff obtained clearance from all authorities
(C) That plaintiff obtained encumbrance certificate
(D) That plaintiff is ready and willing to perform his part of contract

20. Saroja was granted government land. She was dispossessed without her consent. She instituted suit against the government under Section 6 of Specific Relief Act, 1963, for recovering possession of the property. The court rejected the plaint under Order VII Rule 11(d) of CPC. Whether rejection is proper?

(A) Yes, because suit under Section 6 against the government would not lie,
(B) Rejection of plaint is improper
(C) Plaintiff must be given opportunity to rectify the mistakes
(D) None of the above

21. An universal donee gets

(A) The ownership of whole property
(B) The whole property and donor's property in litigation
(C) Donor's property and liabilities of the donor in respect of all the debts due
(D) Only the right to perform last rites

22. When proper Court fees is not paid by the plaintiff, the Court shall

(A) Reject the plaint
(B) Shall grant time to the plaintiff to pay the deficit Court fees
(C) The Court shall send a report to the government
(D) None of the above

23. The following two documents require attestation and registration

(A) Marriage contract and divorce contract
(B) Indemnity bond and warranty
(C) Mortgage deed and exchange deed
(D) Development agreement and sale agreement

24. A petition for review of judgement would lie only when

(A) The person partly obeyed the judgement
(B) Deposits entire decretal amount
(C) An appeal is allowed by CPC but no appeal has been preferred
(D) Leave of the Court is obtained for filing review

25. Representative Suit under Order 1 Rule 8 of CPC may be permitted by the Court when

(A) Numerous persons are parties in another suit
(B) Numerous persons belong to the same family
(C) Numerous persons have the same interest in one suit
(D) None of the above

26. In a suit for payment of money, the Court may pass instalment decree

(A) When defendant admits the claim
(B) At the time of passing decree or thereafter before execution petition,
(C) At execution stage
(D) At the time of sale of property

27. The expression spes successionis means

(A) No chance of succession
(B) Mere chance or hope of succession
(C) Absolute succession
(D) None of the above

28. What is the limitation for filing a suit for recovery of arrears of rent?

(A) three years from the date the arrears become due
(B) three years from the date when the notice is given
(C) three years from the date when the demand for rent is made
(D) None of the above

29. Can the right of free passage of air over an open space or ground be acquired by prescription?

(A) Yes
(B) No
(C) in certain circumstances alone
(D) None of the above

30. One of the following is not a ground for divorce, under Section 13 of the Hindu Marriage Act, 1955?

(A) Adultery
(B) cruelty
(C) desertion
(D) irretrievable breakdown of marriage

31. If a right to sue survives, will the suit be abated by a party's death?

(A) Yes
(B) No
(C) If the opposite party agrees
(D) None of the above

32. Under the Protection of Women from Domestic Violence Act, 2005, one of the following reliefs cannot be claimed by a woman.

(A) divorce
(B) protection
(C) monetary
(D) residence

33. A judgement contains

(A) Concise statement of the case
(B) the decision on the point of determination and the reason thereof
(C) the point for determination
(D) all the above

34. "Quantum meruit" means

(A) the amount involved
(B) extent and quality
(C) to the extent of the work done
(D) none of the above

35. A contract of life insurance falls under the category of

(A) Contract of indemnity
(B) Contract of guarantee
(C) Contingent contract
(D) None of the above.

36. A woman with an intention of committing suicide by throwing herself in a Well, actually ran towards it, but changed her mind on the way and returned home. Her act constitutes —

(A) An offence under Section 306 I.P.C;
(B) An offence under Section 309 I.P.C
(C) An offence under Section 306 read with 511 I.P.C
(D) No offence.

37. A died leaving behind him, son's daughter's son, son's daughter's daughter, daughter's son's son and daughter's son's daughter. The property of A will devolve upon.

