Haryana Civil Judge (Preliminary) 2013

Punjab and Haryana High Court · HCS (Judicial Branch) Preliminary Examination, held 17 March 2013 · 125 questions

Preliminary Examination

1. As per Section 2(12) of CPC, 'mesne profits' of property are profits received by a person in;

(a) Unlawful possession of the property
(b) Wrongful possession of the property
(c) Lawful possession of the property
(d) Effective possession of the property

2. A decree is preliminary;

(a) When it is issued in the preliminary stages of the suit
(b) When further proceedings have to be taken or the suit to be completely disposed of
(c) When it deals with some preliminary issues
(d) None of the above

3. That a petition dismissed under Article 226 would operate as res judicata so as to bar a similar petition in the Supreme Court under Article 32 of the Constitution was held in the case of;

(a) Daryao v. State of U.P.
(b) Arjun Singh v. State of M.P.
(c) Sudhir Chandra v. State of W.B.
(d) None of the above

4. Which of the following is true;

(a) The pendency of suit in a foreign court precludes the courts in India from a trying a similar suit
(b) The pendency of a suit in a foreign court precludes the courts in India from trying a similar suit provided the suit is founded on the same cause of action
(c) The pendency of a suit in a foreign court does not preclude the courts in India from trying similar suit even if it is founded on the same cause of action
(d) None of the above

5. "Any relief claimed in the plaint, which is not expressly granted by the decree, shall, for the purposes of this section, be deemed to have been refused." This provision is incorporated in;

(a) Section 11, Explanation II
(b) Section 11, Explanation III
(c) Section 11, Explanation IV
(d) Section 11, Explanation V

6. The general power to transfer suits under section 24 has been granted to:

(a) High Court
(b) District Court
(c) Both (a) and (b)
(d) Supreme Court

7. Under section 32 of CPC, the maximum fine which can be imposed by the court for compelling the attendance of any person to whom a summons has been issued under section 30;

(a) Two thousand rupees
(b) Three thousand rupees
(c) One thousand rupees
(d) Five thousand rupees

8. Precepts are issued under section 46 of CPC for;

(a) Serving summons on persons residing beyond local jurisdiction
(b) Serving a warrant on the judgement debtor
(c) Attaching the property of the judgement debtor
(d) None of the above

9. Under section 58 of CPC, a person detained shall be released from the detention on the amount mentioned in the warrant of his detention being paid to;

(a) The officer appointed by the court
(b) The court
(c) The officer in charge of the civil prison
(d) None of the above

10. Which of the following property is not liable to be attached and sold in the execution of a decree;

(a) Money
(b) Hundis
(c) Electricity
(d) None of the above

11. The stipulation that in a suit by the Central Government, the authority to be named as plaintiff shall be "the Union of India" has been provided for in Section:

(a) 78
(b) 79
(c) 79A
(d) 77

12. Which of the following is true

(a) Alien enemies residing in India can never sue
(b) Alien enemies residing in India may sue with the permission of the Central Government
(c) Alien enemies residing in India may sue with the permission of the State Government in whose jurisdiction they are residing
(d) Alien enemies can sue in any court

13. Under section 89 of CPC, the court cannot make a reference for;

(a) Arbitration
(b) Conciliation
(c) Negotiation
(d) Mediation

14. No second appeal shall lie from any decree when the subject matter of the original suit is for recovery of money not exceeding;

(a) Fifteen thousand rupees
(b) Twenty thousand rupees
(c) Twenty-five thousand rupees
(d) Thirty thousand rupees

15. The authority to annul, alter or add to the rules in the First Schedule of the Code of Civil Procedure rests with the;

(a) High Court
(b) State Government
(c) Supreme Court with the previous approval of rules by the Central Government
(d) High Court with the previous approval of rules by the State Government

16. Assault or use of criminal force otherwise than on grave provocation under Section 353 of the IPC is which kind of offence;

(a) Bailable and Cognizable
(b) Bailable and Non-cognizable
(c) Non-bailable and Cognizable
(d) Non-bailable and Non-cognizable

17. Attempt to commit suicide is triable by;

(a) Court of Session
(b) Magistrate of the first class
(c) Any Magistrate
(d) Executive Magistrate

