Andhra Pradesh Civil Judge (Screening Test) 2012

High Court of Andhra Pradesh at Hyderabad · Civil Judge (Junior Division) Screening Test, held 29.04.2012 · 100 questions

Screening Test

1. Where a certified copy of a decree of any of the superior Courts of any reciprocating territory has been filed in a District Court, the decree may be executed in India as if it has been passed by the District Court.

(A) True
(B) False
(C) None of the above

2. Where a judgment-debtor has been committed to the civil prison, he may be released therefrom:

(A) By the State Government on the ground of the existence of any infectious disease
(B) By the committing Court or any Court to which that Court is subordinate on ground of serious illness
(C) By the State Government on the ground of the existence of any contagious disease
(D) All the above

3. A suit to obtain an urgent or immediate relief against the Government or any Public Officer may be instituted in respect of an act purporting to be done by public officer in his official capacity:

(A) Without serving any notice under Section 80(1) of the Code of Civil Procedure
(B) After due service under Section 80(I) of the Code of Civil Procedure
(C) With the leave of the Court without serving any notice under Section 80(1) of the Code of Civil Procedure
(D) None of the above

4. (A) Women, who due to the customs and manners of the country, ought not be compelled to appear in public are exempted from personal appearance in Court. (B) However nothing shall be deemed to exempt such women from arrest in execution of civil process in any case in which the arrest of women is not prohibited by the Code of Civil Procedure.

(A) Both (A) and (B) of the above statement are correct.
(B) Only (A) of the above statement is correct.
(C) Only (B) of the above statement is correct.
(D) Neither (A) nor (B) is correct

5. An application for bringing on records the legal representatives of a party has to be filed within:

(A) 30 days of the death
(B) 75 days of the death
(C) 15 days of the death
(D) 90 days of the death

6. The order noting compromise amongst the parties as passed under the provisions of Order XXIII Rule 3 of the Code of Civil Procedure 1908:

(A) Has to be in writing
(B) Has to be in writing and duly signed by the respective parties
(C) May not be in writing
(D) Has to be in writing but may not be signed.

7. When an ex parte decree is passed the defendant:

(A) Can file an appeal under Section 96 of the Code of Civil Procedure
(B) Can file an application under Order 9 Rule 13 of the Code of Civil Procedure
(C) To opt either (a) or (b)
(D) If an application (b) above is dismissed can file appeal to dispute the correctness of order passed

8. A decree may be executed by:

(A) District Judge
(B) Commissioner
(C) Court which has passed the decree
(D) Either by the Court which has passed the decree or to which the decree is sent for execution

9. By which judgment, the Hon'ble Apex Court upheld the constitutional validity of amendments made in the Code of Civil Procedure vide amendment Acts of 1999 and 2002:

(A) Salem Advocates Bar Association, Tamil Nadu vs. Union of India
(B) Civil Court Bar Association vs. Union of India
(C) Indian Courts Bar Association vs. Union of India
(D) West Bengal High Court Bar Association vs. Union of India

10. The power of a Court to correct clerical or arithmetical mistakes in judgments, decrees or orders:

(A) May at any time be exercised by Court of its own motion
(B) May at any time be exercised on an application by any of the Parties
(C) Either (a) or (b)
(D) None of the above

11. The Commissioner as 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) Neither of the above
(D) Both (a) and (b)

12. A sues B on a bill of exchange for Rs. 1000/-. B holds a judgment against A for Rs.2000/-.

(A) Pecuniary demand may be set off because both claims are definite
(B) Claims cannot be set off because issues are different
(C) Both (a) and (b) are correct
(D) None of the above

13. Under which provision of the Code of Civil Procedure it is necessary for a party to prove that in spite of all due diligence, the matter could not be raised before the commencement of the trial:

(A) Order XI Rule 12
(B) Order VI Rule 17
(C) Order VI Rule 16
(D) Order V Rule 15

14. A Magistrate while passing an order for disposal of property must decide the:

(A) Question of entitlement to possession on the basis of decision on the question of title
(B) Question of entitlement to possession without deciding the question of title
(C) Question of Title
(D) Question of Title as well as the question of entitlement to possession

15. The period of limitation in case of an offence punishable with fine only as provided under Section 468 of the Code of Criminal Procedure is:

(A) 3 years
(B) 6 months
(C) 15 days
(D) 3 months

16. Inquiry, Trial or other Proceedings conducted in wrong place

(A) Cannot be set aside unless the same has resulted into failure of justice
(B) Cannot be set aside even if the same has resulted into failure of justice
(C) Makes them void ab initio
(D) Either (a) or (b)

