Andhra Pradesh Civil Judge (Screening Test) 2015

High Court of Judicature at Hyderabad · Civil Judge (Junior Division) Screening Test, held 12.07.2015 · 100 questions

Screening Test

1. Provisions of Section 10 CPC are
(A) discretionary
(B) mandatory
(C) both
(D) none of the above

2. Jurisdiction of Civil Court to adjudicate an industrial dispute is
(A) not barred
(B) expressly barred
(C) impliedly barred
(D) none of the above

3. A judgment passed by a Court having no jurisdiction
(A) operates as res judicata
(B) does not operate as res judicata
(C) operates as res judicata in certain circumstances
(D) none of the above

4. Against a decree of the Court in the original suit where the subject matter does not exceed Ten Thousand Rupees
(A) no appeal lies
(B) appeal lies
(C) appeal lies on a question of law
(D) none of the above

5. Pleadings shall state
(A) evidence
(B) material facts
(C) material facts and evidence
(D) none of the above

6. Inconsistent pleas can be raised
(A) in the plaint
(B) in the written statement
(C) cannot be raised in the plaint or written statement
(D) none of the above

7. Under the Indian Penal Code, preparation to do a criminal act is
(A) an offence
(B) not an offence
(C) an offence only in respect of certain criminal acts
(D) none of the above

8. The word “injury” in the Indian Penal Code means
(A) injury to the body of a person
(B) injury to the property
(C) injury to the mind
(D) injury to the body, mind, reputation or property

9. The provision relating to one of the accused to represent the other accused is contained in
(A) Rule 17 of Criminal Rules of Practice
(B) Rule 34 of Criminal Rules of Practice
(C) Rule 37 of Criminal Rules of Practice
(D) None of the above

10. Judicial work on holidays can be taken up
(A) if the Judicial Officer wants to take up on any day
(B) it cannot be taken up at all
(C) it can be taken up in exceptional circumstances and with the consent of both parties
(D) none of the above

11. A is entitled for more than one relief against B in respect of same cause of action. A sued B for one relief and omitted other reliefs.
(A) he can file a suit subsequently for the remaining reliefs
(B) he cannot sue for the remaining reliefs
(C) he can sue for the remaining reliefs if he omitted to sue earlier with the leave of the Court.
(D) none of the above

12. Under Order VI, Rule 17 CPC, after commencement of trial, amendment shall be allowed

(A) liberally
(B) in exceptional cases
(C) when the Court comes to the conclusion that inspite of due diligence the party could not have raised before the commencement of trial
(D) none of the above

13. After recording entire evidence and hearing arguments the Court comes to the conclusion that it has no jurisdiction over the subject matter. In such an event

(A) the Court shall proceed to pronounce the judgment
(B) reject the plaint
(C) return the plaint
(D) none of the above

14. Evidence in relation to extra judicial confession

(A) is hearsay evidence
(B) not substantive evidence
(C) substantive evidence
(D) none of the above

15. Which of the following statement is correct:

(A) A dying declaration is not substantive evidence
(B) Dying declaration cannot be acted upon without corroboration
(C) Conviction can be entirely based on dying declaration
(D) None of the above

16. Which of the following statement is correct:

(A) The Court is bound to grant specific performance when it is lawful to do so
(B) The Court has absolute power to refuse specific performance
(C) At its discretion which has to be exercised properly
(D) None of the above

17. The period of limitation for taking cognizance of an offence Punishable with imprisonment for a period of one year is

(A) six months
(B) one year
(C) three years
(D) no limitation is prescribed

18. The period of limitation for possession of immovable property not based on title is

(A) 1 year
(B) 3 years
(C) 12 years
(D) None of the above

19. Maintenance pendente lite and expenses of the proceedings under Section 24 of the Hindu Marriage Act can be granted to

(A) the wife
(B) the husband
(C) either the wife or the husband
(D) none of the above

20. If either of the parties has a spouse living at the time of marriage, the marriage is

(A) valid
(B) void
(C) voidable
(D) none of the above

21. If consent of one of the parties to the marriage is obtained by force, fraud as to any material fact or circumstance, the marriage is

(A) void
(B) valid
(C) voidable
(D) none of the above

22. In a prosecution for the offence U/Sec.354 or 376 IPC, or to commit any such offence, if the question of consent is in issue, the evidence of the character of the victim or such person's previous sexual experience