18. The definition of the “victim" was incorporated in the Code of Criminal Procedure by the Amendment Act of;

(a) 2009
(b) 2010
(c) 2011
(d) 2008

19. The stipulation that all offences under Indian Penal Code would be tried according to the provisions in Code of Criminal Procedure, is contained in which Section;

(a) 5
(b) 4
(c) 3
(d) 6

20. In relation to the commission of which of the following offence, the general public does not have a duty under section 39 of Cr.P.C. to give information to the nearest Magistrate or police officer;

(a) Criminal breach of trust by public servant
(b) Kidnapping for ransom
(c) Mischief by destroying a light- house
(d) House-trespass in order to commit offence punishable with imprisonment

21. Which one of the following is not a necessary requirement for a proper procedure of arrest under section 41B of Cr.P.C.

(a) The police officer shall bear an accurate identification of his name
(b) The police officer shall bear a visible and clear identification of his name
(c) The police officer shall prepare a memorandum of arrest to be countersigned by the person arrested
(d) The police officer shall inform the person arrested that he has the right of legal counsel during interrogation

22. Under section 53A of Cr.P.C., when a person is arrested on the charge of committing rape, the arrestee may be examined by a registered medical practitioner other than a registered medical practitioner employed in a hospital -run by the Government or by a local authority when the later is not available within a radius of Sixteen kilometres from the place;

(a) Where the offence has been committed
(b) Where the arrest was made
(c) Where the nearest police station is situated
(d) where the nearest court is situated

23. Which one of the following Magistrate is authorised under section 110 Cr.P.C. to require security for good behaviour from habitual offenders within his local jurisdiction;

(a) Judicial Magistrate First Class
(b) Chief Judicial Magistrate
(c) District Magistrate
(d) Executive Magistrate

24. Which of the following person cannot claim maintenance under Section 125 of Cr.P.C.;

(a) A legitimate child who after attaining majority cannot maintain himself by reason of economic hardship
(b) An illegitimate child who after attaining majority cannot maintain himself by reason of economic hardship
(c) Both (a) and (b)
(d) None of the above

25. Which one of the following is not an act for the prevention of which and order cannot be made under section 144 Cr.P.C.;

(a) Disturbance of the Public Tranquillity
(b) Annoyance to any person lawfully employed
(c) Injury to any person lawfully employed
(d) None of the above

26. Which of the following is a ground on which a witness under Section 161 (2) of Cr.P.C. may refuse to answer questions put by a police officer;

(a) Answers would have a tendency to expose him to a criminal charge
(b) Answers would have a tendency to expose him to a penalty
(c) Answers would have a tendency to expose him to a forfeiture
(d) All of the above

27. Any court may alter or add to any charge any time before;

(a) The closing of arguments
(b) The judgement is written
(c) The judgement is pronounced
(d) None of the above

28. Chapter XXIA of the Cr.P.C. was incorporated in the year;

(a) 2005
(b) 2006
(c) 2004
(d) 2003

29. In case of plea Bargaining by the parties;

(a) No judgement may be delivered by the court
(b) Judgement may be delivered in private to the parties
(c) Judgement shall be delivered in the open court
(d) The bargain struck by the parties is to operate as the Judgement

30. In which of the following cases it has been held that presence of a lawyer at the time of interrogation cannot be demanded as a matter of right;

(a) Poolpandi and other v. Superintendent, Central Excise
(b) Senior Intelligence Officer v. Jugol Kishore Samra
(c) Both (a) and (b)
(d) None of the above

31. The Information Technology Amendment Act came into force in;

(a) 2008
(b) 2009
(c) 2007
(d) 2010

32. Which of the following is not a 'fact';

(a) Mental condition
(b) Relation of things
(c) State of things
(d) None of the above

33. Which one of the following has not been mentioned in the definition of "Documents" as the means by which any matter is expressed or described upon any substance;

(a) Letters
(b) Figures
(c) Symbols
(d) Marks

34. 'Res Gestae literally means;
(a) Things done
(b) Things spoken
(c) Same transaction
(d) Things then

35. The stipulation that facts which enable the court to determine the amount of damages are relevant is incorporated in Section_ Evidence Act;
(a) 12
(b) 10
(c) 8
(d) 11

36. Which of the following state of minds has not been expressly mentioned in section 14 of the Indian Evidence Act;
(a) Intention
(b) Rashness
(c) Motive
(d) Ill-will