(A) Son's daughter's son and daughter's son's son
(B) Son's daughter's daughter and daughter's son's daughter
(C) Son's daughter's son and son's daughter's daughter
(D) Daughter's son's son and daughter's son's daughter

38. Who is guardian ad litem?

(A) A person appointed by the Court to take legal action on behalf of a minor
(B) Guardian of the child
(C) Step father of the child
(D) None of the above.

39. What is the distinction between injunction order and attachment order?

(A) There is no distinction; both are one and the same.
(B) Injunction order binds not only the parties to the suit but also third parties and whereas attachment order binds only parties to the suit;
(C) Injunction order binds only the parties to the suit and whereas attachment order not only binds the parties to the suit but also the third parties;
(D) None of the above.

40. Questions that can be determined by the Court executing the decree is:

(A) relating to execution, alone;
(B) relating to discharge alone;
(C) relating to part-payment alone;
(D) relating to execution, discharge or satisfaction.

41. Section 89 of the Code of Civil Procedure relates to -

(A) supplemental proceeding in a suit;
(B) suits by indigent persons;
(C) execution of decree;
(D) settlement of disputes outside the court.

42. What is the meaning of restitution? (Section 144 C.P.C.).

(A) dispossessing a person in occupation of suit property;
(B) re-adjudication of the claim;
(C) restoration of suit;
(D) restoring to a party on the modification, variation or reversal of decree.

43. If no time is prescribed in the order for carrying out amendment, what is the period within which amendment is to be carried out under Order 6 Rule 18 of the Civil Procedure Code?

(A) 30 days;
(B) 14 days;
(C) 60 days;
(D) 45 days.

44. Assistant Sessions Judge is empowered to pass sentence of imprisonment for a term not exceeding: -

(A) five years;
(B) ten years;
(C) three years;
(D) seven years.

45. What is enunciated in Section 52 of the Transfer of Property Act?

(A) effect of Lis pendens;
(B) fraudulent transfer;
(C) part performance;
(D) transfer by co-sharer.

46. The proposition of law laid down in Tulasamma v. Sesha Reddy [AIR 1977 SC 1944] relates to—

(A) essential ingredients of gift deed;
(B) essential ingredients of will deed;
(C) right of a female Hindu under sub-sections (1) & (2) of Section 14 of the Hindu Succession Act;
(D) Right of a reversioner.

47. To constitute adverse possession, possession must be —

(A) for a longer period;
(B) without paying any rent to the owner;
(C) with the permission of the owner;
(D) open and hostile enough to the parties interested in the property.

48. Under the Hindu Succession Act, 1956 in the case of intestate succession of a male Hindu father is

(A) Class-I heir;
(B) Class-II heir;
(C) Special grade heir;
(D) Class-III heir.

49. For a suit for possession of immovable property based on title, period of limitation is

(A) 12 years from the date of dispossession;
(B) 12 years from the date of threat of dispossession;
(C) 12 years from the date when possession of the defendant becomes adverse to the plaintiff,
(D) None of the above.

50. Formal expression of an adjudication which, so far as regards the court expressing it, conclusively determines rights of the parties, is

(A) decree;
(B) order;
(C) judgement
(D) appellate order.

51. A robbery becomes dacoity

(A) when two or more persons together commit robbery;
(B) when committed armed with deadly weapons;
(C) when five or more persons together commit the robbery;
(D) none of the above.

52. Private alienation of property after attachment of the same is

(A) voidable at the option of the decree holder;
(B) voidable at the option of the judgement debtor;
(C) void ab initio;
(D) void as against all claims enforceable under the attachment.

53. Which document requires stamp duty?

(A) acknowledgement of debt in order to supply evidence of such debt;
(B) acknowledgement of a debt in order to extend period of limitation for recovery of that debt;
(C) record of past transaction;
(D) in none of the above three cases.

54. Where a document is duly stamped and unregistered

(A) it is totally inadmissible in evidence;
(B) it can be admitted in evidence;
(C) it can be admitted in evidence for all purposes, after payment of deficit stamp duty and penalty;
(D) it would be admissible in evidence for collateral purposes.