(A) becomes relevant under certain circumstances
(B) shall not be relevant
(C) shall be relevant
(D) none of the above

23. Which of the following statements is correct:

(A) Criminal Court cannot make any alteration in the judgment
(B) It can alter the judgment if it finds an erroneous finding is given by mistake
(C) It can correct the clerical or arithmetical errors in the judgment
(D) None of the above

24. Under the Code of Criminal Procedure, the powers of revision are conferred on

(A) the High Court
(B) the Sessions Court
(C) the High Court as well as the Sessions Court
(D) none of the above

25. The object of conducting inquest under Section 174 Cr.P.C is

(A) to commence the investigation
(B) to note down the injuries on the body of the deceased
(C) to know the cause of death
(D) none of the above

26. In a suit by or against the Central Government, the Authority to be named as plaintiff or defendant, as the case be, shall be

(A) Central Government represented by the concerned Ministry
(B) Union of India represented by the highest ranking officer In-charge of the concerned Ministry
(C) Union of States, represented by the concerned Department
(D) Central Government represented by the Collector and District Magistrate

27. One Mr. M employed N, caused damage to the property of 'O' and agrees indemnify 'N' all consequences of such an act. Accordingly, 'N' has caused damaged to the property of 'O' and had to pay to 'O'. In such a scenario:

(A) M is liable to indemnify N for the damages
(B) M is liable to pay damages to O directly
(C) M is liable to indemnify N for the damages
(D) N can avoid payment of damages to O

28. When a contract has been broken, if a sum is named in the contract as the amount to be paid. In case of such breach, the party complaining of the breach is entitled to

(A) whether or not actual damage or loss is true, the party is entitled to receive the amount so named
(B) only when the actual loss or damage is proved, which is in excess of the amount so stipulated, the party is entitled to receive the amount so stipulated
(C) the party who complained of the breach is entitled to a reasonable compensation, not exceeding the amount so named.
(D) Party is entitled to receive the amount so specified unless breach is proved

29. 'A' a tradesman, leaves goods at 'B's house by mistake. 'B' treats the goods as his own. In such a case,

(A) 'A' is not entitled for the value of the goods
(B) 'A' is entitled to receive only such amount representing a reasonable rent for the usage of goods by 'B'
(C) 'B' is liable to pay only damages, but not the value of the goods
(D) 'B' is liable to pay for the value of the goods

30. The essential requirement for constituting novation is that:

(A) there should be a second contract in continuation of the first one
(B) there should be a new contract in substitution of the old one
(C) the first contract should be operational so that, new contract can proceed there from
(D) original contract should be a void contract

31. Any fact constituting a motive or preparation for any fact in issue:

(A) is a relevant fact
(B) not a relevant fact
(C) is a relevant fact, if it forms part of the same transaction
(D) none of the above

32. In criminal proceedings, the fact that the person accused is of a good character is....

(A) irrelevant
(B) relevant
(C) important for imposing lesser punishment
(D) none of the above

33. If a document is required by law to be attested, it shall not be used as evidence.

(A) until both the attesting witnesses have been called for proving its execution
(B) atleast one attesting witness has been called for proving its execution
(C) in case of unregistered document, attesting witness need not be called
(D) none of the above

34. When a contract of sale of immovable property is made, does it create any charge on such property?

(A) yes, it does
(B) it does, provided promise fulfills his part of the obligations
(C) at the option of the promissory, it does
(D) it does not on itself create any charge on such property

35. If a wife withdraws herself voluntarily from the company of her husband who has been diagnosed as infected by H.I.V positive due to improper and careless blood transfusion, can the husband seek restitution of conjugal rights?

(A) yes, as the fault is not of his
(B) no
(C) yes, in case is undergoing treatment from a approved hospital
(D) none of the above

36. A & B were married. 'C' was born to them. Subsequently, the marriage between A & B was declared as void. Can 'C' be a

(A) illegitimate child
(B) legitimate child
(C) it is for the Court to determine the status of 'C'
(D) none of the above

37. When will the property of a female Hindu dying intestate devolve upon her mother who is alive?

(A) when there are no sons and daughters to her, but husband is alive
(B) when the husband and a son of a pre-deceased, son and a daughter of pre-deceased daughter is available
(C) in the absence of husband or sons or daughters or their children
(D) none of the above

38. One of the following is not liable for attachment under Sec.60 CPC:

(A) bank notes
(B) hundies
(C) shares in a corporation
(D) books of accounts

39. A files a suit against B for recovery of money before the competent Court of Law. The said suit is returned with certain office objections, to be complied and resubmitted within fifteen(15) days. Due to certain reasons, A forgets to represent the same within the 15 days. Under which provision of CPC can a petitioner seek extension of time?