17. Offences not covered under Section 320 of the Code of Criminal Procedure are:

(A) Non-compoundable
(B) Compoundable with the leave of Trial Court
(C) Compoundable with the leave of Court of Sessions
(D) Compoundable with the leave of High Court

18. Section 164 of the Code of Criminal Procedure contains a special procedure relating to recording of confessions and statements. In view of the provision which is the correct proposition:

(A) Any Metropolitan or Judicial Magistrate may, whether has jurisdiction or not in the case, can record confession or statement made in the course of an investigation.
(B) Confession can also be recorded by a Police Officer on whom any power of a Magistrate has been conferred.
(C) The recording of statement can only be done by the Magistrate who has the jurisdiction.
(D) Any Magistrate may, whether has jurisdiction or not in the case can record confession or statement made in the course of an investigation.

19. A, a surgeon, sees a child suffer an accident, which is likely to prove fatal unless an operation be immediately performed. There is no time to apply to the child's guardian. A performs the operation in spite of the entreaties of the child, intending, in good faith, the child's benefit.

(A) A is liable as he performed the operation without taking due consent
(B) A is not liable because the act was done in good faith for benefit of a person, even without consent
(C) A should not have performed the operation, even if it was in good faith and since the operation was performed, A is liable.
(D) None of the above

20. Grave and sudden provocation is:

(A) A question of law
(B) A question of fact
(C) A mixed question of fact and law
(D) A presumption under law

21. Dishonest intention must precede the act of committing:

(A) Robbery
(B) Criminal Misappropriation
(C) Theft
(D) Criminal Breach of Trust

22. Abatement of an offence is:

(A) Always an offence
(B) May be an offence depending on the circumstances but not always
(C) Never an offence
(D) May not be an offence depending on the circumstances

23. What does a fight under Section 159 of the Indian Penal Code signify:

(A) Two parties one of which is actively involved
(B) Two parties both of which are passive
(C) Two parties one of which is passive
(D) None of the above

24. Five persons went to A's house armed with bats to beat A. One (X) amongst the five persons was carrying a pistol concealed underneath his shirt. During the incident of beating, X fired a shot resulting in A's death:

(A) All being members of unlawful assembly are liable for causing death
(B) All will be liable only for beating A
(C) Only A will be liable for causing death
(D) None of the above

25. X, a good swimmer, sees Y drowning. However, X does not save Y and Y was drowned. In these circumstances, whether X is liable for committing:

(A) Murder
(B) Culpable homicide not amounting to murder
(C) Abetment of suicide
(D) No offence

26. "Restitution stops where repayment begins", is a principle which can correctly be applied against:

(A) Lunatics and Idiots only
(B) Alien Enemy only
(C) Minors only
(D) All the above

27. The reciprocal promises provide for doing certain things which are legal and certain others which are illegal. In view of the provisions of Section 57 of the Indian Contract Act:

(A) Promises become void
(B) First set of promises is valid, whereas the second is void
(C) First set of promises is voidable, whereas the second is void
(D) All promises are valid

28. A contract can be discharged:

(A) By frustration of contract
(B) By performance of contract
(C) Both (a) and (b)
(D) Neither (a) nor (b)

29. Novation of Contract means

(A) Renewal of original contract
(B) Cancellation of contract
(C) Substitution of a new contract in place of the original contract
(D) Alteration of contract

30. Who amongst the following is not an agent:

(A) A procurement agent
(B) An independent buyer
(C) A person who advices another in matters of business
(D) All the above

31. Bank Guarantee is an independent contract between:

(A) Creditor and Debtor
(B) Buyer and Seller
(C) Bank and Beneficiary
(D) None of the above

32. Ratification of an act:
(A) Has to be express only
(B) Has to be implied
(C) Has to be both -express and implied
(D) Can either be express or implied

33. Section 5(i) of the Hindu Marriage Act introduces:
(A) Endogamy
(B) Monogamy
(C) Exogamy
(D) All the above

34. In the absence of any proceeding under the Hindu Marriage Act, between the parents of the children, an order for the custody, maintenance and education of minor children can be passed by the:
(A) Guardianship Court
(B) High Court
(C) District Court
(D) All the above

35. In a suit for dissolution of marriage:
(A) Permanent alimony can be granted
(B) Maintenance pendente lite can be granted
(C) Both maintenance pendente lite and permanent alimony can be granted
(D) Neither maintenance pendente lite nor permanent alimony can be granted

36. When two persons are the descendants of a common ancestor by different wives, they are said to be related to each other by:
(A) Uterine Blood
(B) Half Blood
(C) Full Blood
(D) Either (b) or (c)

