Chhattisgarh Civil Judge (Prelims) 2015

Chhattisgarh Public Service Commission · Civil Judge Preliminary Examination, held 24.04.2016 · 100 questions

Preliminary Examination

1. When did Indian Penal Code 1860 come in to force?

(1) 1860
(2) 1861
(3) 1862
(4) 1863

2. Which section of the IPC provides for punishment for subjecting women to cruelty?

(1) Section 498
(2) Section 498 A
(3) Section 498 B
(4) Section 375

3. Section 124A of IPC prescribes punishment for:

(1) Sedition
(2) Waging war against the Government of India
(3) Abetting mutiny
(4) Aiding escape of a prisoner

4. Voyeurism has been criminalized in India by virtue of which amendment to IPC?

(1) 2015
(2) 1983
(3) 1870
(4) 2013

5. What is not an offence under IPC?

(1) Marital rape
(2) Bigamy
(3) Affray
(4) Mischief

6. In order to constitute theft, what is not an ingredient in IPC?

(1) Dishonest intention
(2) Moving of the property
(3) Common intention
(4) Movable property

7. Which of the following statement is not a correct one?

(1) An assembly which was not unlawful when it assembled, may become subsequently become an unlawful assembly
(2) Kidnapping shall be punished with imprisonment which may extend to seven years
(3) It is not defamation to make an imputation on the character of another person provided that the imputation be made in good faith
(4) A riot involves minimum of three persons

8. Whoever does anything with the intention of causing wrongful gain to one person or wrongful loss to another person is said to do that thing:

(1) Fraudulently
(2) Dishonestly
(3) Wrongfully
(4) Mischievously

9. Under section 51 of CPC, which one is not a method to enforce execution of the decree?

(1) by appointing a receiver
(2) by sale without attachment
(3) by arrest and detention
(4) by appointing a commission

10. Which of the following statement is correct?
A: An appeal may lie from an original decree passed ex parte.
B: No appeal shall lie from a decree passed by the Court with the consent of parties.
C: No appeal shall lie on a question of law.

(1) Only A
(2) Only B
(3) Only C
(4) Both A and B

11. Under section 115 of CPC, the high court has the power of:

(1) Revision
(2) Review
(3) Reference
(4) Vary or reverse any order whatsoever

12. Which of the following statement is incorrect?
(1) Where there are more defendants than one, service of the summons shall be made on each defendant.
(2) Service of the summons shall be made by tendering a copy thereof signed by the lawyer.
(3) Summons for the defendant cannot be served on his servant.
(4) Defendant may empower agent to receive summons.

13. Order XV of CPC talks about:
(1) disposal of the suit at the first hearing
(2) settlement of issues
(3) attendance of witness
(4) notices

14. An adjournment shall not be granted on the ground:
(1) Where the circumstances are beyond the control of that party
(2) Pleader is ill and the party could not engage another pleader in time
(3) The pleader of a party is engaged in another court
(4) Both where the circumstances are beyond the control of that party and pleader is ill and the party could not engage another pleader in time

15. Which is not a decree?
(1) Rejection of a plaint
(2) Order of dismissal for default
(3) Determination of any question within section 144 of CPC
(4) Conclusive adjudication that determines the rights of the parties with regard to all or any of the matters in controversy in the suit

16. Section 21 of the CPC deals with
(1) pecuniary and Territorial jurisdiction
(2) subject matter and personal jurisdiction
(3) personal and admirality jurisdiction
(4) probate and summary jurisdiction

17. A consideration is unlawful:
(1) if it is opposed to public policy
(2) if it is immoral
(3) if it is unethical
(4) both if it is opposed to public policy and if it is immoral

18. A person who finds goods belonging to another, and takes them into his custody, is subject to the same responsibility as a:
(1) Bailee
(2) Bailor
(3) Agent
(4) Pledgee

19. A continuing guarantee may at any time be revoked by the surety by notice to the creditor:
(1) as to future transactions
(2) as to past transactions
(3) as to the past as well as future transactions
(4) a continuing guarantee cannot be revoked at all

20. Which of the following statement is incorrect?
(1) The authority of an agent may be expressed or implied
(2) Consideration is necessary to create an agency
(3) Only a person of majority can become an agent
(4) In emergency, an agent has authority to do all such acts for the purpose of protecting his principal

21. Where persons reciprocally promise, firstly to do certain things which are legal, and, secondly under specified circumstances, to do certain other things which are illegal, then
(1) both sets of promise are contract
(2) both sets of promise are void
(3) the first set of promise is a contract and the second is a void agreement
(4) both sets of promise are voidable