(A) Sec.148
(B) Sec.148-A
(C) Sec.142
(D) Sec.146

40. Under which provision of CPC Government has to be put on notice before instituting a suit against the Government

(A) Sec.80
(B) Sec.92
(C) Sec.65
(D) Order I Rule 10

41. Does the police have power to reinvestigate into a crime, in which charge sheet has already been filed into the Court?

(A) yes
(B) no
(C) yes, with the permission of the Court
(D) yes, with the permission of the Public Prosecutor

42. Is the offence under Sec.497 compoundable in the States of Andhra Pradesh and Telangana?

(A) yes
(B) no
(C) yes, with the permission of the court
(D) yes, with the permission of the Public Prosecutor

43. What is the statutory notice period intimating dishonour of the cheque under Sec.138 of Negotiable Instruments Act?

(A) one month
(B) fifteen days
(C) two weeks
(D) three weeks

44. Under what provision of I.P.C, giving false evidence is an offence?

(A) 190
(B) 191
(C) 192
(D) 193

45. 'X' works in the night shift as a security guard for apartment 'A'. X finds the keys to Z's flat situated in apartment 'A'. That very same night X commits house-tresspass by unlocking Z's house. X is guilty of which of the following offences under the IPC?

(A) house breaking
(B) lurking house trespass by night
(C) house breaking by night
(D) house trespass

46. B goes to C' shop to buy a boat and offers to pay Rs.2 lakhs for it. C offers to sell it for Rs.3 lakhs. B goes home and writes a cheque for Rs.3 lakhs. When he comes back, C has already sold the boat to D for Rs.2 lakhs. What is B's remedy against C in the Court of Law?

(A) file suit for compensation
(B) file suit specific performance
(C) no remedy
(D) B can only prosecute C for cheating

47. Under IPC what is the punishment prescribed for attempting to commit offence punishable with imprisonment?

(A) one half of the longest term of imprisonment provided for the offence
(B) one third of the longest term of imprisonment provided for the offence
(C) one fourth of the longest term of imprisonment provided for the offence
(D) full term of imprisonment provided for the offence

48. Under what provision of Indian Contract Act,1872, remote and indirect losses do not require to be compensated?

(A) Sec.71
(B) Sec.72
(C) Sec.73
(D) Sec.74

49. Under what provision of Cr.P.C can the Metropolitan Magistrate dispense with the presence of the accused and permit him to be represented by an Advocate?

(A) Sec.206
(B) Sec.251
(C) Sec.256
(D) Sec.205

50. Under what provision of Cr.P.C. District and Sessions Judge has power to quash a criminal complaint?

(A) Sec.482
(B) Sec.319
(C) Sec.364
(D) None of the above

51. Under Sec.125(3) Cr.P.C. if the Person who is ordered to pay maintenance fails to pay, Magistrate may impose maximum sentence of imprisonment for:

(A) one month
(B) fifteen days
(C) six weeks
(D) eight weeks

52. Under Criminal Procedure Code, Complaint means :

(A) an allegation made orally or in writing to a Magistrate
(B) an allegation made orally or in writing to a Police
(C) an allegation made in writing to a police
(D) a and b

53. What is the period required for a spouse, under the Hindu Law, to file a divorce petition on the ground of desertion:

(A) one year
(B) two years
(C) three years
(D) seven years

54. In the absence of a specific contract, liability of surety with that of the principal debtor is:

(A) co-extensive
(B) independent
(C) liability of surety activates upon principal debtor's incapacity
(D) less in priority vis a vis the principal debtor

55. Does a registered mortgage deed require attestation? If yes, how many witnesses?

(A) registration is required and two witnesses shall attest
(B) registration is not required but two witnesses shall attest
(C) registration is not required and no attestation is required
(D) registration and attestation is optional

56. If the mortgagor binds himself to repay the mortgage money on a certain date and transfer his property to the mortgagee absolutely with the condition that the said property shall be transferred upon payment of the mortgage money, as agreed, such mortgage is called:

