Himachal Pradesh Civil Judge Preliminary Examination · 2017 · Questions

Held 4 March 2018 · 150 questions in three papers. Civil I series D, Civil II and Criminal series B. Numbering runs across the papers.

Paper I · Civil Law I

1. For the purposes of the Specific Relief Act, 1963 the word "settlement" means :

(A) An instrument whereby the destination or devolution of successive interests in movable property is disposed of
(B) An instrument including codicil or will whereby the destination or devolution of successive interests in immovable property is disposed of or is agreed to be disposed of
(C) An instrument including codicil or will whereby the devolution of successive interests in movable or immovable property is disposed of
(D) An instrument including codicil or will whereby the destination or devolution of successive interests in movable or immovable property is disposed of or is agreed to be disposed of

2. In which of the following cases the "prohibitory injunction under the Specific Relief Act" was discussed ?

(A) Sarvesh Vs. Smt. Sanju. AIR 2010 Uttra 16
(B) Mansha Ram Vs. Dr. Ved, AIR 2010 Uttra 14
(C) Daulat Ram Vs. Gopal Krishan, AIR 2010 Uttra 9
(D) Vijay Goyal Vs. State, AIR 2010 Uttra 12

3. Jurisdiction of civil court is not excluded in respect of adoption. The question regarding adoption involves declaration as to status/character of person can be decided only by civil court." This was held by the Supreme Court of India in :

(A) Ramchandra Dagdu Sonavane Vs. Vithu, AIR 2010 SC 818
(B) Sushil Kumar Vs. State, AIR 2010 SC 832
(C) Parminder Kaur Vs. State, AIR 2010 SC 840
(D) Alagarsamy Vs. State, AIR 2010 SC 849

4. Under the Himachal Pradesh Courts Act, 1976, Additional District Judge/s as may be necessary for speedy disposal of pending business before the Court of any District Judge can be appointed by :

(A) the concerned District Judge after consultation with High Court
(B) the concerned District Judge after consultation with the State Government
(C) the State Government after consultation with High Court
(D) the High Court after consultation with the State Government

5. The High Court or the District Judge may assign to an Additional District Judge any of the functions of the District Judge :

(A) Not including the functions of receiving and registering cases and appeals
(B) including the functions of receiving and registering cases and appeals
(C) including the functions of receiving and registering only cases and not appeals
(D) Not including the functions of receiving and registering new appeals

6. Under Section 14 of the Himachal Pradesh Courts Act, 1976, the High Court may by general of special order authorise any Subordinate Judge to take cognizance of, and any District Judge to transfer to such a Subordinate Judge under his control, any proceedings or any class of proceedings, specified in such order under any of the enactments mentioned in that section. One such Act is :

(A) The Hindu Marriage Act, 1955
(B) The Hindu Succession Act, 1956
(C) The Provincial Insolvency Act, 1920
(D) All of the above

7. Provisions for 'Appeals from Subordinate Judges' to District Judge and the High Court are given in :

(A) Section 19 of the Himachal Pradesh Courts Act, 1976
(B) Section 20 of the Himachal Pradesh Courts Act, 1976
(C) Section 21 of the Himachal Pradesh Courts Act, 1976
(D) Section 22 of the Himachal Pradesh Courts Act, 1976

8. Under Section 9 of the Himachal Pradesh Courts Act, 1976, the principle civil court of original jurisdiction in the district is :

(A) Court of Small causes
(B) Court of Subordinate judge
(C) Court of District Judge
(D) High Court of Himachal Pradesh

9. Power to make rules for the purpose of carrying into effect the provisions of the Himachal Pradesh Courts Act, 1976 under Section 29 lies with :

(A) High Court of Himachal Pradesh
(B) Government of Himachal Pradesh
(C) Government of Himachal Pradesh after consultation with High Court
(D) State Legislative Assembly

10. Which of the following instruments is a "bond' under the Indian Stamp Act as applicable to State of Himachal Pradesh ?

(A) Any instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be
(B) Any instrument attested by a witness and not payable to order or bearer, whereby a person obliges himself to pay money to another
(C) Any instrument so attested, whereby a person obliges himself to deliver grain or other agricultural produce to another
(D) All of the above

11. Which of the following is not a "lease under the Indian Stamp Act as applicable to State of Himachal Pradesh ?

(A) A patta
(B) A kabuliyat or other undertaking in writing, not being a counterpart of a lease, to cultivate, occupy, or pay or deliver rent for, immovable property:
(C) Any instrument by which one person, in consideration of a premium, engages to indemnify another against loss, damage or liability arising from an unknown or contingent event
(D) Any instrument by which tolls of any description are let; and any writing on an application for a lease intended to signify that the application is granted

12. Out of the following instruments which one may not be stamped with adhesive stamps.?

(A) Bills of exchange and promissory notes drawn or made out of India;
(B) Entry as an advocate, vakil or attorney on the roll of a High Court;
(C) Notarial acts
(D) Cheques

13. Which of the following securities dealt in depository are not being liable to stamp duty under the Indian Stamp Act ?

(A) The transfer of registered ownership of securities from a person to a depository or from a depository to a beneficial owner
(B) The transfer of beneficial ownership of securities, dealt with by a depository
(C) Both (A) and (B)
(D) Neither (A) nor (B)

14. Instruments executed out of India, chargeable with duty, but not being a bill of exchange or promissory note, are required to be stamped, after first received in India :

(A) within three months
(B) within two months
(C) within forty five days
(D) within one month

15. All duties, penalties and other sums required to be paid for instruments not duly stamped may be recovered by the Collector :

(A) Only by distress and sale of the movable property of the person from whom the same are due
(B) Only by any process for the time being in force for the recovery of arrears of land revenue
(C) Either by (A) or (B)
(D) None of the above

16. Evidence under the Indian Evidence Act, 1872 means and includes:

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

17. Proof of a fact for the purposes of evidence depends on:

(A) Rigid mathematical demonstration
(B) Probability of its existence
(C) Accuracy of the statement
(D) None of the above