37. Failure of one branch of the family to question the validity of an alienation in a suit:
(A) Would bar the right of the other branch
(B) Would not bar the right of the other branch
(C) May or may not bar the right of the other branch
(D) Either (a) or (c)

38. A family arrangement binds:
(A) All members including minors and children in the womb
(B) All members except minors and children in the womb
(C) All members including minors but excluding children in the womb
(D) Either (b) or (c)

39. If the two persons are related by blood or adoption wholly through males, each is known to have _____ to other:
(A) Cognate
(B) Agnate
(C) Full blood
(D) Half Blood

40. If two or more heirs succeed together to the property of an intestate, they shall take the property:
(A) As expressly provided in the Hindu Succession Act, per capita and not per stripes
(B) As tenants-in-common and not as joint tenants
(C) Both (a) and (b)
(D) Either (a) or (b)

41. After the institution of suit for partition by a member of the joint family:
(A) There is no effect in the shares by virtue of births and deaths
(B) Subsequent births in the family diminish the share
(C) Subsequent deaths in the family augment the share
(D) None of the above

42. Easement is a right
(A) In personam
(B) In rem
(C) In rem in general but in personam in exceptional cases
(D) Both (a) and (b) are not correct

43. An easement
(A) Cannot be extinguished
(B) Extinguishes when the servient owner leaves on his own
(C) Extinguishes when the dominant owner releases it expressly or impliedly to the servient owner
(D) Upon the death of the dominant owner

44. As per Section 118 of the Negotiable Instruments Act, presumption in regard to the date of a negotiable instrument is that every negotiable instrument bearing a date was made or drawn:

(A) On such date
(B) Prior to that date
(C) May be on or prior to such date
(D) None of the above

45. A perpetual injunction means:

(A) A judicial process
(B) Thing prevented is a wrongful act
(C) Preventive in nature
(D) All of the above

46. A declaratory decree under the Specific Relief Act can:

(A) Be commuted
(B) Be withheld
(C) Be declined
(D) Cannot be declined

47. The provision of Mandatory Injunction is regulated by Section _____ of the Specific Relief Act:

(A) 42
(B) 41
(C) 40
(D) 39

48. What is incorrect about a temporary injunction:

(A) It finally settles the mutual rights of the parties and directs a party for all time to do or abstain from doing a thing
(B) Can be granted ex-parte
(C) Preserves the property in dispute in status quo till the disposal of suit
(D) Continues unless a specific time

49. Mistake contemplated under Section 26 of the Specific Relief Act is:

(A) Bilateral mistake
(B) Mutual mistake
(C) Mistake in framing of the instrument
(D) All the above

50. For protection under Section 124 of the Evidence Act, the communication is to be made:

(A) To a public officer in official confidence
(B) To a pubic officer as an ordinary cause of his duties
(C) To a public officer as a routine matter
(D) Either (a) or (b) or (c)

51. Which of the following is true as to the standard of proof in civil and criminal proceedings:

(A) It is balance of probabilities in both civil and criminal proceedings
(B) It is beyond reasonable doubt in both civil and criminal proceedings
(C) In criminal proceedings it is upon the balance of probabilities and in civil proceedings it is beyond reasonable doubt.
(D) In civil proceedings it is upon the balance of probabilities and it is beyond reasonable doubt in criminal proceedings

52. Evidence under the Indian Evidence Act means and includes:

(A) Documentary evidence
(B) Ocular evidence
(C) Both, the ocular and documentary evidence
(D) Ocular evidence based on documents only

53. Admission by agents are:

(A) Admissible in civil proceedings only if the agent has the authority to make admissions
(B) Admissible in civil proceedings under all circumstances
(C) Never admissible in criminal proceedings
(D) Both (a) and (c)

54. Under the provisions of Section 45 of Evidence Act, the opinion of an expert can be for:

(A) Identity of finger impression
(B) Identity of hand writing
(C) Both (a) and (b)
(D) Neither (a) nor (b)

55. Privilege under Section 121 of the Evidence Act is:

(A) Not available to an Arbitrator
(B) May or may not available to an Arbitrator
(C) Available to an Arbitrator
(D) None of the above

56. Acknowledgement after the period of limitation:

(A) Gives rise to an independent and enforceable contract
(B) Is of no effect
(C) Both (a) and (b)
(D) None of the above

57. A suit against the obstruction in the enjoyment of easement rights acquired under Section 25 of the Limitation Act must be filed within _____ years of obstruction:

(A) 12
(B) 7
(C) 4
(D) 2

58. A decree of mandatory injunction can be enforced with in a period of:

(A) 12 years
(B) 9 years
(C) 6 years
(D) 3 years

59. The unborn person acquires vested interest on transfer for his benefit:

(A) Within 75 days of the birth
(B) Within 60 days of the birth
(C) Within 90 days of the birth
(D) None of the above

