Himachal Pradesh Civil Judge Prelims 2018 Question Paper

Himachal Pradesh Public Service Commission · Screening held 3 March 2019 · 3 papers of 50 questions · 2 marks per question · 60 minutes per paper. Each booklet numbers its questions 1–50. The three papers are numbered consecutively here.

Civil Law-I · Booklet A

1. An application for grant of temporary injunction, in case of grant of ex parte temporary injunction, should be endeavoured to be decided within

(A) Thirty days as provided under Order XXXIX, Rule 3-A of Civil Procedure Code
(B) Forty days as provided under Order XXXIX, Rule 4-A of Civil Procedure Code
(C) Sixty days as provided under Order XXXIX, Rule 5-A of Civil Procedure Code
(D) Ninety days as provided under Order XXXIX, Rule 6-A of Civil Procedure Code

2. Any person who, — (a) with intent to defraud the Government of duty, draws, makes or issues any bill of exchange or promissory note bearing a date subsequent to that on which such bill or note is actually drawn or made; or, (b) knowing that such bill or note has been so post-dated, endorses, transfers, presents for acceptance or payment, or accepts, pays or receives payment of, such bill or note, or in any manner negotiate the same; or, (c) with the like intent, practices or is concerned in any act, contrivance or device not specially provided for by this Act or any other law for the time being in force; shall be punishable with

(A) fine which may extend to five hundred rupees under Section 67 of the Indian Stamp Act as applicable in the State of Himachal Pradesh.
(B) fine which may extend to one thousand rupees under Section 68 of the Indian Stamp Act as applicable in the State of Himachal Pradesh.
(C) fine which may extend to two thousand rupees under Section 69 of the Indian Stamp Act as applicable in the State of Himachal Pradesh.
(D) fine which may extend to three thousand rupees under Section 70 of the Indian Stamp Act as applicable in the State of Himachal Pradesh.

3. (a) Any person appointed to sell stamps who disobeys any rule made under Section 74; and (b) any person not so appointed who sells or offers for sale any stamp (other than a ten naye paise for five naye paise adhesive stamp); shall be punishable with

(A) imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both under Section 74 of the Indian Stamp Act as applicable in the State of Himachal Pradesh.
(B) imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both under Section 71 of the Indian Stamp Act as applicable in the State of Himachal Pradesh.
(C) imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both under Section 69 of the Indian Stamp Act as applicable in the State of Himachal Pradesh.
(D) imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both under Section 66 of the Indian Stamp Act as applicable in the State of Himachal Pradesh.

4. Which of the following is correct?

(A) No Magistrate other than a Presidency Magistrate or a Magistrate whose powers are not less than those of a Magistrate of the first class, shall try any offence under Indian Stamp Act as applicable in the State of Himachal Pradesh Act as specified in its Section 51.

(B) No Magistrate other than a Presidency Magistrate or a Magistrate whose powers are not less than those of a Magistrate of the second class, shall try any offence under Indian Stamp Act as applicable in the State of Himachal Pradesh Act as specified in its Section 71.

(C) No Magistrate other than a Presidency Magistrate or a Magistrate whose powers are not less than those of a Chief Judicial Magistrate shall try any offence under Indian Stamp Act as applicable in the State of Himachal Pradesh Act as specified in its Section 81.

(D) No Magistrate other than a Presidency Magistrate or a Magistrate whose powers are not less than those of a Magistrate of the second class, shall try any offence under the Indian Stamp Act as applicable in the State of Himachal Pradesh Act as specified in its Section 91.

5. Choose the correct statement from the following

(A) "Bill of exchange" means a bill of exchange as defined by the General Clauses Act, 1897, and includes also a hundi, and any other document entitling or purporting to entitle any person, whether named therein or not, to payment by any other person of, or to draw upon any other person for, any sum of money as defined under Section 2(5) the Indian Stamp Act as applicable in the State of Himachal Pradesh

(B) "Bill of exchange" means a bill of exchange as defined by the Sale of Goods Act, 1930, and includes also a hundi, and any other document entitling or purporting to entitle any person, whether named therein or not, to payment by any other person of, or to draw upon any other person for, any sum of money as defined under Section 2(4) the Indian Stamp Act as applicable in the State of Himachal Pradesh

(C) "Bill of exchange" means a bill of exchange as defined by the Banking Regulations (Amendment) Act 2017, and includes also a hundi, and any other document entitling or purporting to entitle any person, whether named therein or not, to payment by any other person of, or to draw upon any other person for, any sum of money as defined under Section 2(3) the Indian Stamp Act as applicable in the State of Himachal Pradesh

(D) "Bill of exchange" means a bill of exchange as defined by the Negotiable Instruments Act, 1881, and includes also a hundi, and any other document entitling or purporting to entitle any person, whether named therein or not, to payment by any other person of, or to draw upon any other person for, any sum of money as defined under Section 2(2) the Indian Stamp Act as applicable in the State of Himachal Pradesh

6. In which of the following latest cases the Supreme Court of India made the following important observations: "The expression "Lease" under the Stamp Act has a wider meaning as compared to its original meaning contained in Section 105 of Transfer of Property Act... If "Lease" under Section 2(16) of the Stamp Act includes therein four specified category of documents set out in Clauses (a) to (d), we do not find any such inclusion in Section 105 of the Transfer of Property Act. It is for this reason, we are of the view that the definition of "Lease" for the purpose of Stamp Act is extensive in nature. It is also clear from the use of the expression "and includes also" in Section 2(16) of the Stamp Act....So by fiction, "any instrument by which tolls of any description are let" is considered as "Lease" for the purpose of payment of stamp duty under the Stamp Act, 1899"

(A) Nasiruddin Vs. The State of Uttar Pradesh, (2018) 1 SCC 754
(B) Aamira Fatima Vs. Annamalai University, (2018) 9 SCC 171
(C) Gunwantlal Godawat Vs. Union of India, (2018) 12 SCC 309
(D) Navtej Singh Johar Vs. Union of India, (2018) 10 SCC 1