18. Choose the correct assertion based on the following propositions : Propositions : (I) Statement is a genus; admission is a species while confession is a sub species. (II) Statement and admission are species while confession is a sub-species. (III) Statement and admission are genus while confession is a species. Assertions :

(A) I is correct, II and III are incorrect
(B) I and II are correct and III is incorrect
(C) I and III are correct and I is incorrect
(D) III is correct and I and II are incorrect

19. Declaration by a person, not able to be called as witness, in the course of business is admissible under:

(A) Section 32 (1) of the Indian Evidence Act, 1872
(B) Section 32 (2) of the Indian Evidence Act, 1872
(C) Section 32 (4) of the Indian Evidence Act, 1872
(D) Section 32 (7) of the Indian Evidence Act, 1872

20. Omnia presumuntur rite esse acta means :

(A) All acts are presumed to be rightly done
(B) All acts are presumed to be not rightly done
(C) All acts are presumed to be wrongly done
(D) All acts are presumed to be not wrongly done

21. Electronic record in proper custody gives rise to a presumption as to the digital signature to be fixed by that particular person under section 90A of Indian Evidence Act if the electronic record produced is :

(A) 20 years old
(B) 15 years old
(C) 10 years old
(D) 5 years old

22. Oral evidence of a fact invalidating a document is admissible :

(A) Under proviso 1 to section 92 of Indian Evidence Act, 1872
(B) Under proviso 2 to section 92 of Indian Evidence Act, 1872
(C) Under proviso 4to section 92 of Indian Evidence Act, 1872
(D) Under proviso 6 to section 92 of Indian Evidence Act, 1872

23. The doctrine of estoppel is a:

(A) Substantive law
(B) Rule of equity
(C) Rule of evidence
(D) Rule of pleadings

24. Which of the following descriptions is correct under section 145 of the Indian Evidence Act, 1872 ?

(A) A witness may be cross examined as to previous statements made by him in writing or reduced into writing, and relevant to matters in question, without such writing being shown to him, or being proved; even if it is intended to contradict him by the writing, his attention need not, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him.

(B) A witness may be cross examined as to previous statements made by him in writing or reduced into writing, and relevant to matters in question, without such writing being shown to him, or being proved; but, if it is intended to contradict him by the writing, his attention must, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him.

(C) A witness may be cross examined as to previous statements made by him in writing or reduced into writing, and relevant to matters in question, without such writing being shown to him, or being proved; but, if it is intended to contradict him by the writing, his attention must, before the writing can be proved, be called to such new materials which are to be used for the purpose of contradicting him.

(D) A witness may be cross examined as to previous statements made by him in writing or reduced into writing, even if not relevant to matters in question, without such writing being shown to him, or being proved for any purpose.

25. A co-defendant in a case :

(A) Cannot be cross examined by another co-defendant under any circumstances

(B) Can be cross examined by another co-defendant if their interests are identical

(C) Can be cross examined by another co-defendant when their interests are adverse to each other

(D) Can be cross examined by another co-defendant as a matter of right

26. In which of the following cases the Supreme Court of India held that the rule of prudence requires that the evidence of an accomplice should ordinarily be corroborated by some other evidence :

(A) Francis Stanly Vs. Intelligence Officer, AIR 2007 SC 794

(B) Youaraj Rai Vs. Chander Bahadur Karki, AIR 2007 SC 561

(C) Kamla Devi Vs. Khushal Kanwar, AIR 2007 SC 663

(D) Bablu Vs. State of Rajasthan, AIR 2006 SC 115

27. As regards question by a party to its own witness under section 154 of the Indian Evidence Act, 1872, which of the following propositions/expressions is correct?

(A) Two statements sought to be contradicted in addition should be drawn to the previous statement

(B) The person who calls a witness is entitled to put any questions to him

(C) Corroborating a witness by questioning him on surrounding circumstances

(D) Former statement of witness may be proved to corroborate later testimony as to same fact

28. The "test identification parade is only an aid to investigation. The practice is not born out of prudence was held by Supreme Court of India in :

(A) Siddharth Vashist @ Manu Sharma Vs. State (NCT of Delhi), AIR 2010 SC 2352

(B) Shivaji Vs. Nagendra, AIR 2010 SC 2261

(C) S. Jaiswal Vs. Alok, AIR 2010 SC (NOC) 805

(D) Sujata Vs. S.K. Bahera, AIR 2010 (NOC) 812

29. "Order" is defined as a formal expression of any decision of a civil court which is not a decree in:

(A) Section 2 (1) of Civil Procedure Code 1908

(B) Section 2 (14) of Civil Procedure Code 1908

(C) Section 2 (9) of Civil Procedure Code 1908

(D) Section 2 (16) of Civil Procedure Code 1908

30. Mesne profits of property as defined in Section 2 (12) of Civil Procedure Code, 1908 means :

(A) Those profits which the person in wrongful possession of such property actually received or might with ordinary diligence have received together with interest on such profits.
(B) Those profits which the person in wrongful possession of such property actually received including profits due to improvements made by such person
(C) Those profits which the person in wrongful possession of such property actually received or might have received but without any interest on such profits
(D) Those profits which the person in wrongful possession of such property actually received

31. A decision in a civil suit may operate as res judicata against persons not expressly named as parties to a suit by virtue of:

(A) Explanation II of Section 11 of the Civil Procedure Code 1908
(B) Explanation IV of Section 11 of the Civil Procedure Code 1908
(C) Explanation VI of Section 11 of the Civil Procedure Code 1908
(D) Explanation VIII of Section 11 of the Civil Procedure Code 1908

32. A private transfer and delivery of property attached under section 64(2) of the Civil Procedure Code 1908 shall not be void :

(A) If made in pursuance of any contract for such transfer or delivery entered into and registered before the attachment
(B) If made in pursuance of any contract for such transfer or delivery entered into and registered after the attachment
(C) If made in pursuance of any contract for such transfer or delivery entered into before the attachment but registered after the attachment
(D) As in (B) and (C) above

33. A revision under Section 115 of the Civil Procedure Code 1908 shall not operate as a stay of suit or on other proceedings before the court except where such suit or other proceeding is stayed by :