37. Oral admission as to contents of electronic records are relevant when;
(a) The party proposing to prove them shows that he is entitled to give secondary evidence of the same
(b) The genuineness of the electronic record produced is in question
(c) Both (a) and (b)
(d) None of the above

38. Which one of the following has not been mentioned as a ground under section 24 rendering a confession by an accused person irrelevant
(a) Inducement
(b) Promise
(c) Deceit
(d) Threat

39. Section 32 of Evidence Act does not speak of which of the following kind of persons;
(a) Person who is dead
(b) Person who cannot be found
(c) Person who is unwilling to give evidence
(d) Person who has become incapable of giving evidence

40. Under section 45 of Evidence Act, which of the following have not been mentioned as points on which opinion of experts is relevant;
(a) Point of foreign law
(b) Point of art
(c) Point of domestic law
(d) Point of science

41. Under section 57 of the Evidence Act, the court is not bound to take judicial notice of which of the following facts;
(a) The existence of every state recognised by the Government of India
(b) The title of every state recognised by the Government of India
(c) The national flag of every state recognised by the Government of India
(d) The national emblem of every state recognised by the Government of India

42. The Best Evidence Rule in relation to documentary evidence is incorporated in section;
(a) 61
(b) 64
(c) 65
(d) 66

43. Which one of the following is not a public document;
(a) Documents forming records of acts of tribunals
(b) Documents forming records of acts of public officers of India
(c) Documents forming records of acts of public officers of a foreign country
(d) Public records kept of private documents

44. A person is presumed to be alive if it is shown that he was alive within _____ years
(a) Fourteen
(b) Twenty
(c) Seven
(d) Thirty

45. The rule that once the terms of any contract have been proved by documentary evidence, no evidence of any oral statement shall be admitted for contradicting such terms has _____ provisos establishing variations to the rule.
(a) 6
(b) 4
(c) 3
(d) 7

46. If a child is born within _____ days after the dissolution of a valid marriage, it is a conclusive proof of the legitimacy of the child
(a) 270
(b) 275
(c) 280
(d) 285

47. Which of the following does not figure in section 115 while dealing with applying the principle of Estoppel;
(a) Conduct
(b) Act
(c) Omission
(d) Declaration

48. The provisions of section 126 of the Evidence Act dealing with confidentiality of professional communication shall apply to;
(a) Clerks of barristers
(b) Servants of pleaders
(c) Interpreters of barristers
(d) All of the above

49. Which of the following is true;
(a) There cannot be further cross examination after re-examination
(b) There can be further cross- examination after re-examination as per Section 137
(c) There can be further cross-examination after re-examination as per Section 138
(d) There can be further cross- examination

50. Indecent and scandalous questions may be forbidden by the court under;
(a) Section 149
(b) Section 150
(c) Section 151
(d) Section 152

51. In relation to devolution of joint liabilities, as a general rule the Indian Contract Act incorporates the principle of;
(a) Survivorship
(b) Succession
(c) Both (a) & (b)
(d) None of the above

52. An agreement enforceable by law at the instance of one party & not of other party under section 2(i) is called
(a) A valid contract
(b) An illegal contract
(c) A void contract
(d) A voidable contract

53. Competency to contract relates to
(a) Age of the parties
(b) Soundness of mind of the parties
(c) Both age & soundness of mind
(d) Intelligence of the parties

54. A general offer open for world at large can be accepted
(a) By sending a communication of acceptance
(b) By complying with the conditions of offer
(c) By tendering himself to comply the conditions of offer
(d) None of the above

55. A sub-agent is responsible to the principal on which of the following grounds
(a) Fraud or Negligence
(b) Negligence or Deceit
(c) Wilful wrong or Fraud
(d) Wilful wrong or Negligence

56. Which of the following Section of the Indian Contract Act provides that the responsibility of finder of goods is similar to that of a bailee;
(a) 69
(b) 70
(c) 71
(d) 72

57. Under Section 6 of the Specific Relief Act, 1963, a person cannot sue for recovering the possession of immovable property;
(a) After six months from the date of dispossession
(b) After nine months from the date of dispossession
(c) After twelve months from the date of dispossession
(d) After twenty-four months from the date of dispossession