7. No instrument chargeable with duty shall be admitted in evidence for any purpose by any person having by law or consent of parties authority to receive evidence, or shall be acted upon, registered or authenticated by any such person or by any public officer, unless such instrument is duly stamped. However, more provisions exist in this regard in the Indian Stamp Act. Find the correct option out of the following such provisions

(A) Any such instrument shall be admitted in evidence on payment of the duty with which the same is chargeable, or, in the case of any instrument insufficiently stamped, of the amount required to make up such duty, together with a penalty of five rupees, or, when ten times the amount of the proper duty or deficient portion thereof exceeds five rupees, of a sum equal to ten times such duty or portion
(B) Where any person from whom a stamped receipt could have been demanded, has given an unstamped receipt and such receipt, if stamped, would be admissible in evidence against him, then such receipt shall be admitted in evidence against him on payment of a penalty of one rupee by the person tendering it
(C) Both (A) and (B) are correct under Section 35 of the Indian Stamp Act as applicable in the State of Himachal Pradesh
(D) Both (A) and (B) are incorrect under Section 35 of the Indian Stamp Act as applicable in the State of Himachal Pradesh

8. Situation: Application was filed under O 21 R. 90 r/w S. 47, CPC for setting aside a court auction-sale. Order dismissing the application was though appealable but no appeal was filed and sale was confirmed under O 21 R. 92(1), and confirmation of sale was not questioned whereby auction purchase attained finality. The Supreme Court of India examined this situation recently. What was the response of the Supreme Court in this matter? Specify out of the following options

(A) By virtue of R. 92(3) applicant/objector would not be barred from bringing fresh suit to set aside sale on same ground
(B) By virtue of R. 92(3) applicant/objector would be barred from bringing fresh suit to set aside sale on same ground
(C) By virtue of R. 92(4) applicant/objector would be barred from bringing fresh suit to set aside sale on same ground
(D) By virtue of R. 92(4) applicant/objector would not be barred from bringing fresh suit to set aside sale on same ground

9. In which case the Supreme Court of India dealt with the situation as in previous question, i.e., "An application was filed under O 21 R. 90 r/w S. 47, CPC for setting aside a court auction-sale. Order dismissing the application was though appealable but no appeal was filed and sale was confirmed under O 21 R. 92(1), and confirmation of sale was not questioned whereby auction purchase attained finality".

(A) Siddagangaiah Vs. N.K. Giriraja Shetty, (2018) 7 SCC 278
(B) Selvi Vs. Gopalakrishnan Nair, (2018) 7 SCC 319
(C) Kerala Asstt. Public Prosecutors Assn. Vs. State of Kerala, (2018) 7 SCC 314
(D) Union of India Vs. Hardy Exploration and Production (India) Inc., (2018) 7 SCC 374

10. Which provision of Code of Civil Procedure, 1908 debars a tenant from filing an inter-pleader suit against his landlord?

(A) Section 88
(B) Order XXXV Rule 3
(C) Order XXXVI Rule 4
(D) None of these

11. Which Section of Code of Civil Procedure, 1908 states that place of trial is to be deemed to be open court?

(A) 153
(B) 153-A
(C) 153-B
(D) 153-C

12. A decree for restitution of conjugal rights may be enforced under Order XXI Rule 32 of Code of Civil Procedure, 1908, by

(A) Imposition of fine
(B) Attachment of property
(C) Detention in civil prison
(D) All of these

13. Can in any situation a suit, akin to public interest litigation, be instituted under Civil Procedure Code even though no special damage has been caused to persons willing to file the suit?

(A) No, only a writ petition lies under Article 226 of the Constitution.
(B) No, only a writ petition lies under Article 32 of the Constitution.
(C) Yes, a suit can be instituted under Section 91 Civil Procedure Code.
(D) Yes, a suit lies under a Section 92 Civil Procedure Code.

14. Any person can be appointed guardian for a suit only

(A) On his oral consent under Order XXXII, Rule 4 of Civil Procedure Code
(B) On his consent in writing under Order XXXII, Rule 4 of Civil Procedure Code
(C) On either (A) or (B)
(D) On neither (A) nor (B)

15. Which Section of Civil Procedure Code prohibits arrest or detention of women in the execution of decree for money?

(A) Section 56
(B) Section 55
(C) Section 60
(D) Section 59

16. If a plaintiff omits to sue for the whole of the claim which he was entitled to make in respect of a cause of action in the first suit then he will be precluded from suing again in respect of the portion so omitted, by virtue of

(A) Explanation II of Section 11, CPC
(B) Explanation IV of Section 11, CPC
(C) Order II, Rule 2 CPC
(D) Order II, Rule 3 CPC

17. Which final judgment, order or decree of a Competent Court, among the following is a judgment in rem?

(A) Judgment in a money suit.
(B) Judgment in a suit for permanent injunction.
(C) Judgment in exercise of matrimonial or insolvency jurisdiction
(D) None of the above.

18. Under which provision of the Code of Civil Procedure 1908, the Collector may be appointed as receiver?

(A) Order XL Rule 1
(B) Order XL Rule 3
(C) Order XL Rule 5
(D) Order XL Rule 2

19. In which of the following cases the Supreme Court held that delay in pronouncing the judgment amounts to denial of justice?

(A) Surendra Singh Vs. State of U.P.
(B) Anil Rai Vs. State of Bihar
(C) State of U.P. Vs. Chander Bhushan
(D) None of the above

20. Under Civil Procedure Code when the service of summon to a defendant is not made to him due to his absence within reasonable time, summons can be served to the

(A) Servant or Munim of the defendant
(B) Adult son of the defendant
(C) Minor daughter of the defendant
(D) None of the above

21. Whether the purchaser of a property in execution sale can make an application for setting aside the sale on the ground that the judgment debtor had no saleable interest in the property sold?