(A) The High Court
(B) The Supreme Court
(C) The Appellate Court
(D) District and Sessions Court

34. The term "acts' in Order III, Rules 1 and 2 of the Civil Procedure Code 1908 is confined only :

(A) in respect of acts done by the power- of-attorney holder in exercise of the power granted by the instrument and would not include deposing in place and instead of the principal
(B) in respect of acts done by the power- of-attorney holder in exercise of the power granted by the instrument and includes deposing in place and instead of the principal
(C) in respect of acts done by the power- of-attorney holder in exercise of the power granted by the instrument but includes appearance as a witness on behalf of the party in the capacity of that party
(D) to deposing in place and instead of the principal

35. Which of the following amendments can be allowed under Order VI, Rule 17 of the Civil Procedure Code 1908 ?

(A) Amendment for granting relief on the basis of different approaches to the same facts
(B) Amerdment taking note of subsequent events
(C) Amendment for correcting the misdescription of property
(D) All of the above

36. On dismissal of a suit for non-compliance with an order for discovery under Order XI, Rule 21 of the Civil Procedure Code 1908, the plaintiff :

(A) can bring a fresh suit on the same cause of action as a matter of right
(B) can bring a fresh suit on the same cause of action only with the leave of the court
(C) can bring a fresh suit on the same cause of action only if the court dismissing the suit has granted liberty to file a fresh suit
(D) cannot bring any fresh suit on the same cause of action

37. Arrest and detention of a person in civil imprisonment in execution of a decree :

(A) Absolves him from liability under the decree but can be re-arrested
(B) Does not absolve him but the person cannot be re-arrested
(C) Does not absolve him and the person cannot be re-arrested
(D) Absolves him from liability altogether and cannot be re-arrested

38. In case a party to the suit moved no application for the substitution of legal representatives within the statutory period under Order XXII, Rule 19 of the Civil Procedure Code 1908 :

(A) The suit automatically abates on the expiry of the statutory period for moving the application without any formal order of the court

(B) The suit automatically abates on the expiry of the statutory period for moving the application, however there has to be a formal and specific order of the court to that effect

(C) The suit does not automatically abate on the expiry of the statutory period for moving the application a formal and specific order of the court to that effect is a must

(D) The suit is to be stayed till the application is presented

39. A receiver :

(A) Can be sued generally for acts done in his official capacity by a third party

(B) Cannot be sued at all for acts done in his official capacity by a third party

(C) Can sue and can be sued for acts done in his official capacity by a third party only with the leave of the court appointing him

(D) Can sue with the leave of the court but cannot be sued without the leave of the court appointing him

40. Subsequent to the filing of written statement under Order VIII, Rule 9 of the Civil Procedure Code 1908, the defendant :

(A) Can file the proceedings by way of defence of set-off or counter-claim without the leave of the court

(B) Can file the proceedings by way of defence of set-off or counter-claim only with the leave of the court

(C) Cannot file the proceedings by way of defence of set-off or counter-claim at all

(D) Can do as in both (A) and (B)

41. In which of the following cases the Supreme Court of India held the 1999 and 2002 amendments to the Civil Procedure Code 1908 valid :

(A) Salem Advocate Bar Association, Tamil Nadu Vs. Union of India

(B) Delhi High Court Bar Association Vs. Union of India

(C) Allahabad High Court Bar Association Vs. Union of India

(D) Punjab and Haryana High Court Bar Association Vs. Union of India

42. Where a mortgagee obtains a decree for payment of money in satisfaction of claim arising under the mortgage :

(A) He is entitled to bring the mortgaged property to sale without instituting a suit for sale in enforcement of the mortgage under Order XXXIV and Rule 14 of the Civil Procedure Code 1908

(B) He is entitled to bring the mortgaged property to sale only by instituting a suit for sale in enforcement of the mortgage under Order XXXIV and Rule 14 of the Civil Procedure Code 1908

(C) He is entitled to bring the mortgaged property to sale in execution proceedings

(D) He is entitled as in (A) or (C)

43. The second appeal is permissible only if the finding is perverse" was held by the Supreme Court of India in :

(A) Dinesh Kumar Vs. Yusuf Ali, AIR 2010 SC 2679

(B) State Vs. M.L. Keshari, AIR 2010 SC 2587

(C) Bimlesh Vs. New India Assurance Company Ltd. AIR 2010 SC 2591

(D) Dasrath Vs. State of Madhya Pradesh, AIR 2010 SC 2592

44. The Specific Relief Act, 1963 is the product of:

(A) 8th Report of the Law Commission of India on Specific Relief of 1958

(B) 9th Report of the Law Commission of India on Specific Relief of 1958

(C) 10th Report of the Law Commission of India on Specific Relief of 1958

(D) None of the above

45. Section 8 of the Specific Relief Act, 1963 can be invoked :

(A) If compensation in money is an adequate relief
(B) If the damages can be easily ascertained
(C) If the article is held by the person as agent or trustee of the claimant
(D) If the article has been rightly transferred from the claimant

46. Which of the following can be specifically enforced under Section 10 of the Specific Relief Act, 1963 ?

(A) Contingent contract
(B) Formation of a partnership
(C) Chattel of special value
(D) Deeds of separation

47. Remedy of rectification available under Section 26 Specific Relief Act, 1963 relates to :

(A) Mistake in expression of contract only
(B) The contract itself, i.e. the formation of the contract
(C) Matters which were overlooked by the parties
(D) Addition of terms in the agreement which was not considered

48. Jurisdiction of the court to enforce specific performance of a contract is:

(A) Absolute
(B) Discretionary
(C) General (not exceptional)
(D) Extensive

49. Choose the true statement about the propositions: Propositions: (I) A contract for sale of a patent can be specifically enforced. (II) A contract to assign a copyright is specifically enforceable. (III) An agreement to form a partnership is specifically enforceable as a general rule Assertions:

(A) I and II are incorrect, III is correct
(B) I is incorrect, II and III are correct
(C) II is incorrect, I and III are correct
(D) III is incorrect, I and II are correct

50. The principle of quia timet means:

(A) Some future probable injury to the rights or interests of a person
(B) Some past injury to the rights or interests of a person
(C) Some past serious injury to the rights or interests of a person
(D) Some small injury capable of being estimated in money.