55. 'X' sells to 'Y' property belonging to 'Z'. Subsequently 'Z' dies and the property devolves on 'X'. By which doctrine the said sale is valid

(A) doctrine of estoppel;
(B) doctrine of promissory estoppel;
(C) doctrine of feeding the grant by estoppel;
(D) doctrine of estoppel by conduct.

56. The following contract cannot be specifically enforced —

(A) a contract in which the executant dies subsequently;
(B) a contract in which the executant subsequently becomes insane;
(C) a contract which is in its nature determinable.
(D) a contract, non performance of which cannot be compensated by terms of money as adequate relief.

57. 'X' obtains money decree against 'Y'. In execution of the money decree, 'X' attaches moneys belonging to 'Y' lying with 'Z'. Then 'Z' is called

(A) decree holder;
(B) judgement debtor;
(C) banker
(D) garnishee.

58. In what branch of law does the principle "res ipsa loquitur" applies?

(A) Criminal Law
(B) Specific Relief Act, 1963
(C) Negotiable Instruments Act, 1882
(D) None of the above

59. Can a suit be laid after withdrawal of the same?
(A) No;
(B) Yes;
(C) Yes if permission is obtained from the court at the time of withdrawal with liberty to file a fresh suit;
(D) Yes subject to the condition that the cause of action for both the cases is identical.

60. Supplemental and incidental proceedings are stated in:
(A) C.P.C.;
(B) Cr.P.C.;
(C) Unlawful Activities (Prevention) Act;
(D) None of the above.

61. Perpetual injunctions are governed by:
(A) Specific Relief Act, 1963;
(B) Contract Act;
(C) Sale of Goods Act;
(D) Civil Procedure Code.

62. A building fetching a rent of Rs.2000/- and situated in municipal corporation area is governed by:
(A) A.P. Buildings (Lease, Rent & Eviction) Control Act, 1960,
(B) Transfer of Property Act, 1882;
(C) Registration Act;
(D) None of the above.

63. Whether a Junior Civil Judge's Court on its own or suo motu direct addition of a party whom it considers a necessary party to a suit?
(A) Yes;
(B) No;
(C) With the permission of District Court;
(D) With the permission of the High Court.

64. If a woman, who has inherited property from her mother, dies without children, then such property devolves on —
(A) the heirs of her father;
(B) the heirs of her maternal grandfather;
(C) the heirs of her mother in law;
(D) On her husband.

65. 'A' promises 'B' a job in government service and 'B' promises to pay Rs. 10,000/- for it. The agreement is
(A) void;
(B) voidable;
(C) enforceable on the direction of Government;
(D) enforceable on the direction of the High Court.

66. In the case of a breach of contract to sell immovable property the Court shall draw a presumption that —
(A) breach of contract cannot be adequately relieved by money compensation;
(B) that the breach can be compensated by money;
(C) that the suit can be decreed;
(D) that the suit cannot be decreed.

67. Suppose if a Court of Senior Civil Judge tries a suit which is triable by the Court of Junior Civil Judge. Is the decree
(A) valid;
(B) invalid;
(C) invalid under certain circumstances;
(D) None of the above.

68. When and in what circumstances a Judicial First Class Magistrate of First Class can add a person as accused in a criminal case?
(A) After taking cognizance of the case and before framing a charge;
(B) During the course of an enquiry in trial when it appears from the evidence;
(C) After framing of the charge and before the trial is commenced;
(D) None of the above.

69. 'A' purchases stamp paper worth Rs. 10,000/- for obtaining sale deed and then dies. Whether the son of 'A' can use that stamp paper for obtaining sale in his name?
(A) Yes;
(B) No;
(C) Under certain circumstances;
(D) None of the above.

70. Whether a court can dismiss an appeal on the ground of the Limitation Act even if Limitation is not pleaded as a ground?
(A) Yes;
(B) No;
(C) Under certain circumstances;
(D) If High Court permits.