22. Contingent agreements to do or not to do anything, if an impossible event happens
(1) are void if the impossibility of the event is known to the parties at the time when it is made
(2) are void if the impossibility of the event is not known to the parties to agreement at the time when it is made
(3) 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
(4) are voidable at the option of the parties

23. A proposal cannot be revoked:
(1) by failure of the acceptor to fulfil a condition precedent to acceptance
(2) by lapse of the time prescribed in the proposal for its acceptance
(3) by insanity of the proposer, if the fact of insanity comes to the knowledge of the acceptor before acceptance
(4) after the communication of its acceptance is complete

24. Section 170 of Indian Contract Act deals with:
(1) General lien
(2) Particular lien
(3) Wharfinger lien
(4) Broker's lien

25. Which is not a public document?
(1) Documents forming the records of the acts of foreign country
(2) Documents forming the records of Tribunal
(3) Documents forming the records of the Commonwealth
(4) Documents forming the records of will written by Governor of a State

26. Section 90 of the Indian Evidence Act creates presumption as to documents that are _____ years old.
(1) 5
(2) 30
(3) 7
(4) 12

27. How many minimum numbers of witnesses are required to proof any fact?
(1) No particular number of witnesses is required for the proof of any fact
(2) 3
(3) 2
(4) 4

28. From the following, which is an exception to section 23 of the Evidence Act?
(1) Section 126 of the Evidence Act
(2) Section 162 of the Evidence Act
(3) Section 125 of the Evidence Act
(4) Section 152 of the Evidence Act

29. An evidence given by a dumb witness in an open court is
(1) a documentary evidence
(2) an oral evidence
(3) inadmissible
(4) deemed to be no evidence

30. Presumption as to absence of consent in certain prosecutions of rape cases is raised by
(1) Section 114 of the Evidence Act
(2) Section 114B of the Evidence Act
(3) Section 376 of the IPC
(4) Section 114A of the Evidence Act

31. Which statement is incorrect?
(1) In cross examination a witness may be asked questions which tend to discover what is his position in life.
(2) In cross examination a witness may be asked questions which tend to test his veracity.
(3) Witnesses to character shall not be re-examined.
(4) In cross examination a witness may be asked questions which tend to discover who he is.

32. Which of the following statement is correct with respect to an accomplice?
(1) An accomplice shall not be a competent witness against an accused person
(2) An accomplice shall be a competent witness against an accused person
(3) No conviction shall be made based on the uncorroborated testimony of an accomplice
(4) An accomplice's testimony shall always be corroborated

33. Tenth schedule of the Constitution provides for:
(1) Disqualification on grounds of defection
(2) Union list
(3) Administration of tribal areas
(4) Allocation of seats in council of states

34. Which article makes Hindi in Devnagari Script as the official language of the Union?
(1) Article 342
(2) Article 343 (1)
(3) Article 343 (2)
(4) Article 343 (3)

35. Article 243ZE of the Constitution of India provides for _____.

(1) Municipalities
(2) District Planning Committee
(3) Metropolitan Planning committee
(4) Finance commission

36. The minimum number of judges required for the purpose of hearing any reference by President of India is?

(1) 8
(2) 5
(3) 2
(4) 15

37. The quorum to constitute a meeting of either House of Parliament is?

(1) One-fifth of the total number of members of the House
(2) One-fourth of the total number of members of the House
(3) One-third of the total number of members of the House
(4) One-tenth of the total number of members of the House

38. Which statement is correct as to the President of India?

(1) He can resign by writing under his hand addressed to the Vice president
(2) He can continue to hold office even after expiration of his term until his successor enters upon his office
(3) He can resign by writing under his hand addressed to the Vice President and can continue to hold office even after expiration of his term until his successor enters upon his office
(4) He shall not be impeached

39. Which Amendment Act to the Constitution inserted fundamental duties to the Constitution?

(1) 42nd
(2) 48th
(3) 72nd
(4) 24th

40. The Constitution of India deals with provisions for maternity relief under:

(1) Article 40
(2) Article 43
(3) Article 42
(4) Article 41

41. Section 85 of Cr PC does not cover with respect to attached property:

(1) Release
(2) Sale
(3) Restoration
(4) Resale

42. Under Section 142 of Cr PC a Magistrate is empowered to issue:

(1) Injunction pending inquiry
(2) Show cause notice
(3) Notice of forfeiture of property
(4) Order for local inspection