Paper II · Civil Law II

51. With reference to the HPURC Act, match List I with List II and select the correct answer by using the codes given below the lists. List I: (a) Definitions; (b) Fine/premium not to be charged for grant, renewal or continuance of tenancy; (c) Cutting off or withholding essential supply or service; (d) Landlord's duty to keep the building or rented land in good repairs; List II: (i) Sec. 2; (ii) Sec. 13; (iii) Sec. 11; (iv) Sec. 8; Codes in the order (a), (b), (c), (d):

(A) (iii), (iv), (ii), (i)
(B) (i), (iii), (iv), (ii)
(C) (i), (ii), (iii), (iv)
(D) (i), (iv), (iii), (ii)

52. No person shall convert a residential building into a non-residential building except with the permission in writing of the Controller. With reference to the HPURC Act, the statement is :

(A) False as per Sec. 14
(B) False as per Sec. 12
(C) True as per Sec. 12
(D) True as per Sec. 14

53. Statement I : Any person aggrieved by an order passed by the Controller may, within fifteen days from the date of such order or such longer period as the appellate authority may allow for reasons to be recorded in writing, prefer an appeal in writing to the appellate authority having jurisdiction.
Statement II : Any person aggrieved by an order passed by the Controller may, within thirty days from the date of such order or such longer period as the appellate authority may allow for reasons to be recorded in writing, prefer an appeal in writing to the appellate authority having jurisdiction.
Statement III : In computing the period, the time taken to obtain certified copy of the order appealed against shall be excluded. Statement IV: In computing the period of fifteen days, the time taken to obtain a certified copy of the order appealed against shall be included.

(A) Statements I and IV are true while II and III are false.
(B) Statements II and IV are true while I and III are false.
(C) Statements I and III are true while II and IV are false.
(D) Statements II and III are true while I and IV are false.

54. In case of a gift, if the donee dies before acceptance, the gift shall be :

(A) Valid
(B) Voidable
(C) Void
(D) Unlawful

55. Lease of vacant buildings is provided under which section of HPURCA ?

(A) Sec. 18
(B) Sec. 19
(C) Sec. 20
(D) None of these

56. Where the landlord does not accept any rent tendered by the tenant within the time referred to in section 20 or refuses or neglects to deliver a receipt referred to therein or where there is a bona fide doubt as to the person or persons to whom the rent is payable, the tenant may:

(A) deposit such rent with the Controller
(B) deposit in any civil court of the area
(C) keep it with him for few months
(D) none of the above

57. When the fair rent of a building or rented land has been fixed under section 4, no further increase or decrease in such fair rent shall be permissible for a period of:

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

58. As per Sec. 30 of the HPURC Act, if the specified landlord who having evicted tenant from a building in pursuance of an order made under subsection (2) of section 15 does not occupy it for a continuous period of three months from the date of such eviction or lets out the whole or any part of such building, from which the tenant was evicted, to any person other than the tenant shall be punishable with the following penalties:

(A) Imprisonment for a term which may extend to 3 months or with fine which may extend to 1,000 rupees or both.
(B) Imprisonment for a term which may extend to 6 months or with fine which may extend to 1,000 rupees or both.
(C) Imprisonment for a term which may extend to 6 months or with fine which may extend to 2,000 rupees or both.
(D) Imprisonment for a term which may extend to 3 months or with fine which may extend to 2,000 rupees or both.

59. The controller shall not reopen the issues that have been substantially decided in former proceedings or have been settled finally in previous final orders. The statement is :

(A) True
(B) False
(C) Depends on Controller's choice
(D) The Act does not provide for it

60. A transfer cannot be made directly to an unborn person. The statement is:

(A) True
(B) False
(C) Depends on the will of the transferor
(D) The Transfer of Property Act does not provide for it

61. As per the TPA provisions, the immovable property shall include: (i) Standing timber (ii) Growing Crops (iii) Grass Choose the correct option:

(A) only (i) and (ii)
(B) only (ii) and (iii)
(C) only (i) and (iii)
(D) none of these

62. X transfers a farm F to Y on the condition that he shall marry X's daughter D. At the time of transfer, D was dead. The transfer of F is:

(A) Valid
(B) Void
(C) Voidable
(D) Lawful

63. Sec. 6 of TPA provides that property of any kind may be transferred except the following: (i) A mere right to sue (ii) A public office or salary of a public officer (iii) The chance of an heir-apparent succeeding to an estate (iv) A right to future maintenance Choose the correct combination :

(A) Only (i), (ii) and (iii) cannot be transferred
(B) Only (ii), (iii) and (iv) cannot be transferred
(C) All of the above can be transferred
(D) None of the above can be transferred

64. Statement I: An agreement to which the consent of the promisor is freely given is not void merely because the consideration is inadequate. Statement II : Inadequacy of the consideration may be taken into account by the court in determining the question whether the consent of the promisor was freely given. Choose the correct answer :

(A) Both the statements are true
(B) Both the statements are false
(C) Only statement I is true
(D) Only statement II is true

65. Bank of India Vs. O.P. Swarankar AIR 2003 SC 858 is an important judgment on the following issue :

(A) Communication
(B) Acceptance
(C) Breach of Contract
(D) Invitation to offer

66. The following is the object of the Law of limitation :

(A) There should be an end to litigation
(B) Viglantibus Non Dormentibus Jura Subveniunt
(C) Both of the above
(D) None of the above

67. The Hindu Marriage Act, 1955 does not apply to which of the following ?

(A) Jain
(B) Buddhist
(C) Parsi
(D) Sikh

68. The prohibition of sapinda marriage is based on the rule of :

(A) Exogamy
(B) Endogamy
(C) Polyandry
(D) Polygyny

69. With reference to the HM Act, match List I with List II and select the correct answer by using the codes given below the lists. List I: (a) Judicial separation; (b) Voidable marriages; (c) Void marriage; (d) Divorce; List II: (i) Sec. 11; (ii) Sec. 10; (iii) Sec. 13; (iv) Sec. 12; Codes in the order (a), (b), (c), (d):