(A) usufructuary mortgage
(B) mortgage by conditional sale
(C) simple mortgage
(D) none of the above

57. A, who is General Manager, is terminated by his employer contrary to the terms and conditions of his employment. What is the relief A can seek against his employer:

(A) suit for specific performance of contract of service
(B) suit for compensation
(C) a and b
(D) none of the above

58. Res subjudice is defined in the following enactment?

(A) Civil Procedure Code
(B) Criminal Procedure Code
(C) Transfer of property Act
(D) None of the above

59. A delivers his car to B for repairs. After the car is repaired to A's satisfaction, he refuses to pay the charges for such repair. Can B retain the car till he is paid for his services:

(A) yes
(B) no
(C) yes, but with the permission of the court
(D) yes, by putting A on a written notice

60. Compounding of offence is made under which provision of Cr.P.C.?

(A) Sec.320
(B) Sec.328
(C) Sec.315
(D) Sec.319

61. Under which provision of Cr.P.C. can a person be added as an accused when his role surfaces during the course of evidence:

(A) Sec.319
(B) Sec.219
(C) Sec.183
(D) Sec.366

62. What is meant by 'Mutatis Mutandi' ?

(A) as is where is
(B) mutual understanding
(C) mutually exclusive
(D) none of the above

63. Any suit has to be filed in a -

(A) court of District Judge
(B) high court
(C) any court nearest to plaintiff
(D) lowest grade court of pecuniary jurisdiction

64. Whether equitable mortgage can be made at any place -

(A) yes
(B) only where property is situate
(C) only where parties reside
(D) only at notified towns

65. Parents unable to maintain seek maintenance from married and unmarried daughters having sufficient means - whether parents' claim maintainable ?

(A) maintainable
(B) only against married daughter
(C) only against unmarried daughter
(D) not maintainable

66. Whether a tenant who pays rent of Rs.4000/- p.m is protected under the A.P. Buildings (Lease, Rent & Eviction) Control Act?

(A) yes
(B) no
(C) depends on rental agreement
(D) if tenancy is for residential purpose

67. Whether probate of will is compulsorily executed in State of A.P. or Telangana?

(A) yes
(B) only in A.P
(C) Only in Telangana
(D) Not necessary

68. When the document can be impounded?

(A) cancellation
(B) declaring document as not genuine
(C) unstamped or insufficiently stamped
(D) none of the above

69. How do you describe a 'tender' notice issued by Government?

(A) an offer
(B) a notice
(C) an invitation to offer
(D) none of the above

70. A executes a power of attorney in favour of B, whether B can delegate that power to C ?

(A) yes
(B) only if B is incapacitated
(C) no
(D) only with the permission of A

71. Permanent alimony to wife fixed by court while granting decree of divorcee. Can wife seek further increase after three/four years?

(A) yes
(B) no
(C) only if High Court permits
(D) only if parties agree

72. A sells his motor car to B. Whether registered sale deed is essential?

(A) yes
(B) optional
(C) no
(D) none of the above

73. An attester/witness to a document, whether bound by contents thereof-

(A) no
(B) yes
(C) depends on nature of document
(D) none of the above

74. Anything done by a child of what age does not constitute an offence under the Indian Penal Code?

(A) between 9 and 12 years of age
(B) 8 years of age
(C) Less than 7 years of age
(D) 7 years of age

75. A fair copy of the civil court's judgment required for the court record shall be prepared within how many days from the date of pronouncement of judgment?

(A) 5 days
(B) 7 days
(C) 10 days
(D) 30 days

76. Under Section 13 of the Hindu Marriage Act,1955, which of the following diseases does not qualify as a ground for seeking divorce?

(A) schizophrenia
(B) leprosy
(C) venereal disease
(D) cancer

77. Which of the following provisions deals with the power of the appellate court to condone the delay in the presenting of the appeal?

(A) O.41 R.3-A CPC
(B) O.41 R 11-A CPC
(C) O.41 R 5 CPC
(D) O.41 R 12 CPC

78. What is the maximum period from the date of conclusion of hearing of the case within which the civil court must ordinarily pronounce judgment?

(A) 15 days
(B) 30 days
(C) 60 days
(D) 90 days

79. Under Section 16(1) (c) of the Specific Relief Act,1963, which one of the following has to be averred and proved to seek specific performance of a contract?