43. When the Magistrate may, in his discretion, discharge the accused?

(1) At any time before the charge has been framed and the complainant is absent on any day fixed for the hearing of the case
(2) Offence is lawfully compounded or is not a cognizable offence
(3) Both at any time before the charge has been framed and the complainant is absent on any day fixed for the hearing of the case and offence is lawfully compounded or is not a cognizable offence
(4) At any time after the charge has been framed with respect to cognizable and compoundable offence

44. Which of the following may not be a particular in record in summary trials as per section 263?

(1) Parentage of the accused
(2) Parentage of the complainant
(3) The finding
(4) The date on which proceedings terminated

45. Which section of Cr P C provides protection against double jeopardy or autrefois convict?

(1) Section 400
(2) Section 403
(3) Section 300
(4) Section 301

46. A Court, when it has signed its judgment or final order disposing of a case, may

(1) correct a clerical or arithmetical error
(2) alter findings of law
(3) review findings of fact
(4) alter or review ratio

47. Which of the following conviction is appealable?
(1) Conviction by a High Court in a case wherein accused pleaded guilty
(2) Conviction in petty cases by High Court with a sentence of 4 months imprisonment
(3) Conviction in petty cases by court of Session with a sentence of 4 months imprisonment
(4) Conviction in petty cases passed by a Magistrate of the first class only with a fine of one hundred rupees

48. Judges in court of Session are appointed by:
(1) District Judge
(2) Law Minister
(3) Supreme Court
(4) High Court

49. Police may not arrest without warrant any person:
(1) who has in his possession with lawful excuse any implement of house-breaking
(2) who has been proclaimed as an offender by order of the State Government
(3) who obstructs a police officer while in the execution of his duty
(4) who is reasonably suspected of being a deserter from any of the Armed Forces of the Union

50. A warrant-case means:
(1) A case relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding six months
(2) A case relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding three years
(3) A case relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding five years
(4) A case relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding two years

51. According to section 7 of the Court Fess Act, in suits for maintenance and annuities or other sums payable periodically - according to the value of the subject- matter of the suit; such value shall be deemed to be _____ the amount claimed to be payable for one year.
(1) ten times
(2) four times
(3) five times
(4) three times

52. Section 17 of the Court Fees Act deals with:
(1) suit for easements
(2) multifarious suits
(3) declaratory decree suits
(4) suit for annuities

53. Which is not an exempted document under section 19 of the Court Fees Act?
(1) Probate of a will
(2) Power-of-attorney to institute or defend a suit when executed by a member of any of the Armed Forces of the Union
(3) Written statements called for by the Court after the first hearing of a suit
(4) Memorandum of appeal

54. The Court fees Act 1870 is enforced on:
(1) April 11, 1870
(2) March 11, 1870
(3) April 1, 1870
(4) March 1, 1870

55. Which section requires showing / exposing the process fees chargeable for service and execution in English and Vernacular languages in a conspicuous part of each Court?
(1) Section 20 of the Court Fees Act 1870
(2) Section 22 of the Court Fees Act 1870
(3) Section 21A of the Court Fees Act 1870
(4) Section 21 of the Court fees Act 1870

56. Where an application for a review of judgment is admitted and on the rehearing, the Court reverses its former decision on the ground of mistake in law the applicant shall be entitled to get certificate from the Court authorizing him to receive back from the _____ so much of the fee paid on the application as exceeds the fee payable on any other application to such Court under the second Schedule to Court fees Act, No. 1, clauses (b) or (d).
(1) Collector
(2) Treasury
(3) Court clerk
(4) Registrar

57. In determining the amount of any compensation awarded under section 21 of the Specific Relief Act, the court shall be guided by the principles specified in section _____ of the Indian Contract Act, 1872
(1) 70
(2) 73
(3) 72
(4) 71

58. Section 12 of the Specific Relief Act deals with:
(1) Rectification of instrument
(2) Personal bars to relief
(3) Specific performance of part of contract
(4) Cancellation of instruments

59. Rescission may not be adjudged by the court where:
(1) The contract is voidable or terminable by the plaintiff
(2) The contract is unlawful for causes not apparent on its face and the defendant is more to blame than the plaintiff
(3) Any person interested in a contract may sue to have it rescinded
(4) Where the plaintiff has expressly or impliedly ratified the contract

60. Specific relief is granted for enforcing:
(1) Individual civil rights
(2) Penal laws
(3) Both individual civil rights and penal laws
(4) Personal criminal liability