(A) (iii), (iv), (ii), (i)
(B) (ii), (iv), (i), (iii)
(C) (i), (ii), (iii), (iv)
(D) (i), (iv), (iii), (ii)

70. A marriage may be solemnized between any two Hindus under the HMA, 1955, if the following conditions are fulfilled :

(A) Neither party is incapable of giving a valid consent due to unsoundness of mind
(B) Neither party has a spouse living at the time of marriage
(C) The parties are not within the degrees of prohibited relationship
(D) All of the above

71. Where once time has begun to run, no subsequent disability or inability to institute a suit or make an application stops it. The said principle is provided under the following section of the Limitation Act, 1963 :

(A) Sec. 9
(B) Sec. 10
(C) Sec. 12
(D) Sec. 19

72. The period of limitation for suits relating to contracts is:

(A) 3 years
(B) 5 years
(C) 7 years
(D) 11 years

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

(A) Included
(B) Excluded
(C) Depends on the situation
(D) Not provided under Limitation Act, 1963

74. The period of limitation for suits relating to immovable property for foreclosure by a mortgagee is :

(A) 12 years
(B) 30 years
(C) 1 year
(D) 3 years

75. Where in any case, the suit or application is based upon fraud or mistake, the period of limitation shall not begin to run until the plaintiff or applicant has discovered the fraud or the mistake. The statement is: (i) False (ii) True (iii) Provided under Sec 17 (iv) Not provided under Limitation Act Choose the correct combination

(A) None of the options is correct
(B) Only (i) is correct
(C) (i) and (iv)
(D) (ii) and (iii)

76. Anil Kumar Jain Vs. Maya Jain AIR 2010 SC 229 is a case related to the following provision of HMA, 1955:

(A) Sec. 13 B
(B) Sec. 14
(C) Sec. 17
(D) Sec. 18

77. In Smt. Seema Vs. Ashwani Kumar AIR 2006 SC 1158, the SC discussed the following issue:

(A) Judicial separation
(B) Saptapadi in Hindu Marriage
(C) Registration of Marriages
(D) Maintenance

78. Treating the spouse with Cruelty is a ground for divorce. This has been held in the following case :

(A) Amarjeet Kaur Vs. Harbhajan Singh (2003) 10 SC 406
(B) Dwarika Prasad Satpathy Vs. Bidyut Prava Dixit JT 1999 (8) SC 329
(C) Samar Ghosh Vs Jaya Ghosh 2007 (3) SCJ 253
(D) Ghisalal Vs. Dhapubai AIR 2011 SC 644

79. With reference to the Hindu Adoption and Maintenance Act, 1956, match List I with List II and select the correct answer by using the codes given below the lists. List I: (a) Requisites of a valid adoption; (b) Persons capable of giving in adoption; (c) Maintenance of wife; (d) Amount of maintenance; List II: (i) Sec. 9; (ii) Sec. 6; (iii) Sec. 23; (iv) Sec. 18; Codes in the order (a), (b), (c), (d):

(A) (ii), (i), (iv), (iii)
(B) (ii), (iv), (i), (iii)
(C) (i), (ii), (iii), (iv)
(D) (i), (iv), (iii), (ii)

80. Welfare of minor to be paramount consideration has been provided in:

(A) Sec. 13 of the Hindu Minority and Guardianship Act, 1956
(B) Sec. 6 of the Hindu Marriage Act, 1955
(C) Sec. 6 of the Hindu Adoptions and Maintenance Act, 1956
(D) Sec. 6 of the Hindu Minority and Guardianship Act, 1956

81. Effect of acknowledgement in writing on period of limitation is provided under the following provision of the Limitation Act, 1963 :

(A) Sec. 18
(B) Sec. 19
(C) Sec. 20
(D) Sec. 21

82. Hadley Vs. Baxendale is a leading English contract law case that sets the basic rule to determine consequential damages from a breach of contract. The statement is :

(A) False
(B) True
(C) Partially true
(D) It does not relate to breach of contract

83. Agreements in restraint of Marriage is :

(A) Unlawful
(B) Voidable
(C) Void
(D) Valid

84. To establish undue influence, a person is deemed to be in a position to dominate the will of another where :

(A) He holds a real or apparent authority over the another
(B) He stands in a fiduciary relation to the other
(C) He makes a contract with a person whose mental capacity is temporarily or permanently affected by reason of age, illness, mental or bodily distress
(D) All of the above

85. Every promise and every set of promises, forming the consideration for each other, is an agreement. This has been provided under the following section of the Contract Act, 1872 :

(A) Sec. 2(b)
(B) Sec. 2(d)
(C) Sec. 2(e)
(D) Sec. 2(h)

86. The contracts where one of the parties has almost nil opportunities to bargain over the special terms of the agreement while the other party, usually the big corporate, is in a position to dictate its terms. The terms are prepared by the big corporate while the other party has no choice but either to accept the terms or leave the deal altogether. Such contracts are known as:

(A) Adhesion Contracts
(B) Standard form of Contracts
(C) Voidable Contracts because the giant company may exploit the weakness of the individual
(D) Both (A) and (B)

87. As per the Indian Contract Act, 1872, the communication of an acceptance is complete : (i) As against the acceptor when it comes to the knowledge of the proposer. (ii) As against the proposer when it is put in a course of transmission to him so as to be out of the power of the acceptor. Based on the above two propositions, decide :

(A) Only (i) is correct.
(B) Only (ii) is correct.
(C) Both (i) and (ii) are correct.
(D) None of the above two propositions is correct.

88. A applies to a banker for a loan at a time when there is stringency in the money market. The banker declines to make the loan except at an unusually high rate of interest. A accepts the loan on these terms:

(A) The contract is valid and not induced by undue influence
(B) The contract is voidable because it is induced by undue influence
(C) The contract is void because it is induced by undue influence
(D) None of the above

89. A lends a horse to B for his own riding only. B allows C, his close friend, to ride the horse H. C rides H with care but the horse falls accidentally. Both H and C are injured.