58. Which one of the following is not a ground on which a reasonable restrictions on the right to freedom of speech and expression can be imposed;

(a) Security of the State
(b) Public Order
(c) Morality
(d) Public Policy

59. Which of the following is included in the definition of law' as provided in Article 13;

(a) Bye-Law
(b) Custom having the force of law
(c) Usage having the force of law
(d) All of the above

60. Which one of the following is a ground which is not mentioned in both Articles 15 and Article 16 on which the State can not discriminate;

(a) Race
(b) Caste
(c) Residence
(d) Place of Birth

61. Practising untouchability is;

(a) Violation of a constitutional right
(b) A criminal offence
(c) Both (a) and (b)
(d) Violation of a legal right only

62. Petitions to the Supreme Court under Article 32 are subject to the rule of Res judicata except

(a) Quo Warranto
(b) Habeas Corpus
(c) Certiorari
(d) Prohibition

63. Which one of the following is a ground on which the state can impose reasonable restrictions on the right to move freely throughout the territory of India;

(a) Security of the State
(b) Decency
(c) Morality
(d) Protecting the Interests of any Scheduled Tribe

64. As per Article 21 A, the state shall provide free and compulsory education to all children of the age of;

(a) Six to fourteen years
(b) Six to twelve years
(c) Six to ten years
(d) Six to eighteen years

65. According to Article 50, the state Shall take steps to;

(a) Separate the judiciary from the executive in the public services of the state
(b) Separate functioning of judiciary from executive
(c) Separate the powers of judiciary from the executive
(d) Separate the powers of judiciary from the legislature

66. What is the minimum age to be eligible for becoming the President of India;

(a) 35
(b) 45
(c) 55
(d) 25

67. When the President is to be impeached, the charge shall be preferred by;

(a) Either House of the Parliament
(b) The Upper House of the Parliament
(c) The Lower House of the Parliament
(d) Both the Houses of the Parliament simultaneously

68. What is the meaning of 'lex loci'

(a) Law of land
(b) Sovereignty is essential for enacting laws
(c) Law of the land is supreme
(d) Crown has supreme authority

69. The words 'Socialist' and 'Secular' were inserted in the Preamble by amendment of the Constitution.

(a) 15th
(b) 39th
(c) 42nd
(d) 44th

70. As far as Armed Forces are concerned the fundamental rights granted under Articles 14 and 19 of the Constitution are

(a) Not available at all
(b) Available to armed forces but not to other forces
(c) Available only at the discretion of the Chief of Army staff
(d) Available only according to law made by Parliament

71. The following are not included in the right to personal liberty

(a) Right to go abroad
(b) Right to human dignity
(c) Right to undertrial prisoners not to be detained for unreasonably long period
(d) Right not to be detained beyond 24 hours in police custody

72. During the Proclamation of Emergency, the duration of the House of People may be extended by the Parliament for a period not exceeding _____ at a time

(a) One year
(b) Six months
(c) Nine months
(d) Eighteen months

73. When the President refers a matter to the Supreme Court;

(a) The court is bound to render its opinion
(b) The court is bound to render its opinion when it is a dispute of the kind mentioned in the Proviso to Article 131
(c) The court is bound to render its opinion when it is a dispute of the kind mentioned in Article 71
(d) The court is bound to render its opinion when it is a dispute of the kind mentioned in Article 72

74. Which of the following grounds is necessary to be proved in order to remove a speaker of any Legislative Assembly;

(a) Misbehaviour
(b) Incapacity
(c) Conduct involving moral turpitude
(d) None of the above

75. Questions as to the age of a judge of a High Court are to be decided by;

(a) President
(b) Chief Justice of the concerned High Court.
(c) Governor
(d) Chief Justice of India

76. Which of the following Section deal with an implied warranty in every contract of sale;

(a) 14(A)
(b) 14(B)
(c) 15
(d) 16(2)

77. Which of the following rights of an unpaid-seller can be exercised only when the buyer has become insolvent and not otherwise;

(a) Right of lien
(b) Right of Resale
(c) Right of Stoppage in transit
(d) Right to Sue

78. As per section 41, the buyer must have the reasonable opportunity to examine the goods for the purpose of ascertaining;

(a) The goods are in a deliverable state
(b) The goods are of merchantable quality
(c) The goods are in conformity with the contract
(d) All of the above

79. Within how many months of attaining majority, a minor admitted into the benefits of a partnership firm must decide whether he wants to become a partner in the firm?