60. The principle of lis pendens embodied in Section 52 of the Transfer of Property Act pertains to:

(A) Public policy
(B) Auction sale
(C) Bona fide purchase
(D) Bona fide sale

61. A suit to obtain a decree that a mortgagor shall be absolutely debarred of his right to redeem the mortgaged property is called:

(A) Suit for claim
(B) Suit for interest
(C) Suit for cost
(D) Suit for foreclosure

62. The power of a Magistrate under the Protection of Women from Domestic Violence Act, 2005 is:

(A) To attempt to communicate with aggrieved person and to isolate any assets used by both the parties
(B) To pass protection order in favour of aggrieved person
(C) To enter a workplace or any other place frequented by aggrieved person
(D) All the above

63. Domestic relationship means:

(A) Relationship with family members living together as a joint family
(B) Relationship with family members living together in a nuclear family
(C) Relationship as sisters, widow, mother, single women, living with abuser
(D) All the above

64. Documents (other than wills) remaining unclaimed in any registration office for a period exceeding _____ years may be destroyed

(A) 2
(B) 3
(C) 4
(D) 5

65. 'Building' as defined in the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act means:

(A) Any house or hut or part of a house or hut, let or to be let separately for residential or non-residential
(B) Gardens, grounds let or to be let
(C) Garages and out houses let or to be let
(D) All the above

66. 'Controller' under the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act means:

(A) Any person not below the rank of a Tahsildar
(B) Any person not above the rank of a District Collector
(C) Any person equivalent to the rank of District Judge
(D) None of the Above

67. Under Section 18 of the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, for conversion of residential building into a non-residential building, a written permission of

(A) Controller
(B) Commissioner
(C) District Judge
(D) Either of the above

68. A registered document relating to a property takes precedence over the unregistered document relating to the same property under _____ section of the Registration Act:

(A) 53
(B) 52
(C) 51
(D) 50

69. An agreement in restraint of marriage is:
(A) Voidable at the option of the promisor.
(B) Voidable at the option of the promisee.
(C) Expressly void.
(D) A valid contract.

70. A contract of insurance is what kind of contract?
(A) Contract of guarantee.
(B) Contract of indemnity.
(C) Contract of surety.
(D) Contract of bailment.

71. Under the Indian Contract Act, 1872, the following right is not available to an agent:
(A) Right to retain
(B) Right to sell
(C) Right to claim compensation
(D) All of the above

72. Under Indian Contract Act, 1872, an agency shall stand terminated in the below mentioned case:
(A) Death or insolvency of principal
(B) Death or insolvency of agent
(C) Death or insolvency of both the agent and the principal
(D) Death or insolvency of either the agent or the principal

73. Finder of lost goods under Indian Contract Act, 1872 is a:
(A) Bailor
(B) Surety
(C) Bailee
(D) Principal debtor

74. The maximum limit for a sentence of solitary confinement as provided under Section 73 of Indian Penal Code is:
(A) Six months to one year
(B) Six months
(C) Eighteen months
(D) Three months

75. Right of private defence is provided under following provision of Indian Penal Code:
(A) Section 96
(B) Section 95
(C) Section 99
(D) Section 92

76. Under the provisions of sub section 2 of Section 18 of the Limitation Act, oral evidence of the date of acknowledgment is permissible if the acknowledgment:
(A) Is dated
(B) Is undated
(C) Date in acknowledgment is altered
(D) All the above

77. The provisions of Section 14 of the Limitation Act are applicable:
(A) Only if on the opening day plaint is presented before the proper Court.
(B) Even if on the opening day the plaint is not presented in the proper Court
(C) Both (a) and (b)
(D) None of the above

78. Dominant tenement means:
(A) Land on which liability is imposed
(B) Land, for the beneficial enjoyment of which the right exists
(C) Both (a) and (b)
(D) None of the above

79. Documents not covered under Section 74 of the Evidence Act are called:
(A) Semi Public Documents
(B) Quasi Public Documents
(C) Private Documents
(D) All of the above

80. Due execution and authentication of a power of attorney shall be presumed under Section 85 of the Evidence Act when executed before and authenticated by:
(A) A judge
(B) A Notary
(C) A Magistrate
(D) All of the above

81. Notice under Section 111 of the Transfer of Property Act can be waived by:
(A) Express consent of the person to whom it is given
(B) Express or implied consent of the person to whom it is given
(C) Implied consent of the person to whom it is given
(D) Notice from either party