71. A First Information Report means:

(A) a complaint made to the High Court;
(B) a complaint made to a Magistrate;
(C) a complaint filed under Section 199(1) Cr.P.C.
(D) information relating to the commission of a cognizable offence given to an officer in charge of a police station.

72. The Court may presume that a man who is in possession of marked currency notes soon after the theft, is either the thief or has received the currency notes knowing them to be stolen, unless he can account for his possession:

(A) Correct;
(B) a Court may not so presume where a shopkeeper is in possession of a marked currency note soon after it was stolen and cannot account for its possession specifically, but is continually receiving rupees in the ordinary course of his business;
(C) Neither (a) nor (b);
(D) Both (a) & (b).

73. Which provision requires that evidence must be taken in the presence of the accused?

(A) Section 302 of I.P.C.;
(B) Section 154 of the Evidence Act;
(C) Section 277 of Cr.P.C.
(D) Section 273 of Cr.P.C.

74. A police report under Section 173(2) of Cr.P.C must contain the particulars such as —

(A) Inquest particulars, post mortem particulars and Doctor's name
(B) Name of the parties, names of suspects or accused and nature of information
(C) Name of the police officer, name of investigating officer and police station
(D) None of the above

75. For taking cognizance of an offence committed by a public servant while acting in the discharge of his official duty, the essential requisite is -

(A) Accused must be Gazetted Officer
(B) Accused must be within the jurisdiction of the Court
(C) Previous sanction of the government is required
(D) None of the above.

76. Sections 451 and 452 of Cr.P.C essentially deal with disposal of property by the Criminal Court. The basic difference between the two is —

(A) Both the provisions deal with release of property produced before the Court.
(B) Section 451 is attracted during enquiry or trial and Section 452 is attracted after conclusion of the Criminal Trial
(C) There is no difference between the two provisions
(D) None of the above

77. Under Cr.P.C. the period of limitation shall commence

(A) On the date of taking cognizance
(B) On the date of offence
(C) On the date of filing the complaint
(D) None of the above

78. What is not true with regard to 'Complaint' under Section 2(d) of Cr.P.C?

(A) It is made to Magistrate with a view to his taking action under the code
(B) It is an allegation made orally or in writing
(C) That some person, whether known or unknown, has committed an offence.
(D) It includes a Police Report

79. In a criminal proceedings, the standard of proof that is required for finding the accused guilty of an offence, so as to convict him for the said offence is —

(A) beyond all reasonable doubt
(B) preponderance of probabilities
(C) both (a) and (b)
(D) None of the above

80. Under Section 482 Cr.P.C., the High Court exercises

(A) inherent powers
(B) appellate powers
(C) revisional powers
(D) review powers

81. Which of the following is correct?

(A) The de facto complainant/victim can file revision against order of acquittal
(B) The defacto complainant can file appeal against order of acquittal
(C) The prosecution can only file either revision or appeal against order of acquittal
(D) None of the above

82. What is the sentence of imprisonment provided for the offence under Section 354 of I.P.C., in the State of Andhra Pradesh?

(A) For a term up to two years
(B) For a term not less than three years
(C) For a term not less than two years
(D) None of the above

83. What is the maximum sentence of imprisonment that can be imposed in default of payment of fine?

(A) One-half of the maximum imprisonment fixed for the offence
(B) One-third of the maximum imprisonment fixed for the offence
(C) One-fourth of the maximum imprisonment fixed for the offence
(D) Equal to the maximum imprisonment fixed for the offence.

84. What is the distinction between Sections 161 and 164 of Cr.P.C.?

(A) Both are one and the same;
(B) Sec. 161 Cr.P.C. statement is recorded by the Magistrate and whereas Sec. 164 Cr.P.C. statement is recorded by the police;
(C) Sec. 161 Cr.P.C. statement is recorded by the police and whereas Sec. 164 Cr.P.C. statement is recorded by the Magistrate;
(D) Sec. 161 Cr.P.C. statement is recorded on oath and whereas no oath is administered in recording the statement under Sec. 164 Cr.P.C.