(a) Two
(b) Three
(c) Six
(d) Twelve

80. Generally, an introduction of a new partner in a partnership firm would require the consent of;

(a) The majority of the partners
(b) All the partners
(c) The majority of partners barring the dormant partners
(d) The partners having majority share in the firm

81. Which of the following sections deals with Personal bars to the remedy of specific relief;

(a) 14
(b) 15
(c) 16
(d) 17

82. The period of limitation for a suit to claim compensation for false imprisonment is;

(a) One year
(b) Two years
(c) Three years
(d) Twelve years

83. Which section of the Haryana Urban (Control of Rent and Eviction) Act, 1973 deals with eviction of tenants;
(a) 10
(b) 11
(c) 12
(d) 13

84. A petition for divorce may be presented under section 13(1) A if even after the passing of a decree for restitution of conjugal rights, which have not been restored for a period of at least
(a) 2 years
(b) 6 months
(c) 1 years
(d) 18 months

85. Naveen Kohli v. Neelu Kohli's case dealt with
(a) Irretrievable breakdown of marriage
(b) Adultery
(c) Divorce by mutual consent
(d) Conversion

86. The decree of Restitution of Conjugal Rights can be enforced under the following provision of CPC;
(a) Order 21 Rule 32
(b) Order 22 Rule 31
(c) Order 21 Rule 25
(d) None of the above

87. The period of limitation for seeking an annulment of marriage on the ground of Fraud is
(a) One year from the date of knowing the fact of Fraud
(b) Six months from the date of knowledge of Fraud
(c) Within two years from the incident of Fraud
(d) Within fourteen months from the date of knowledge of fraud

88. Forced intercourse by a man with his wife while a decree of judicial separation is in effect
(a) is punishable under the Hindu Marriage Act
(b) is punishable under the Indian Penal Code
(c) is not an offence in India
(d) None of the above

89. One of the following is not a condition for determining the capacity of a male Hindu to adopt;
(a) Consent of wife under certain circumstances
(b) Majority
(c) Soundness of mind
(d) Must be necessarily married

90. A Hindu man wants to adopt a girl- child. The difference in age between the two should be:
(a) at least 21 years
(b) at least 15 years
(c) at least 24 years
(d) none of the above

91. Under the Hindu Adoptions and Maintenance Act, a wife will not be entitled to maintenance
(a) she is unchaste
(b) her husband has ceased to be a Hindu
(c) she is suffering from a venereal disease in communicable form
(d) All of the above

92. A Nikah solemnised in the absence of Qazi is
(a) Valid
(b) Void
(c) Irregular
(d) None of the above

93. As a general rule, interest in the coparcenary property is acquired by virtue of
(a) birth
(b) inheritance
(c) marriage
(d) none of the above

94. Customs are an important source of Hindu Law. One of the following is not a necessary feature of Customs:
(a) Uniformity
(b) Certainty
(c) Conformity with public policy
(d) None of the above

95. The term "offence" is defined under Section _____ of IPC
(a) 41
(b) 42
(c) 40
(d) 43

96. In the IPC, nothing is an offence when it is done by a child below:
(a) 12 years of age
(b) Above seven but below 12 years of age
(c) Below 14 years of age
(d) None of the above

97. A, under the influence of grave provocation by Z, kills Y, Z's child. A is guilty of
(a) Culpable homicide
(b) murder
(c) Grievous hurt
(d) No offence as he was under provocation

98. Under section 376 of the IPC A public servant committing rape on a woman in his custody shall be punishable with
(a) Rigorous imprisonment up to 7 years
(b) Rigorous imprisonment of at least 8 years
(c) Rigorous imprisonment up to 10 years
(d) None of the above

99. A crime under section 399 can sufficiently attract punishment under the IPC at the stage of:
(a) Intention
(b) Preparation
(c) Attempt
(d) Commission

100. Section 511 of the Indian Penal Code applies to offences punishable under the
(a) Indian Penal Code
(b) Any special Law
(c) Any Local Law
(d) All of the above