(A) A is liable to pay compensation to B.
(B) B is liable to pay compensation to A.
(C) C is liable to pay compensation to both A and B
(D) Both A & B are liable to pay compensation to C.

90. Which of the following is not true in case of wagering agreements ?

(A) The agreement is void under Sec 23 of the Contract Act
(B) No suit shall be brought in any court of law on any wager
(C) The amount won under a wagering agreement cannot be recovered
(D) Any fresh promise to pay money won under a wager is also void

91. In case of breach of a contract, the party who suffers by such breach is not entitled to receive, from the party causing such breach, which of the following compensations for any loss or damage caused to him thereby :

(A) That arose naturally in the usual course of the things from such breach
(B) That the parties knew when they made the contract, to be likely to result from the breach of it
(C) That were too remote and indirect
(D) All of the above

92. Which of the following cases is related to the issue of minority in the Contract law?

(A) Khan Gul Vs. Lakha Singh
(B) Ajodhia Prashad Vs. Chandan Lal
(C) Mohori Bibi Vs. Dharmodas Ghosh
(D) All of the above

93. In case of non-fulfilment of the contractual obligations, only the parties to the contract can sue each other. This statement may be called as:

(A) Privity of Consideration
(B) Privity of Contract
(C) Both (A) and (B)
(D) None of these

94. The consideration or object of an agreement is lawful, unless :

(A) It is forbidden by law
(B) It is of such a nature that, if permitted, would defeat the provisions of any law
(C) Involves or implies injury to the person or property of another
(D) All of the above

95. X contracts to marry Y, being already married to Z, and being forbidden by the law to which he is subject to practise polygamy. (i) X must pay compensation to Y for the loss caused to her by the non-performance of his promise. (ii) X is under no obligation to compensate Y under any law (iii) An agreement to do an act impossible in itself is void In view of the above :

(A) Both (i) and (ii) are correct
(B) Both (i) and (iii) are correct
(C) Only (ii) is correct
(D) Only (iii) is correct

96. The Himachal Pradesh Urban Rent Control Act is an Act to : (i) Provide only for the control of rents within the limits of urban areas in the State of Himachal Pradesh (ii) Provide for the control of rents as well as evictions within the limits of urban areas in the State of Himachal Pradesh. (iii) Provide only for the evictions within the limits of urban areas in the State of Himachal Pradesh. Choose the correct answer :

(A) Only (i)
(B) Only (ii)
(C) Only (iii)
(D) None of these

97. Match List I with List II and select the correct answer by using the codes given below the lists. List I: (a) Conditions restraining alienation; (b) Contingent interest; (c) Part performance; (d) Rule against perpetuity; List II: (i) Sec. 14; (ii) Sec. 53-A; (iii) Sec. 10; (iv) Sec. 21; Codes in the order (a), (b), (c), (d):

(A) (iii), (iv), (ii), (i)
(B) (i), (iii), (iv), (ii)
(C) (i), (ii), (iii), (iv)
(D) (iv), (iii), (i), (ii)

98. Rajes Kanta Roy Vs. Santi Debi AIR 1957 SC 255 is a case on the following principle of Transfer of Property :

(A) Vested interest
(B) Contingent interest
(C) Spes successionis
(D) Gift

99. With reference to Doctrine of Lis Pendens read the following: (a) It refers to Fraudulent transfers. (b) It imposes a prohibition on transfer or otherwise dealing of any property during the pendency of a suit provided the conditions laid down in the section are satisfied. (c) It creates only a right to be enforced to avoid a transfer made pendent lite. (d) Such transfers are voidable. Choose the correct combination:

(A) (a), (b) and (c) are correct.
(B) (b), (c) and (d) are correct.
(C) (a), (c) and (d) are correct.
(D) All of these are correct.

100. Hari Dass Sharma Vs. Vikas Sood (S.C. of India Judgement dated April 29, 2013) pertains to the following Section of the HP Rent Control Act before the Rent Controller, Shimla:

(A) Sec. 14(2) where if the Controller, after giving the tenant a reasonable opportunity of showing cause against the applicant, is satisfied that the tenant has not paid or tendered the rent due from him in respect of the building or rented land within fifteen days after the expiry of the time fixed in the agreement of tenancy with his landlord or in the absence of any such agreement by the last day of the month next following that for which the rent is payable.

(B) Sec. 14(3), where landlord may apply to the Controller for an order directing the tenant to put the landlord in possession: (a) in the case of a residential building, if (i) he requires it for his own occupation.

(C) Sec. 14(4) Where landlord applies for eviction of the respondents from the building on grounds, inter alia, that he bona fide required the building for purposes of addition and alteration of the building or rebuilding.

(D) Sec. 14(1) Where the tenant who has been evicted may apply to the Controller for an order directing that he shall be restored to possession of such building or rented land and the Controller shall make an order accordingly.

Paper III · Criminal Law

101. A warrant case does not mean:

(A) an offence punishable with death

(B) an offence punishable for a term exceeding one year

(C) an offence punishable with life imprisonment

(D) an offence punishable with imprisonment for a term exceeding two years

102. Find out the INCORRECT statement:

(A) Every Court of Session shall be presided over by a Judge, to be appointed by the State Government

(B) In every State, the classes of Criminal Courts shall include Executive Magistrates

(C) The presiding officers of the Courts of Judicial Magistrates shall be appointed by the High Court

(D) Every Chief Judicial Magistrate shall be subordinate to the Session Judge; and every other Judicial Magistrate shall, subject to the general control of the Session Judge, be subordinate to the Chief Judicial Magistrate

103. When a private person may arrest any person under the provisions of the Code of Criminal Procedure?

(A) If any person commits a bailable and non-cognizable offence
(B) If any person commits non-bailable and non-cognizable offence in his presence
(C) If any person commits a bailable and cognizable offence
(D) If any person commits non-bailable and cognizable offence in his presence

104. Which one of the following Sections of the Code of Criminal Procedure is not amended by the Criminal Law (Amendment) Act, 2013?