(A) Yes, he can make application under Order 21, Rule 89, Civil Procedure Code
(B) Yes, he can make application under Order 21, Rule 90, Civil Procedure Code
(C) Yes, he can make application under Order 21, Rule 91, Civil Procedure Code
(D) No, as he is a purchaser, he cannot get the sale set aside

22. Right to appeal from original decrees has been provided under

(A) Section 94 of Civil Procedure Code
(B) Section 95 of Civil Procedure Code
(C) Section 96 of Civil Procedure Code
(D) Section 100 of Civil Procedure Code

23. Abatement of proceedings is governed

(A) By Order XXI of Civil Procedure Code
(B) By Order XXII of Civil Procedure Code
(C) By Order XXIV of Civil Procedure Code
(D) By Order XX of Civil Procedure Code

24. Which of the following deals with the application of the Code to Revenue Courts in the Code of Civil Procedure?

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

25. Which of the following deals with the power of court to order separate trials in the Code of Civil Procedure?

(A) Order I Rule 1
(B) Order I Rule 2
(C) Order I Rule 3
(D) Order II Rule 8

26. Which of the following deals with objections to jurisdiction proceeding in the Civil Procedure Code?

(A) Section 18
(B) Section 20
(C) Section 21
(D) Section 25

27. Under Section 40 of the Civil Procedure Code, where a decree is sent for execution in another State, it shall be sent to such Court and executed in such manner as may be prescribed by rules in force

(A) In the State where the decree was passed
(B) In the State where the decree was sent for execution
(C) Either of the above
(D) Neither of the above

28. What is the distinction between injunction order and attachment order?

(A) There is no distinction, both are one and the same
(B) Injunction order binds not only the parties to the suit but also third parties, whereas attachment order binds only parties to the suit
(C) Injunction order binds only the parties to the suit, whereas attachment order not only binds the parties to the suit but also the third parties.
(D) None of the above

29. To which of the following provisions of the Indian Evidence Act the well known case of Muhammad Sharif Vs. Bande Ali is related to

(A) Sections 101 and 102
(B) Sections 107 and 108
(C) Sections 112 and 113
(D) Sections 118 and 119

30. Out of the following cases which one is not related to confession

(A) M.C. Verghese Vs. Ponnan
(B) Kottaya Vs. King Emperor
(C) State of U.P. Vs. Deoman Upadhyay
(D) State of Bombay Vs. Kathi Kalu

31. In which case it was held that "A dying declaration may be made by signs when the injured person is unable to speak"?

(A) Muhammad Sharif Vs. Bande Ali
(B) R. Vs. Podala
(C) R Vs. Abdullah
(D) Kamini Kumar Vs. Birendra Nath

32. Out of the following provisions of the Indian Evidence Act which one uses the words: "No barrister, attorney, pleader or vakil shall at any time be permitted, unless with his client's express consent, to disclose any communication made to him in the course and for the purpose of his employment as such barrister, pleader, attorney or vakil, by or on behalf of his client, or to state the contents or condition of any document with which he has become acquainted in the course and for the purpose of his professional employment or to disclose any advice given by him to his client in the course and for the purpose of such employment"

(A) Sections 126 and 127
(B) Section 128 only
(C) Sections 129 and 130
(D) Sections 133 and 134

33. The Bill of Evidence Act was prepared by

(A) Fourth Law Commission
(B) Sir Henry Maine
(C) Sir James Stephen
(D) Second Law Commission

34. Which provision of the Indian Evidence Act makes space for the application of the principle of "res judicata"?

(A) Section 26
(B) Section 40
(C) Section 45
(D) Section 140

35. Under which of the following Sections of the Indian Evidence Act, a witness under examination can "while under examination, refresh his memory by referring to any writing made by himself at the time of the transaction concerning which he is questioned..."

(A) Section 158
(B) Section 159
(C) Section 160
(D) Section 162

36. Which significant principle of law was declared by the Supreme Court of India in the case of Pawan Kumar Vs. State of Haryana, AIR 2001 SC 1324

(A) Presumption as to dowry death
(B) Presumption as to legitimacy
(C) Presumption as to rape
(D) Presumption as to abetment of suicide by a married women

37. As per which provision of the Indian Evidence Act 1872, secondary evidence may be given of the contents of a document when the original is of such a nature as not to be easily moveable?

(A) Section 65(e)
(B) Section 65(d)
(C) Section 65(c)
(D) Section 65(b)

38. Which of the following Sections of the Indian Evidence Act was amended by the Criminal Law (Amendment) Act, 2006?

(A) Section 154
(B) Section 118
(C) Section 32
(D) Section 90-A

39. The previous conviction of a person is relevant under Indian Evidence Act, 1872 under

(A) Section 14 Explanation I
(B) Section 14 Explanation II
(C) Section 8 Explanation I
(D) Section 8 Explanation II

40. A witness cannot be converted into an accused person, though may be compelled to answer questions relating to an offence. Under which Section of the Indian Evidence Act, 1872 this immunity is granted to a witness?

(A) Under Section 148
(B) Under Section 163
(C) Under Section 131
(D) Under Section 132

41. In which of the following cases the Supreme Court of India observed that even a student may be treated as an expert under Section 45 of the Indian Evidence Act, 1872?

(A) Bhoginbhai Hirjibhai Vs. State of Gujarat (1983)
(B) Shankaria Vs. State of Rajasthan (1978)
(C) Kanpur University Vs. Samir Gupta (1983)
(D) Punjab Singh Vs. State of Haryana (1984)

42. Which Section was inserted by the Specific Relief (Amendment) Act, 2018, which gives the power to the courts to engage experts where it considers the same necessary?

(A) Section 13A
(B) Section 14A
(C) Section 15A
(D) Section 16A

43. Where an instrument is evidence of different rights or different obligations, the Court may, in a proper case, cancel it in part and allow it to stand for the residue. This provision is provided in the Specific Relief Act under

(A) Section 21
(B) Section 32
(C) Section 42
(D) Section 40

44. Against a decree passed in a suit filed under Section 6 of the Specific Relief Act

(A) Only review is allowed
(B) Appeal can be filed
(C) No appeal or review is allowed
(D) None of the above

45. In a suit for Specific performance of agreement of sale of immovable property, the plaintiff must aver and prove the following

(A) That plaintiff paid the entire sale consideration.
(B) That plaintiff obtained clearance from all authorities
(C) That plaintiff obtained encumbrance certificate
(D) That plaintiff is ready and willing to perform his part of contract

46. When an instrument does not express the real intention of parties, the same may be rectified under which of the following Sections of the Specific Relief Act?