101. Under section 103 of IPC, the right to Private defence of property extends to causing death if the offence is:
(a) Mischief per se
(b) Robbery per se
(c) Theft per se
(d) All of the above

102. Smith v. Desmond is a leading case on:
(a) Rape
(b) Extortion
(c) Sedition
(d) Criminal Conspiracy

103. In the Indian Penal Code, the offence of Criminal Breach of Trust Has been dealt with in_____
(a) 405
(b) 402
(c) 404
(d) 401

104. For which of the following offences, mens rea is not a requisite?
(a) Kidnapping
(b) Robbery
(c) Trespass
(d) None of the above

105. If the offender is armed with deadly weapons at the time of attempting dacoity, he is liable to be punished with
(a) Rigorous imprisonment of at least 7 years
(b) Rigorous imprisonment up to 7 years
(c) Rigorous imprisonment not exceeding 5 years
(d) None of the above

106. A was attempting to kill a deer in a sanctuary. While doing so, the gunshot hit a man who died
(a) Culpable Homicide
(b) Murder
(c) Grievous hurt
(d) None of the above

107. The maxim 'Ignorantia juris non excusat' means
(a) Ignorance of law is no excuse
(b) Ignorance of fact is no excuse
(c) Ignorance of law is an excuse
(d) Ignorance of fact is an excuse

108. 'Infancy' as an exception has been provided under Section _____ IPC
(a) 80
(b) 81
(c) 82
(d) 84

109. Irresistible impulse is a defence
(a) in India
(b) in England
(c) in India and England both
(d) neither in India nor in England

110. Abettor is a person
(a) who commits the offence
(b) who instigates the commission of offence
(c) against whom the offence is committed
(d) who is innocent

111. 10 persons were charged for offence under section 302/149 IPC, out of which six persons were acquitted, the remaining four
(a) cannot be convicted for offence under section 302/149 of IPC
(b) cannot be convicted for offence under section 302 of IPC
(c) cannot be convicted for offence under section 149 of IPC
(d) all the above

112. In the context of the exception of grave & sudden provocation, which of the following is correct
(a) provocation should not be voluntarily provoked by the offender
(b) lawful exercise of the right of private defence does not give provocation
(c) lawful exercise of powers by a public servant in obedience to the law does not amount to provocation
(d) all the above

113. Grave & sudden provocation is
(a) question of fact
(b) question of law
(c) mixed question of fact & law
(d) a presumption under the law

114. Which one of the following is not a "Public Servant"
(a) liquidator
(b) a Civil Judge
(c) member of a panchayat assisting a Court of justice
(d) Secretary of a Co-operative Society

115. Navy Day is observed on
(a) December 4
(b) December 25
(c) December 31
(d) January 1

116. The shorter version of India's National Anthem has a playing time of
(a) 12 seconds
(b) 15 seconds
(c) 20 seconds
(d) 26 seconds

117. The highest airfield in India is
(a) Bhuntar
(b) Pantnagar
(c) Chushul
(d) Parapani

118. Who among the following had the longest tenure as the President of India?
(a) Dr. Zakir Hussain
(b) Dr. S. Radhakrishnan
(c) Dr. Rajendra Prasad
(d) V.V. Giri

119. Shaurya Chakra made up of bronze is awarded for:
(a) gallantry otherwise than in the face of the enemy
(b) most conspicuous bravery or some act of self sacrifice
(c) gallantry in the presence of enemy
(d) none of these

120. What is the effect of deficit financing on the economy?
(a) Inflation
(b) Deflation
(c) Depression
(d) Recession

121. Mother Teresa was born in
(a) Switzerland
(b) India
(c) Germany
(d) Albania

122. Who is known as 'Little Corporal'?
(a) Adolf Hitler
(b) Napoleon Bonaparte
(c) William E. Gladstone
(d) None of these

123. Asian Games have been organised in India
(a) Once
(b) thrice
(c) five times
(d) twice

124. Ranji Trophy and Aga Khan Cup are associated with
(a) Cricket and Football
(b) Cricket and Volleyball
(c) Cricket and Hockey
(d) Badminton and Hockey

125. The term 'deuce' is common in Which of the following two games?

(a) Basketball and Badminton
(b) Badminton and Tennis
(c) Volleyball and Tennis
(d) None of these

De Facto IAS