85. 'A' is arrested and detained in custody on an accusation for the offence punishable with imprisonment for life. He is entitled to statutory bail as provided under sub-section (2) of Section 167 of Cr.P.C., after expiry of —

(A) 30 days;
(B) 60 days;
(C) 90 days;
(D) 45 days.

86. What is the primary object of inquest report under Section 174 of Cr.P.C.?

(A) to know the name of the assailants of the deceased;
(B) to know the motive for the commission of offence;
(C) to know the apparent cause of death;
(D) to know the place of occurrence.

87. What is the meaning of payment of cheque crossed specially?

(A) the banker on whom it is drawn shall not pay it otherwise than to the banker to whom it is crossed, or his agent for collection;
(B) the banker on whom the cheque is drawn shall not pay it otherwise than to a banker;
(C) payment of cheque amount across the counter;
(D) payment of cheque amount to the agent of payee.

88. What is the essential ingredient of promissory estoppel?

(A) Promisee has altered his position in reliance on the promise;
(B) Promisor has recalled his promise;
(C) Promisee has recalled his acceptance;
(D) Promisee should suffer any detriment.

89. Presumption under Section 139 of the Negotiable Instruments Act, 1881 is in respect of

(A) That the cheque was signed by the accused;
(B) That the cheque was dishonoured by the banker;
(C) That the cheque was issued for discharge of any debt;
(D) That the cheque is valid under banking laws.

90. Can anticipatory bail be granted in respect of bailable offences, and if so in what circumstances?

(A) Anticipatory bail cannot be granted in bailable offences;
(B) Bail can be granted only in case the petitioner is a woman, a minor or a sick person;
(C) There is no distinction between bailable and non-bailable offences so far as anticipatory bail is concerned;
(D) None of the above.

91. When can charges be framed?

(A) At any stage but before judgment.;
(B) At any stage subject to permitting the cross-examination of the prosecution witnesses;
(C) At any time in offences exclusively triable by Sessions Court but in cases triable by a Judicial First Class Magistrate, charges should be framed within 3 months after taking cognizance of the case;
(D) None of the above.

92. As per IPC a document whereby any legal right is created, extended, restricted or released, is -

(A) Conveyance deed;
(B) Gift deed;
(C) Will;
(D) Valuable security.

93. Who is the person competent to compound an offence of criminal trespass under Section 447 of IPC?

(A) The person in possession of the property trespassed upon;
(B) Investigating officer;
(C) The person who gave the complaint of trespass;
(D) None of the above.

94. Does a will deed require stamp duty and registration for its validity?

(A) No;
(B) Yes;
(C) Under certain circumstances;
(D) When value of property covered by will in excess of Rs. 100/-

95. Pecuniary jurisdiction of civil court is specified in:

(A) A.P. Court Fees and Suits Valuation Act, 1956;
(B) A.P. Civil Courts Act, 1972;
(C) Civil Procedure Code;
(D) Civil Rules of Practice.

96. Whether an unstamped promissory note can be admitted in evidence after collection of stamp duty and penalty?

(A) Yes can be admitted.
(B) Cannot be admitted.
(C) Can be admitted if the suit filed is under the Negotiable Instruments Act;
(D) Can be admitted only by the High Court.

97. Circumstantial evidence is —

(A) direct evidence;
(B) indirect evidence;
(C) Neither of a & b;
(D) Material evidence.

98. Under the Indian Penal Code, a person is defined as -

(A) including any company or body of persons whether incorporated or not;
(B) meaning only individual human beings;
(C) meaning only as men;
(D) None of the above.

99. What is the meaning of retracted confession?

(A) Confession which is subsequently confirmed;
(B) Confession which is subsequently assured;
(C) Confession which is subsequently resiled;
(D) None of the above.

100. Definition of 'wrongful gain' is as follows:

(A) gain by unlawful means of property to which person is not legally entitled;
(B) gaining wrongfully and losing wrongfully;
(C) gaining dishonestly;
(D) loss by unlawful means of property to which person is entitled.