(A) Section 25
(B) Section 26
(C) Section 27
(D) Section 28

47. A declaratory decree passed under Section 34 of SR Act, 1963 operates

(A) Jus in rem
(B) Jus in personam
(C) Both (A) and (B)
(D) None of these

48. In Section 3 of the Himachal Pradesh Courts Act, 1976 providing for the establishment of some courts which of the following is not expressly mentioned

(A) The Court of District Judge
(B) The Court of Additional District Judge
(C) The Court of Senior Civil Judge
(D) The Court of Civil Judge

49. "An appeal shall not lie to the High Court from a decree or order of an Additional District Judge in any case, in which, if the decree or order had been made by the District Judge, an appeal would not lie to that Court." This is provided by

(A) Section 15 (2), Himachal Pradesh Courts Act, 1976
(B) Section 18 (2), Himachal Pradesh Courts Act, 1976
(C) Section 20 (2), Himachal Pradesh Courts Act, 1976
(D) Section 22 (2), Himachal Pradesh Courts Act, 1976

50. Section 25 of the Himachal Pradesh Courts Act, 1976 makes provisions regarding petition writers providing that the High Court may from time to time make rules consistent with this Act and any other enactment for the time being in force. Which of the following purposes for rule making is not mentioned in that Section?

(A) Declaring what persons shall be permitted to act as petition writer in the Courts subordinate thereto
(B) Engaging associates for petition writers to assist them in their work whenever necessary
(C) Regulating the issue of licences to such persons, the conduct of business by them, and the scale of fees to be charged by them
(D) Determining the authority by which breaches of such rules shall be investigated and the penalties which may be imposed

Civil Law-II · Booklet A

51. In which of the following judgments of High Court of Delhi it was held that a female coparcener can be Karta of a Hindu Undivided Family?

(A) Gangoli Vs. H.K. Chinnappa
(B) Sujata Sharma Vs. Manu Gupta
(C) Commissioner of Income Tax Vs. Seth Govind Ram
(D) Raghunath Rai Bareja and Another Vs. Punjab National Bank

52. A Hindu male X dies intestate leaving behind his mother's father, mother's mother, mother's brother and mother's sister. Who out of the following succeed X?

(A) Mother's father and mother's mother
(B) Mother's brother and mother's sister
(C) Mother's father and mother's sister
(D) Mother's mother and mother's brother

53. Bars to Matrimonial Relief are given in which provision of the Hindu Marriage Act, 1955?

(A) Section 23
(B) Section 24
(C) Section 25
(D) Section 26

54. Interim relief of litigation expenses and maintenance can be ordered to be paid to a Hindu wife under which of the following legislations?

(A) The Hindu Adoption and Maintenance Act, 1956
(B) The Hindu Marriage Act, 1955
(C) Both (A) and (B)
(D) Neither (A) nor (B)

55. In which of the following cases, the question of constitutional validity of Section 9 of the Hindu Marriage Act, 1955 was finally settled by the Supreme Court?

(A) T. Sareetha Vs. Venkata Subbaiah
(B) Harvinder Kaur Vs. Harmander Singh
(C) Saroj Rani Vs. Sudarshan Kumar
(D) Bipin Chandra Vs. Prabhavati

56. In which recent judgment, the Supreme Court held that in a case under Section 13B(2) of the Hindu Marriage Act, 1955, 'cooling off period' may be waived off not only by the Supreme Court under Article 142 of the Constitution but by any Court if conditions specified are satisfied?

(A) Om Prakash Vs. Nalini
(B) Priyanka Singh Vs. Jayant Singh
(C) Kailash Vs. Nankhu
(D) Amardeep Singh Vs. Harveen Kaur

57. Out of the following situations, when will the limited estate of the widow not enlarge into an absolute right under Section 14(1) of the Hindu Succession Act, 1956?

(A) A widow was allowed to reside in a property during her life time before the Act came into force
(B) A widow alienates the property, but the alienation is held to be invalid and the property is reconveyed to her before the Act came into force
(C) A widow in possession of lands belonging to the deceased husband was illegally dispossessed by the husband's collaterals prior to the Act came into force
(D) A widow was in possession of her husband's property as his heir prior to the Act came into force

58. The following pertains to the Hindu Minority and Guardianship Act, 1956. Match the statements in List I with the Sections in List II. List I: a) Step-father and step-mother cannot be the natural guardian of a Hindu minor; b) Guardian not to be appointed for minor's undivided interest in joint family property; c) Welfare of minor to be of paramount consideration; d) A minor is not competent to act as guardian of property. List II: (i) Section 12; (ii) Section 13; (iii) Section 10; (iv) Section 6

(A) a-(i), b-(ii), c-(iii), d-(iv)
(B) a-(iv), b-(i), c-(ii), d-(iii)
(C) a-(i), b-(iv), c-(ii), d-(iii)
(D) a-(iii), b-(iv), c-(i), d-(ii)

59. A, a Hindu male has C as his legally wedded wife, marries B, a Hindu. B conceives a child by A during the continuance of the marriage. Later, the marriage between A and B is declared by the Court to be null and void. Later B gives birth to a son S. A has no other living son. A adopts a son D. Why is adoption of D not valid?

(A) S is a legitimate son of A under Section 16 of the Hindu Marriage Act, 1955
(B) S is a legitimate son of A under Section 11(1) of the Hindu Adoption and Maintenance Act, 1956
(C) Because of the combined effect of Section 16 of the Hindu Marriage Act and Section 11 of the Hindu Adoption and Maintenance Act.
(D) Because A cannot adopt a son when he already has a son

60. Dastane Vs. Dastane is a case relating to

(A) Adoption
(B) Divorce
(C) Marriage
(D) Maintenance

61. Which of the following statements is false with respect to a minor entering into a contract?

(A) An agreement with or by a minor is void ab initio
(B) A minor can be a beneficiary of a contract
(C) The contracts involving a minor as a beneficiary may be enforced at the option of the third party
(D) A minor cannot ratify a contract on attaining majority

62. 'A' sees an article marked "Price Rupees 200 only" in B's shop. He offers 'B' Rupees 200 for the article. 'B' refuses to sell saying that the article is not for sale. Which of the following statements is correct?