(A) readiness and willingness
(B) mental capacity
(C) consideration for the contract
(D) limitation

80. Are offences punishable under the Negotiable Instruments Act,1881, compoundable?

(A) yes
(B) no
(C) only if permitted by the Cr.P.C.
(D) none of the above

81. Section 27 of the Limitation Act,1963 deals with:

(A) easements by prescription
(B) exclusion of time in certain cases
(C) extinguishment of right to property
(D) computation of time mentioned in instruments

82. Section 5 of the Limitation Act,1963 does not apply to:

(A) applications to set aside ex parte decree
(B) applications under the Arbitration Act,1996
(C) applications under Order 21 CPC
(D) applications for leave to appeal

83. A person unlawfully dispossessed of immovable property may bring a suit for recovery of possession under Section 6 of the Specific Relief Act,1963 before expiry of what time from the date of dispossession?

(A) 4 months
(B) 5 months
(C) 6 months
(D) 12 months

84. A decree of perpetual injunction may be executed under:

(A) Order 39 Rule 2-A CPC
(B) Article 226 of the Constitution
(C) Section 38 of the Specific Relief Act,1963
(D) Order 21 Rule 32 CPC

85. Which of the following documents is not compulsorily registrable in law?

(A) gift deed of immovable property
(B) will deed
(C) lease deed of immovable property exceeding one year
(D) agreement of sale of immovable property

86. Cancellation of registered document may be sought by way of a suit under:

(A) Section 31 of Specific Relief Act,1963
(B) Order 37 CPC
(C) Section 15 of the Specific Relief Act,1963
(D) Order 32-A CPC

87. The Hindu Succession Act,1956 does not apply to:

(A) buddhits
(B) jains
(C) Sikhs
(D) Parsis

88. Which of the following is not, by its very nature, a void contract?

(A) a contingent contract
(B) a contract in restraint of trade
(C) a contract by way of wager
(D) a contract in restraint of legal proceedings

89. Under Section 15(1) of the Hindu Succession Act,1956 the property of a female Hindu dying intestate lastly devolves upon the heirs of the:

(A) husband
(B) father
(C) mother
(D) predeceased son

90. Which of the following rights cannot be acquired by prescription?

(A) a right of way
(B) a right to receive light
(C) a right to underground water
(D) none of the above

91. What is the period mentioned in Section 15 of the Indian Easements Act,1882 for acquisition of an easement by prescription in respect of property not belonging to be Government?

(A) 12 years
(B) 15 years
(C) 20 years
(D) 30 years

92. Under Section 10-C of the A.P. Buildings (Lease, Rent and Eviction) Control Act,1960, the right to recover immediate possession of the premises is given to a/an:

(A) handicapped person
(B) ex-serviceman
(C) state government employee
(D) minor

93. Sections 70 and 72 of the Indian Contract Act,1872, relate to the principle of:

(A) unjust enrichment
(B) consideration
(C) frustration
(D) performance

94. The order passed by the executing Court upon an application under Order 21 Rule 97 resisting or obstructing a decree for delivery of possession of immovable property is:

(A) revisable under Section 115 CPC
(B) appealable under Order 43 Rule 1 CPC
(C) appealable under Section 96 CPC
(D) none of the above

95. The 'Doctrine of Non-Traverse' is incorporated in:

(A) Order 8 Rule 1-A CPC
(B) Order 8 Rule 3 CPC
(C) Order 8 Rule 5 CPC
(D) Order 8 Rule 6 CPC

96. A representative action may be brought by one person under:

(A) Order 1 Rule 8 CPC
(B) Order 1 Rule 10 CPC
(C) Order 1 Rule 5 CPC
(D) Order 1 Rule 12 CPC

97. Can a suit, akin to a public interest litigation, be instituted?

(A) no, only a writ petition lies under A.226 of the Constitution
(B) yes, a suit lies under Section 91 CPC
(C) no, only a writ petition lies under A.32 of the Constitution
(D) yes, a suit lies under Section 92 CPC

98. As per the Civil Rules of Practice, third party exhibits are marked with what capital letter followed by a numerical?

(A) C
(B) P
(C) X
(D) Y

99. Section 376 D IPC deals with

(A) rape by a person in authority
(B) gang rape
(C) rape by a minor
(D) rape by a repeat offender

100. Adultery is punishable with imprisonment which may extend upto:

(A) 3 years
(B) 5 years
(C) 6 years
(D) 2 years