61. 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:
(1) The Limitation Act
(2) The Evidence Act
(3) The Code of Civil Procedure
(4) The Transfer of Property Act

62. Which of the following is a contract that cannot specifically enforceable?
(1) A contract which is in its nature determinable
(2) A contract which is so dependent on the personal qualifications
(3) Both a contract which is in its nature determinable and also dependent on the personal qualifications
(4) Where the suit is for the purchase of a share of a partner in a firm

63. Which of the following statement is correct?
(1) An easement can be transferred apart from the dominant heritage
(2) A mere right to sue cannot be transferred
(3) A right to future maintenance can be transferred
(4) The salary of a public officer after it has become payable can be transferred

64. Under section 9 of the Transfer of Property Act, transfer of property with a condition restraining alienation is:
(1) Void
(2) Voidable
(3) Illegal
(4) Partially legal

65. Which section creates exception to the restrictions in sections 14, 16 and 17 of the Transfer of Property Act?
(1) 15
(2) 19
(3) 17A
(4) 18

66. Section 54 of the Transfer of Property Act deals with:
(1) Sale
(2) Discharge of encumbrances
(3) Marshalling by subsequent purchaser
(4) Mortgage

67. A mortgages a certain plot of building land to B and afterwards erects a house on the plot. For the purposes of his security, B is entitled to:
(1) The house as well as the plot
(2) Only the house
(3) Only the plot
(4) Neither the plot nor the house

68. From the following who cannot sue for redemption of the mortgaged property:
(1) The mortgager
(2) The mortgagee
(3) Surety for the payment of the mortgage-debt
(4) Creditor of the mortgagor who has in a suit for the administration of his estate obtained a decree for sale of the mortgaged property

69. A, the lessor, gives B, the lessee, notice to quit the property leased. The notice expires, and B remains in possession. A gives to B as lessee a second notice to quit. Then
(1) both the notices will be effective
(2) the second notice is ineffective
(3) only the first notice will be effective
(4) the first notice is waived

70. Which section in the Transfer of Property Act deals with Universal donee?

(1) Section 127
(2) Section 128
(3) Section 129
(4) Section 130

71. As per section 2 (c) of the Limitation Act a bill of exchange includes _____

(1) Promissory note and bond
(2) Promissory note
(3) A hundi and a cheque
(4) Bond

72. Under section 6 of the Limitation Act, a minor includes a child:

(1) Below the age of 15
(2) Below the age of 18
(3) Below the age of 14
(4) In the womb

73. In computing the period of limitation for any suit, the day from which such period is to be reckoned, shall be:

(1) excluded
(2) included
(3) either be included or excluded as per the discretion of the court
(4) either be included or excluded as per the option of the party

74. For the price of work done by the plaintiff for the defendant at his request, where no time has been fixed for payment. the period of limitation is:

(1) one year
(2) two years
(3) three years
(4) five years

75. By a landlord to recover possession from a tenant, the period of limitation is:

(1) one year
(2) two years
(3) three years
(4) twelve years

76. The limitation period to restrain waste begins from:

(1) When the waste begins
(2) when the knowledge of waste comes to the knowledge of the petitioner
(3) no limitation is provided in the Act
(4) from the beginning of the calendar year

77. Which of the following is exempted from the purview of Registration Act?

A: Document issued by any officer engaged in making a settlement of land-revenue, and which form part of the records of settlement

B: Documents which, under any law for the time being in force, are filed periodically in any revenue-office by patwaris

C: Leases of immovable property from year to year

(1) Only A
(2) Only B
(3) Only C
(4) Both A and B

78. For which of the following registration is compulsory under the Registration Act?

(1) Non-testamentary instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest
(2) Grant of immovable property by government
(3) Order granting a loan or instrument of collateral security granted under the Land Improvement Act, 1871
(4) Certificate of sale granted to the purchaser of any property sold by public auction by a civil or revenue-officer

79. Which of the following document registration is optional?

A: Instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest

B: Leases of immovable property for any term not exceeding one year

C: Sanads, inam, title-deeds and other documents purporting to be or to evidence grants or assignments by government of land or of any interest in land

(1) Only A
(2) Only B
(3) Both A and B
(4) Only C

80. As per section 23 of the Registration Act, wherever exemption is not applicable documents must be presented for registration to the proper officer within _____ from the date of its execution.