(A) 'A' cannot force 'B' to sell the article at Rupees 200
(B) 'A' can force 'B' to sell the article at Rupees 200
(C) 'A' can claim damages
(D) 'A' can sue 'B' in the Court

63. "Where two parties have made a contract which one of them has broken, the damages which the other party ought to receive in respect of such breach should be such as may fairly and reasonably be considered either arising naturally or reasonably be supposed to have been in contemplation of both the parties at the time of entering the contract." This statement was laid down in the case of

(A) Frost Vs. Knight
(B) Hadley Vs. Baxendale
(C) Dunlop Pneumatic Tyre Ltd. Vs. New Garage and Motor Co. Ltd.
(D) General Vs. Barker

64. The case of Balfour Vs. Balfour deals with

(A) Breach of contract
(B) Intention to create legal relationship
(C) Standard form of contract
(D) Frustration

65. A contract cannot be frustrated

(A) By change of circumstances
(B) By initial impossibility
(C) By subsequent impossibility
(D) Due to negligence of either party

66. Which of the following is not covered under the Law of Contract?

(A) Bailment of goods
(B) Sale of goods
(C) Guarantee
(D) Indemnity

67. A contract without consideration is nudum pactum unless

(A) It is in writing and made out of natural love and affection
(B) Present voluntary services
(C) Debt
(D) None of the above

68. The Indian Contract Act came into force on

(A) 15th September, 1872
(B) 1st September, 1872
(C) 1st October, 1872
(D) 15th October, 1872

69. Section 41 of the Indian Contract Act deals with

(A) Effect of accepting performance from third person
(B) Person by whom promise is to be performed
(C) Tender to perform a promise
(D) Effect of refusal of party to perform promise wholly

70. Where both the parties to an agreement are under a mistake as to a matter of fact essential to the agreement, the agreement is void under which Section of the Indian Contract Act?

(A) Section 23
(B) Section 20
(C) Section 24
(D) Section 26

71. Transfer of Property Act deals with 'transfer of property .....'

(A) By operation of law
(B) By act of parties
(C) By court order
(D) By government order

72. Doctrine of Election is covered under

(A) Section 42 of the Transfer of Property Act, 1882
(B) Section 14 of the Transfer of Property Act, 1882
(C) Section 32 of the Transfer of Property Act, 1882
(D) Section 35 of the Transfer of Property Act, 1882

73. The principle of 'Feeding the Grant by Estoppel' is given under which provision of the Transfer of Property Act, 1882

(A) Section 19
(B) Section 13
(C) Section 43
(D) Section 52

74. What is the maximum period of perpetuity?

(A) Life estates of one or more persons and 16 years
(B) Life estates of one or more persons and 18 years
(C) Life estates of one or more persons and 21 years
(D) None of the above

75. Which of the following kinds of mortgage is not defined under Section 58 of the Transfer of Property Act?

(A) Mortgage by conditional sale
(B) Usufructuary mortgage
(C) Indian mortgage
(D) English mortgage

76. Which of the following legislation defines 'License'?

(A) The Transfer of Property Act, 1882
(B) The Indian Easement Act, 1882
(C) The Indian Contract Act, 1872
(D) None of the above

77. Within the meaning of Section 48 of the Transfer of Property Act, 1882, the transferor cannot prejudice the rights of the transferee by any subsequent dealing with the property. This self-evident rule is expressed in

(A) Equitable maxim qui prior est tempore potior est jure
(B) Quid pro quo
(C) Bonafide transfer
(D) None of the above

78. The basic ingredient of the doctrine of Lis Pendens are

(A) The suit should be collusive
(B) Property should have been transferred or otherwise dealt with
(C) A litigation should be pending in a court of competent jurisdiction
(D) The suit must not be related to a specific immovable property

79. A donee, who has taken all the properties of the donor and is also liable to discharge all the liabilities of the donor, is known as

(A) An onerous donee
(B) A gratuitous donee
(C) A universal donee
(D) None of these

80. With regard to the provisions of the Transfer of Property Act, match List I with List II. List I: a) Spes successionis; b) Right of re-entry; c) Dominant heritage; d) Right to sue. List II: (i) Section 6(c); (ii) Section 6(a); (iii) Section 6(e); (iv) Section 6(b)

(A) a-(ii), b-(iv), c-(i), d-(iii)
(B) a-(i), b-(ii), c-(iii), d-(iv)
(C) a-(iii), b-(ii), c-(i), d-(iv)
(D) a-(iv), b-(iii), c-(ii), d-(i)

81. Match List I with List II (Limitation Act, 1963). List I: a) Suit in forma pauperis; b) Proceedings stayed by an injunction; c) Defect in jurisdiction; d) Effect of fraud on limitation. List II: (i) Section 13; (ii) Section 14; (iii) Section 15; (iv) Section 17

(A) a-(i), b-(ii), c-(iii), d-(iv)
(B) a-(i), b-(iii), c-(ii), d-(iv)
(C) a-(ii), b-(iii), c-(i), d-(iv)
(D) a-(iii), b-(iv), c-(i), d-(ii)

82. What is the limitation period in a suit by a landlord to recover possession from a tenant after the date the tenancy is determined?