82. A gift to two or more donees, one of whom does not accept it, is:

(A) Valid at the option of the heir
(B) Voidable at the option of the donor
(C) Void as to interest which he would have taken had he accepted
(D) Valid as to the interest which he would have taken had he accepted

83. In the option _____ below, there is no estoppel:

(A) Attestation of Deed
(B) Point of Law
(C) Statute
(D) All the above

84. In a situation where a person competent to compound an offence is dead, the compounding:

(A) Cannot be done
(B) Can be done by the legal representative of the deceased
(C) Can be done by the legal representative of the deceased with the due permission of the Court
(D) None of the above

85. A Magistrate under Section 311A of the Code of Criminal Procedure, can order any person to:

(A) To give specimen signatures
(B) To give specimen handwriting
(C) Either (a) or (b)
(D) All of the above

86. Under Section 29(2) of the Code of Criminal Procedure, the Court of a Magistrate of the first class may pass a sentence of imprisonment for a term not exceeding three years, or of fine not exceeding _____, or both.

(A) Five thousand rupees
(B) Seven thousand five hundred rupees
(C) Ten thousand rupees
(D) Fifteen thousand rupees

87. Under Section 174(1) of the Code of Criminal Procedure, when the officer in charge of a Police Station receives an information that a person has committed suicide, or has been killed by another or by an animal or by machinery or by an accident, or has died under circumstances raising a reasonable suspicion that some other person has committed an offence, he shall immediately give intimation thereof to the nearest _____ empowered to hold inquests.

(A) Executive Magistrate
(B) SDO
(C) Either (a) or (b)
(D) None of the above

88. An act of criminal conspiracy is committed when _____ persons agree to do, or cause to be done an act:

(A) Two persons
(B) Two or more persons
(C) Five Persons
(D) None of the above

89. A person accused of an offence may apply for a plea bargain in

(A) In the Court in which his case is pending trial
(B) In any Court
(C) In the High Court
(D) In the police station

90. The provision relating to extension of Indian Penal Code to extra-territorial offences is provided in Section _____ of the Indian Penal Code:

(A) 4
(B) 5
(C) 6
(D) 7

91. Wrongful confinement is defined under Section _____ of the Indian Penal Code:

(A) 339
(B) 340
(C) 343
(D) 346

92. Promoting enmity between different groups on the grounds of religion, race etc. is an offence under Section _____ of the Indian Penal Code:

(A) 153A
(B) 120A
(C) 153AA
(D) 146

93. X, with intent to murder Y, instigates his six year old servant A, to do an act which will cause death of Y. A does the act, but in the absence of X. The act of A resulted in the death of Y.

(A) A is liable
(B) X is liable and is subject to the punishment of death
(C) Either (a) or (b)
(D) None of the above

94. In regard to sale of perishable property, if the person entitled to the possession of such property is not known or absent and the property is subject to speedy and natural decay, the Magistrate may direct it to be sold within _____ of the date of such proclamation:

(A) One month
(B) Three months
(C) Six months
(D) Nine months

95. In terms of the provisions of Code of Criminal Procedure, the power to recall any witness can be exercised:

(A) Before the evidence of the prosecution is closed if the witness is to be called on the motion of the prosecution
(B) Even after the evidence of both the sides is closed
(C) Even after the evidence of prosecution is closed, but before the evidence of defence is closed
(D) None of the above

96. Personal attendance of an accused can be dispensed with under the provisions of Section _____ of the Code of Criminal Procedure:

(A) 202
(B) 203
(C) 204
(D) 205

97. Abetment of an offence is:

(A) Always an offence
(B) May be an offence depending on the circumstances but not always
(C) Never an offence
(D) May not be an offence depending on the circumstances

98. Where investigation is not completed within the stipulated period of 90 or 60 days, as the case may, the accused who has been in custody, on the expiry of above mentioned period, gets entitled to:

(A) Be discharged
(B) Be released on bail on making an application for release on bail
(C) Be released on bail without making an application
(D) None of the above

99. If it appears to the Magistrate that the offence complained of is triable exclusively by the Court of Session, under Section 202 of the Code of Criminal Procedure, while delaying the issue of process against the accused, the Magistrate:

(A) May order for investigation by Police
(B) Commit the case to Sessions Court
(C) Examine the complainant and all his witnesses
(D) Return the complaint for presentation before the Court of Session

100. A confessional statement under Section 164 of the Code of Criminal Procedure, can be recorded:

(A) During the course of investigation or at any time afterwards before the commencement of inquiry or trial
(B) During the course of investigation only and not afterwards
(C) During investigation as well as during inquiry but before the commencement of trial
(D) None of the above