(1) one year
(2) three months
(3) forty five days
(4) four months

81. Under section 11 of the Negotiable Instrument Act, a promissory note, bill of exchange or cheque drawn or made in India, and made payable in, or drawn upon any person resident in India is _____

(1) Inland instrument
(2) Foreign instrument
(3) Negotiable instrument
(4) Indorsement

82. If the indorser signs his name and adds a direction to pay the amount mentioned in the instrument to a specified person, the indorsement is said to be:

(1) Indorsement in blank
(2) Indorsement in full
(3) Indorsement in part
(4) Indorsement in specific

83. Every promissory note or bill of exchange which is not expressed to be payable on demand, at sight or on presentment is at maturity on the _____ day after the day on which it is expressed to be payable.

(1) 5th
(2) 15th
(3) 30th
(4) 3rd

84. As per the provisions of section 26 of the Negotiable Instrument Act:

(1) A minor may draw instrument so as to bind all parties including himself
(2) A minor shall not draw instrument so as to bind any party
(3) A minor may draw instrument so as to bind all parties except himself
(4) A minor shall not indorse instruments

85. In the case of a promissory note which is not negotiable:

(1) Notice of dishonour is compulsory
(2) No notice of dishonour is necessary
(3) Negotiable Instrument Act is silent on this aspect
(4) Indorsement is necessary

86. Section 100 of Negotiable Instrument Act deals with:

(1) Protest
(2) Noting
(3) Notice
(4) Charge

87. What is the retirement age (in years) of a High Court Judge?

(1) 60
(2) 62
(3) 58
(4) 65

88. 'Evidence' under Indian Evidence Act means:

(1) Ocular evidence based on documents only
(2) Documentary evidence
(3) Ocular evidence
(4) Both Ocular and documentary evidence

89. _____ offences of same kind within 12 months can be charged together as per the provisions of CrPC.

(1) Three
(2) Two
(3) Five
(4) Four

90. Who is the present Comptroller and Auditor General of India?

(1) Vinod Rai
(2) Raghuram Rajan
(3) Shashi Kant Sharma
(4) Nasim Zaidi

91. Under Section 9 (2) of the Chhattisgarh Rent Control Act, 2011, all proceedings before the Rent Controller shall ordinarily conclude within _____ from the date of first appearance of the respondent in response to the summons issued for his appearance in the case.

(1) five months
(2) four moths
(3) eleven months
(4) six months

92. Schedule 4 of the Chhattisgarh Rent Control Act, 2011 provides for:

(1) Tenant's Rights
(2) Tenant's obligations
(3) Landlord's obligations
(4) Landlord's Rights

93. Under Section 10 of the Chhattisgarh Rent Control Act, 2011 the Rent Control Tribunal has no power to:

(1) Grant adjournment without written application
(2) Review its decision
(3) Bring legal representatives on record
(4) Examine any person on oath

94. An Appeal from the order of Rent Controller under the Chhattisgarh Rent Control Act, 2011 lies with:

(1) District Court
(2) Rent Control Tribunal
(3) High court
(4) Supreme Court

95. As per section 6 of the Chhattisgarh Excise Act, 1915, nothing in the Chhattisgarh Excise Act, 1915 shall affect the provisions of certain Acts. Which Act is not included under the said provision of section 6?

(1) The Narcotic Drugs and Psychotropic Substances Act, 1985
(2) The Sea Customs Act, 1878
(3) The Indian Tariff Act, 1894
(4) Cantonment act, 1910

96. Under Section 7A of the Chhattisgarh Excise Act, 1915, the State Government is empowered to establish which authority for investigating into any case of alleged or suspected evasion of excise revenue?

(1) Excise Commissioner
(2) Chief revenue authority
(3) Flying squads
(4) Excise collector

97. Whoever assaults or obstructs any excise officer exercising powers under the Chhattisgarh Excise Act,1915 is liable to be punished with imprisonment which may extend to _____ or with fine which may extend to two thousand rupees.

(1) three years
(2) five years
(3) seven years
(4) two years

98. Which of the following power is not vested with the appellate authority under section 49 (3) of Chhattisgarh Land Revenue Code?

(1) Power to vary the order appealed against
(2) Power to remand the case for disposal by Revenue Officer subordinate to it
(3) Power to reverse the order appealed against
(4) Power to take additional evidence

99. Who is not a revenue officer under Chhattisgarh Land Revenue Code?

(1) Settlement officer
(2) Superintendents of Land Records
(3) Naib Tahsildars
(4) Pachayat Secretary

100. No appeal shall lie, under the provisions of Chhattisgarh Land Revenue Code, to the Board, after the expiration of _____ days from the date of the order to which objection is made.

(1) 60
(2) 30
(3) 45
(4) 90