(A) One year
(B) Two years
(C) Six years
(D) Twelve years

83. The limitation period in a suit by a surety against co-surety when the surety has paid anything in excess of his own share

(A) Two years
(B) Three years
(C) Six years
(D) Twelve years

84. Delay in filing a suit

(A) Cannot be condoned
(B) Can be condoned under Section 3 of the Limitation Act, 1963
(C) Can be condoned under Section 3 read with Order VII Rule 6, Civil Procedure Code
(D) Can be condoned under Section 5 of the Limitation Act, 1963

85. 'Time requisite' under Section 12(2) of the Limitation Act, 1963 means

(A) Minimum time
(B) Maximum time
(C) Actual time taken
(D) Absolutely necessary time

86. A fraud contemplated by Section 17 of the Limitation Act is that of

(A) By the defendant
(B) By the plaintiff
(C) By a third person
(D) None of these

87. Under Section 25 of the Limitation Act, easement rights over a property are acquired by continuous and uninterrupted user for

(A) Twelve years
(B) Twenty years
(C) Thirty years
(D) Three years

88. The general rule is that 'The law of limitation only bars the remedy but does not extinguish the right itself'. The exception to this rule is contained in

(A) Section 31 of the Limitation Act, 1963
(B) Section 27 of the Limitation Act, 1963
(C) Section 26 of the Limitation Act, 1963
(D) Section 25 of the Limitation Act, 1963

89. In computing the period of limitation for filing an appeal

(A) The day on which judgment is pronounced shall be excluded
(B) The day on which judgment is pronounced shall be included
(C) The day on which judgment is pronounced and the time requisite for obtaining copy of the decree shall be excluded
(D) The time taken for preparing a copy of the decree be included

90. Under Section 19 of the Limitation Act, 1963, the part payment of debt extends the period of limitation

(A) From the date of expiry of initial period of limitation
(B) From the date of extended period of limitation
(C) From the date of acknowledging of debt
(D) From the date of part payment

91. Under the Himachal Pradesh Urban Rent Control Act (HPURCA), 1987, the fair rent of a building or rented land is determined by the Controller

(A) Taking into consideration the rent prevailing in the locality for similar building or rented land
(B) Taking into consideration the rent agreed between the landlord and the tenant
(C) Taking into consideration the compromise arrived at between the parties
(D) Taking into consideration the rent fixed by the Controller for a similar building or rented land in the locality

92. Provision for determination of 'Fair Rent' under the HPURCA, 1987 is given under

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

93. Order of succession in the event of death of the person continuing in possession after the termination of his tenancy under the HPURCA, 1987 is as follows

(A) Parents, son or daughter, surviving spouse, daughter-in-law
(B) Surviving spouse, daughter-in-law, parents, son or daughter
(C) Surviving spouse, son or daughter, parents, daughter-in-law
(D) Surviving spouse, son or daughter, daughter-in-law, parents

94. When fair rent is fixed for a building, no further increase in fair rent is permissible under the HPURCA, 1987 except in cases of

(A) Additions
(B) Repairs
(C) Alterations
(D) Improvements

95. Under Section 9 of the HPURCA, 1987, rent which should not have been paid, may be recovered

(A) within a period of one year from the date of payment
(B) within a period of two years from the date of payment
(C) within a period of ten years from the date of payment
(D) within a period of three years from the date of payment

96. Match List I with List II (The Himachal Pradesh Urban Rent Control Act, 1987). List I: a) Cutting off or withholding essential supply or service; b) Conversion of a residential building into a non-residential building; c) Landlord's duty to keep the building or rented land in good repairs; d) Recovery of possession in case of tenancies for limited period. List II: (i) Section 12; (ii) Section 11; (iii) Section 17; (iv) Section 13

(A) a-(i), b-(ii), c-(iii), d-(iv)
(B) a-(iv), b-(iii), c-(ii), d-(i)
(C) a-(ii), b-(i), c-(iv), d-(iii)
(D) a-(iii), b-(iv), c-(i), d-(ii)

97. Right to recover immediate possession of tenanted premises under the HPURCA, 1987 does not accrue to which of the following?

(A) A person in occupation of any residential premises allotted by the Central Government, State Government or any local authority
(B) A specified landlord on his retirement
(C) Widow/widower of the specified landlord on his death
(D) A specified landlord retiring from the armed forces

98. Which Section under the HPURCA, 1987 provides for 'Leases of vacant buildings'?

(A) Section 18
(B) Section 19
(C) Section 20
(D) Section 22

99. Leave to contest the application for eviction on the ground of bonafide requirement is provided under which Section of the HPURCA, 1987?

(A) Section 16(4)
(B) Section 16(5)
(C) Section 16(2)
(D) Section 16(6)

100. Under Section 15(3) of the HPURCA, 1987, if the landlord commits any default in making any refund of advance rent or any other payment within a period of 90 days from the date of recovery of possession, he is liable to pay simple interest at the rate of

(A) 9% per annum
(B) 6% per annum
(C) 11% per annum
(D) 3% per annum

Criminal Law · Booklet A

101. In which of the following cases, the offence of an 'Attempt' is not committed?

(A) 'A' intending to kill 'Z' fires at 'Z's coat hanging in his room mistaking it for 'Z'
(B) 'A' thrusts his hand into the pocket of 'Z' and fails to get anything because having nothing in Z's pocket
(C) 'A' administers to woman 'Z', a drug with the intent to producing abortion and fails, since the woman was not actually pregnant
(D) 'A' carries paddy, in violation of law without having a license, with the intent to supply and was stopped before delivery of paddy 10 miles away from destination

102. In which one of the following cases, the House of Lords has given the answers to the questions relating to the defence of insanity?

(A) R. Vs. Dudley and Stephen
(B) R. Vs. Prince
(C) R. Vs. Mc Naghten
(D) None of these

103. The judgment in case of Mahboob Shah Vs. Emperor was given by which one of the following Judges?

(A) Atkinson, J.
(B) Sir Madhavan Nair, J.
(C) Lord Sumner
(D) Sir B. Peacock, J.