(A) Section 160
(B) Section 161
(C) Section 162
(D) Section 164

105. Which one of the following Courts shall take cognizance in case of Section 326B, IPC?

(A) Court of any Magistrate
(B) Court of Session
(C) High Court
(D) Supreme Court

106. Who among the following is empowered for recording of confessions and statements under Section 164 of the Code of Criminal Procedure, 1973?

(A) The Superintendent of Police
(B) The Public Prosecutor
(C) The District Government Counsel (Criminal)
(D) Any Metropolitan Magistrate or Judicial Magistrate

107. Which one of the following parts is not an essential part of the prescribed form of the report made by a police officer on completion of investigation under Section 173 of the Code of Criminal Procedure, 1973?

(A) The nature of information
(B) The names of the parties
(C) Whether the accused has been arrested and released on his bond, if so, with or without sureties
(D) Whether during investigation the accused has been provided help of legal counsel, if so, particulars of the Counsel

108. Who among the following is authorized especially to empower any Magistrate of the second class to take cognizance of any offence under Chapter XIV of the Code of Criminal Procedure?

(A) The Chief Justice of the High Court
(B) The Session Judge
(C) The Chief Justice of the Supreme Court
(D) The Chief Judicial Magistrate

109. How many offences of the same kind committed within a year may be charged together?

(A) Not exceeding five
(B) Not exceeding seven
(C) Not exceeding twelve
(D) Not exceeding three

110. Any person, convicted on a trial held by a Magistrate of the second class, may Appeal to which one of the following Courts?

(A) The High Court
(B) The Magistrate of the first class
(C) The Court of Session
(D) The Assistant Session Judge

111. When the prisoner is to be confined in a jail, the warrant shall be lodged with:

(A) Officer in charge of the police station
(B) The Executive Magistrate
(C) The Jailor
(D) The Public Prosecutor

112. Which one of the following may remit whole or any part of the punishment, if any person has been sentenced to punishment for an offence?

(A) The appropriate Government, either Central or State Government
(B) The Supreme Court
(C) The High Court
(D) The Court of Session

113. The period of limitation, in relation to an offence, where the commission of the offence was not known to the person aggrieved by the offence, shall commence:

(A) from the date of actual commission of the offence
(B) from the first day of that month in which month such offence comes to the knowledge of such person
(C) from the first day on which such offence comes to the knowledge of such person
(D) from the date of lodging an FIR by aggrieved person for the offence

114. Which one of the following Sections of the Code of Criminal Procedure provides that an accused person shall be a competent witness for the charges of an offence made against him?

(A) Section 312
(B) Section 313
(C) Section 314
(D) Section 315

115. Which one of the following Offences described under the IPC may be compounded by the person mentioned in the third column of the table given in Section 320(1) of the Code of Criminal Procedure, 1973?

(A) Bigamy
(B) Adultery
(C) Murder
(D) Rape

116. Which one of the following is a prescribed period of limitation for taking cognizance to the Court against the offence committed under Section 138 of the Negotiable Instruments Act, 1881?

(A) 60 days from the date of writing the cheque and if informed to the Court in writing only
(B) 90 days from the date of writing the cheque and if complaint made to the Court orally
(C) 15 days from the date of writing the cheque and if informed to the Court written or orally both
(D) 30 days from the date of cause of action arises if the complaint made in writing to the Court

117. Who among the following is empowered to take cognizance of any offence committed under Section 138 of the Negotiable Instruments Act, 1881?

(A) The Chief Managing Director of the Bank
(B) The Banking Ombudsman
(C) The Metropolitan Magistrate or Judicial Magistrate of the 1st Class
(D) The Executive Magistrate

118. What procedure of trial is provided to the Court against the matter related with penalties if comes under any Section of the Chapter XVII of the Negotiable Instruments Act, 1881?

(A) Session Trial
(B) Summary Trial
(C) Warrant Trial
(D) Summons Trial

119. In every trial, under Section 143 of the Negotiable Instruments Act 1881, an endeavour shall be made to conclude the trial:

(A) within six months from the date of filling the complaint
(B) within nine months from the date of filling the complaint
(C) within twelve months from the date of filling the complaint
(D) within one month from the date of filling the complaint

120. Which one of the following is not meant by the term 'Company' for the purpose of the Section 141 of the Negotiable Instruments Act, 1881?

(A) A firm
(B) Any body corporate
(C) Any educational institute
(D) Other association of individuals

121. Which one of the following is not included expressly in the meaning of the term "beer" given under the HP Excise Act, 2011?

(A) Black beer
(B) Ale
(C) Brandy
(D) Stout

122. Section 15 of the HP Excise Act, 2011 is relating to which one of the following provisions?

(A) Prohibition of manufacturing of the liquor
(B) Prohibition of removal of liquor manufactured or stored
(C) Prohibition of possession of liquor
(D) Prohibition of liquor unlawfully manufactured, imported or transported

123. Who among the following is authorized for granting license for sale of liquor on specified place and its consumption at any public place under Section 23 of the HP Excise Act, 2011?

(A) The Financial Commissioner only
(B) The Collector only
(C) The Excise Officer only
(D) The Financial Commissioner or the Collector, as the case may be

124. Which one of the following Sections of the HP Excise Act, 2011 deals with 'power to withdraw the license etc.'?

(A) Section 29
(B) Section 30
(C) Section 31
(D) Section 32

125. Who among the following is not considered the holder of a license in case of any liquor vend according to the HP Excise Act, 2011?

(A) Whose tender has been accepted for allotment of a license
(B) Whose bid has been accepted for allotment of a license
(C) Whose application has been accepted for allotment of a license
(D) Whose name is being recommended for last 10 years

126. Who among the following shall be Vice-Chairperson of the National Board for Wildlife?

(A) The Minister-in-charge of Forest and Wildlife
(B) The Chief Minister of any State
(C) The Prime Minister
(D) The President

127. Section 18 of the Wildlife (Protection) Act, 1972 is relating to which one of the following provisions?

(A) Powers of the Collector
(B) Declaration of sanctuary
(C) Acquisition of rights
(D) Declaration of stock

128. What is prescribed time-limit for completion of acquisition proceedings to inquire into, and determine, the existence, nature and extent of the rights of any person in or over the land comprised within the limits of the sanctuary notified?