104. Which one of the following Sections of the Indian Penal Code, 1860, may apply against woman also?

(A) Section 354
(B) Section 354-A
(C) Section 354-B
(D) Section 354-C

105. Which one of the following cases is not associated with the Section 497 of the Indian Penal Code?

(A) Sowmithri Vishnu Vs. Union of India
(B) Yusuf Abdul Aziz Vs. State of Bombay
(C) Joseph Shine Vs. Union of India
(D) Ranjit D. Udeshi Vs. State of Maharashtra

106. Find out an incorrect statement

(A) A Collector exercising jurisdiction in a suit under Act 10 of 1859 is a Judge.
(B) A Magistrate exercising jurisdiction in respect of a charge on which he has power to fine or imprisonment with or without appeal is a judge.
(C) A member of a Panchayat which has power under Regulation VII, 1816 of the Madras Code to try and determine suits is a Judge.
(D) A Magistrate exercising jurisdiction in respect of charge on which he has power only to commit for trial to another court is a Judge.

107. Who amongst the following was not Judge of the Bench of the Supreme Court in deciding the case of 'Navtej Singh Johar & Ors. Vs. Union of India through the Secretary, Ministry of Law and Justice'?

(A) Justice Rohinton F. Nariman
(B) Justice A.M. Khanwilkar
(C) Justice R. Banumathi
(D) Justice D.Y. Chandrachud

108. In which one of the following offences, exception to the rule u/s 34 of IPC does not apply that all the accused persons must be physically present at the scene of the offence?

(A) Offences affecting the Human Body
(B) Offences against Property
(C) Offences relating to Marriage
(D) Offences relating to Religion

109. Which one of the following is an essential element of 'Criminal breach of trust'?

(A) Contractual relationship
(B) Transfer of Possession
(C) Taking Possession of the property by fraudulent means
(D) Property must be movable only

110. 'A' without any excuse fires a loaded cannon into a crowd of persons and kills one of them. 'A' is guilty of which one of the following offences under I.P.C.?

(A) Death by negligence
(B) Murder
(C) Culpable Homicide not amounting to Murder
(D) No offence

111. Which one of the following punishments is not in existence under the provisions of the Indian Penal Code, 1860?

(A) Imprisonment for life
(B) Forfeiture of property
(C) Fine
(D) Transportation for life

112. Which one of the following does not amount to 'abetment of a thing'?

(A) Instigation
(B) Engaging with one or more persons in a conspiracy and an act takes place thereof
(C) Intentional aiding
(D) Supplying a person with shelter

113. Causing of the death of child in mother's womb is

(A) Culpable Homicide
(B) Murder
(C) Not Homicide
(D) Infanticide

114. In which one of the following cases, the Supreme Court had struck down Section 309, I.P.C.?

(A) Maruti S. Dubal Vs. State of Maharashtra
(B) P. Rathinam / N. Patnaik Vs. Union of India
(C) Aruna R. Shanbaug Vs. Union of India
(D) Common Cause (Registered Society) Vs. Union of India

115. Under the provision of the Indian Penal Code fighting of two persons in a Public Place and disturbing the Public Peace will amount to

(A) an affray
(B) a rioting
(C) an unlawful assembly
(D) no offence

116. If a case is brought before the Magistrate and it appears to him that the offence complained is triable exclusively by the Court of Session, while postponing the issue of process, he

(A) may direct an investigation to be made by a Police Officer
(B) shall commit the case to the Court of Session
(C) shall call upon the complainant to produce all his witnesses and examine them on oath
(D) shall return the complaint for presentation before the Court of Session

117. No sentence of imprisonment shall be passed in case of summary trial for a term exceeding

(A) Two years
(B) One year
(C) Six months
(D) Three months

118. Section 482 of the Code of Criminal Procedure provides saving of inherent powers of which one of the following Court?

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

119. 'A' is accused of an act which may amount to Criminal Breach of Trust or Cheating. He is only charged with cheating but it appears that 'A' has committed the offence of Criminal Breach of Trust. He may be

(A) Acquitted from the charge of Criminal Breach of Trust
(B) Convicted to Cheating only, not for other
(C) Convicted of Criminal Breach of Trust, also
(D) Discharged from the charge of Criminal Breach of Trust

120. Which one of the following Courts has no power to transfer cases and appeals, if it is expedient for the ends of Justice?

(A) Supreme Court
(B) High Court
(C) Session Judge
(D) Chief Judicial Magistrate

121. Which one of the following Sections has not been inserted under the Code of Criminal Procedure, 1973 by the Criminal Law (Amendment) Act 2013?

(A) Section 265-C
(B) Section 357-B
(C) Section 357-C
(D) Section 198-B

122. An Additional Chief Judicial Magistrate may be appointed by the

(A) Chief Judicial Magistrate
(B) Session Judge
(C) High Court
(D) Governor of the State

123. Who among the following is authorised to order to execute a Bond (with or without sureties), if he receives information that any person is likely to commit a breach of the peace or disturb the public tranquility?

(A) Session Judge
(B) Executive Magistrate
(C) Judicial Magistrate of the first class
(D) Superintendent of Police

124. Who among the following is a competent person by whom offence of 'Theft' may be compounded?

(A) the owner of property stolen
(B) the possessor of property
(C) the Station House Officer where F.I.R. of stolen property is lodged
(D) the Public Prosecutor

125. Warrant-case does not include a case relating to an offence punishable with

(A) death
(B) imprisonment for life
(C) imprisonment for term exceeding two years
(D) imprisonment for a term not exceeding two years

126. The principle relating to the 'double jeopardy' is embodied under which one of the following Sections of the Code of Criminal Procedure?

(A) Section 300
(B) Section 20(2)
(C) Section 298
(D) Section 301

127. In case of an offence which is punishable with imprisonment for a term exceeding one year but not exceeding three years, the period of limitation for taking cognizance shall be

(A) six months
(B) one year
(C) three years
(D) ten years

128. Framing of formal charge shall not be necessary in

(A) trial of warrant-case instituted on a Police report by a Magistrate
(B) trial of summons case by a Magistrate
(C) trial before a Court of Session
(D) trial of warrant-case instituted other than a Police report by a Magistrate

129. Who amongst the following is authorised to record confession under Section 164, the Code of Criminal Procedure?

(A) Any Police Officer
(B) Any Judicial Magistrate or Metropolitan Magistrate
(C) Judicial Magistrate who has Jurisdiction exclusively
(D) Executive Magistrate only

130. When may Police arrest any person without an order from a Magistrate and without a warrant?

(A) if person concerned is in a non-cognizable offence
(B) if person against whom a complaint has been made
(C) if person against whom a credible information has been received or reasonable suspicions exist of his having so concerned (as mentioned in A & B)
(D) if person against whom a credible information has been received or a reasonable suspicion exists that the person has committed a cognizable offence punishable with not less than 07 years

131. Which one of the following punishments may be awarded in case of dishonour of cheque for insufficiency under the Negotiable Instrument Act, 1881?