(A) One year from the date of notification
(B) Two years from the date of notification
(C) Three years from the date of notification
(D) Four years from the date of notification

129. Which one of the following Chapters of the Wildlife (Protection) Act, 1972 deals with the 'Protections of Specified Plants'?

(A) Chapter II
(B) Chapter III
(C) Chapter III A
(D) Chapter IV

130. Which one of the following Sections of the Wildlife (Protection) Act, 1972 deals with the 'Restriction on purchase of captive and wild animal'?

(A) Section 48
(B) Section 48A
(C) Section 49
(D) Section 50

131. Which one of the following is not included within the meaning of the term 'River' used under the Indian Forest Act, 1927?

(A) Stream
(B) Canal
(C) Pond
(D) Creek

132. Which one of the following is exempted from the ambit of the meaning of 'Tree' defined under Section 2(7) of the Indian Forest Act, 1927?

(A) Palms
(B) Tea
(C) Stumps
(D) Brush-wood

133. In the trial of suit, the Forest Settlement Officer may exercise the powers of which one of the following Courts?

(A) Revenue Court
(B) Criminal Court
(C) Civil Court
(D) None of these

134. Which one of the following acts is not prohibited act prescribed by Section 26 of the Indian Forest Act, 1927?

(A) Set fire to a reserved forest
(B) Pastures cattle
(C) Girdles any tree
(D) Manage watercourses

135. Which one of the following Sections of the Indian Forest Act, 1927 deals with 'punishment for wrongful seizure' of any forest property by the Forest officer or police officer?

(A) Section 61
(B) Section 62
(C) Section 63
(D) Section 64

136. Who among the following was not member of the First Law Commission constituted to draft Penal Code?

(A) J. M. McLeod
(B) B. P. Pecock
(C) G. W. Anderson
(D) F. Millett

137. Which one of the following Justices of the Supreme Court has authored the judgment in Suresh Kumar Koushal & Anr Vs. Naz Foundation & Ors relating to the constitutionality of the Section 377, Indian Penal Code, 1860?

(A) Justice G. Singhvi
(B) Justice Jyoti Mukhopadhyaya
(C) Justice Dipak Misra
(D) Justice (Dr) D.Y. Chandrachud

138. Which one of the following Sections of the IPC defines its intra-territorial jurisdiction?

(A) Section 4 (1)
(B) Section 4 (2)
(C) Section 2
(D) Section 3

139. 'Voyeurism' has been declared as an offence under the Indian Penal Code by which one of the following Criminal Law (Amendment) Acts?

(A) The Criminal Law (Amendment) Act, 1983
(B) The Criminal Law (Amendment) Act, 2000
(C) The Criminal Law (Amendment) Act, 2005
(D) The Criminal Law (Amendment) Act, 2013

140. Which one of the following punishments is provided under the Indian Penal Code for voluntarily causing grievous hurt by use of acid etc. and thereby disfigures any part of body?

(A) Imprisonment which shall not be less than 10 years and which may extend to imprisonment for life and with fine
(B) Imprisonment which may extend to 10 years and with fine
(C) Imprisonment for life and with fine
(D) Imprisonment which shall not be less than 7 years and which may extend to imprisonment for life and with fine

141. Which one of the following Sections of the IPC declares 'trafficking of a person' as an offence?

(A) Section 370 A
(B) Section 369
(C) Section 370
(D) Section 371

142. While substituting new section for Section 375 of the Indian Penal Code by the Criminal Law (Amendment) Act 2013, how many exceptions are inserted in it?

(A) One exception
(B) Two exceptions
(C) Three exceptions
(D) No exception

143. In which one of the following cases the Supreme Court has held unconstitutional to the section 303 of the IPC?

(A) Aruna Ramachandra Shanbaug Vs. Union of India
(B) Gian Kaur Vs. State of Punjab
(C) Mitthu Singh Vs. State of Punjab
(D) Bachan Singh Vs. State of Punjab

144. Which one of the following cases is not related with Section 84, IPC?

(A) Ashiruddin Ahmed Vs. King
(B) R Vs. Dudley & Stephens
(C) Dayabhai Chhaganbhai Thakkar Vs. State of Gujarat
(D) State of M. P. Vs. Ahmadulla

145. Which one of the following Justices is not associated with the judgment of the case R Vs Govinda (ILR (1876) 1 Bom 342)?

(A) Justice Nanabhai Haridas
(B) Justice Melvill
(C) Justice Sarkariya
(D) Justice Kemball

146. The case of Mahboob Shah Vs. Emperor was decided by which one of the following Courts?

(A) Federal Court
(B) Supreme Court
(C) Privy Council
(D) House of Lords

147. The difference between Sections 34 and 149, IPC has been brought out in which one of the following important cases by the Supreme Court?

(A) Nanak Chand Vs. State of Punjab
(B) Basudev Vs. State of PEPSU
(C) Rishi Deo Pandey Vs. State of UP
(D) Sheoram Singh Vs. State of UP

148. The case of S. Varadarajan Vs. State of Madras (AIR 1965 SC 945) is associated with which one of the following offences?

(A) Kidnapping from India
(B) Kidnapping from Lawful Guardianship
(C) Kidnapping and Abducting to compel her for marriage
(D) Kidnapping and Abducting with intent secretly and wrongfully to confine

149. Which one of the following provisions of the punishment is provided to the accused of an offence of Affray?

(A) Simple imprisonment which may extend to one year and no fine
(B) Rigorous imprisonment which may extend to one year and fine
(C) Only fine and no imprisonment
(D) Simple imprisonment which may extend to one year or fine or both

150. Match List-I with List-II and find out correct matches in the following?

(A) A dishonest misappropriation of property for a time only — No misappropriation within the meaning of Section 403, IPC
(B) Taking away of movable property dishonestly without consent for a time only — Theft under Section 378, IPC
(C) An imputation in the form of an alternative or expressed ironically — No defamation under Section 499, IPC
(D) A threat to injury the reputation of any deceased person in whom the person threatened is interested — No offence under Section 503, IPC