(A) with fine which may extend to thrice the amount of cheque
(B) with fine which may extend to twice the amount of cheque
(C) with fine which may be same as the amount of cheque
(D) with fine which amount may unlimited and decided by the Court

132. Which one the following is incorrect to the offence committed u/s 138, the Negotiable Instrument Act, 1881?

(A) Presentation of the cheque to the Bank and returning the cheque unpaid by the drawee Bank
(B) Giving notice in writing to the drawer of the cheque demanding payment of the notice
(C) Drawer must have guilty intent while drawing the cheque
(D) Failure of the drawer to make payment within 15 days of the receipt of the notice

133. Which one of the following Sections provides "presumption in favour of holder" under the Negotiable Instrument Act?

(A) Section 138
(B) Section 139
(C) Section 140
(D) Section 141

134. The word 'Company' explained u/s 141 of the Negotiable Instrument Act, 1881, does not mean

(A) any body corporate
(B) a firm
(C) other association of individuals
(D) any person acting as a Banker

135. Find out the correct statement in respect to the provisions of Section 142, the Negotiable Instrument Act, 1881

(A) Judicial Magistrate of the second class only shall try any offence punishable under Section 138, NIA
(B) No Court shall take cognizance of any offence punishable under Section 138, NIA except upon a complaint, in writing made by the payee
(C) Court of competent Jurisdiction can not take cognizance of complaint after expiry of prescribed period provided under the Section even if it finds sufficient cause for delay
(D) Court can take suo-motu cognizance of offence u/s 138, NIA

136. The term 'Beer' is defined under which one of the following clauses of Section 2 of the H.P. Excise Act, 2011?

(A) Clause (d)
(B) Clause (c)
(C) Clause (b)
(D) Clause (a)

137. The term 'permit' as defined under the H.P. Excise Act, 2011 means

(A) an order passed by appropriate authority
(B) a license granted under this Act
(C) a judgment given by the Court of Law
(D) a no objection statement issued by the Collector of the district for import and transport of liquor

138. When the Financial Commissioner may not cancel license under Section 30 of the H.P. Excise Act, 2011?

(A) If license is transferred or sublet by the holder without permission of appropriate authority
(B) If any excise duty or other duty payable by the holder is not duly paid
(C) If the holder is elected as member of the Legislative Assembly or Local Bodies
(D) If the holder is convicted of any offence punishable under the H.P. Excise Act, 2011 or any Acts, specified under Sub-clause (d) of Section 29

139. The H.P. Excise Act, 2011 provides provision of punishment not less than three years and the fine not less than one lakh rupees, if the accused commits an offence relating to import, export or transport of

(A) country liquor exceeding 45 liters
(B) foreign liquor exceeding 40 liters but not exceeding 45 liters
(C) country liquor exceeding 40 liters but not exceeding 45 liters
(D) other spirits not exceeding 5 liters

140. If any person consumes liquor in any unlicensed public place in contravention of any provisions of the H.P. Excise Act, 2011, he shall be punished with which one of the following punishment?

(A) with imprisonment for a term which may extend to three months
(B) with fine which shall not be less than two thousand and which may extend to ten thousand rupees
(C) with fine which shall not be less than one thousand and which may extend to five thousand rupees
(D) with imprisonment of one year and with fine of one thousand rupees

141. The term 'Zoo', defined under the Wild Life (Protection) Act, 1972 (as amended) does not include

(A) a circus
(B) a rescue centre
(C) an establishment of licensed dealer in captive animals
(D) none of the above

142. Which of the following is not a duty of the State Board for Wildlife?

(A) selection and management of areas to be declared as protected areas
(B) formulation of the policy for protection and conservation of the wildlife
(C) measures to be taken for harmonising the needs of the tribal and other dwellers of the forest with the protection and conservation of wildlife
(D) selection of the forest guards for protection and conservation of the wildlife

143. Under Chapter VI-A of the Wildlife (Protection) Act, the term used 'relative', does not mean

(A) spouse of the person
(B) brother and sister of the person
(C) servant working for spouse of the person
(D) any lineal ascendant or descendant of the person or spouse of the person

144. What is the amount of reward which may be provided to a person who renders assistance in detection of the offence, if Court imposes a sentence of fine and order thereof under the Wildlife (Protection) Act, 1972 (as amended)?

(A) upto twenty per cent of fine
(B) upto ten per cent of fine
(C) upto fifty per cent of fine
(D) upto seventy five per cent of fine

145. Who among the following has empowered to order payment of reward under Section 60-B of the Wildlife (Protection) Act, 1972 (as amended)?

(A) the Court
(B) the Chief Wildlife Warden empowered by the State Govt.
(C) the Minister of Forest
(D) the Collector

146. Which one of the following Acts is not prohibited Act in relation to reserve forest?

(A) sets fire in the forest
(B) pastures cattle in the forest
(C) worship of sacred trees in the forest
(D) quarries stone from the forest

147. Which one of the following punishments is provided u/s 33 of the Indian Forest Act, if any person fells, lops or burns any tree reserved under Section 30?

(A) with imprisonment for a term which may extend to six months only not others
(B) with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both
(C) with fine which may extend to five hundred rupees only not others
(D) with imprisonment for a term which may extend to nine months or with fine which may extend to one thousand rupees or with both

148. Which one of the following Sections of the Indian Forest Act provides the powers of a Civil Court in trial of suits to the Forest Settlement Officer?

(A) Section 6
(B) Section 7
(C) Section 8
(D) Section 9

149. What is punishment for wrongful seizure under Indian Forest Act?

(A) imprisonment for a term which may extend to six months or with fine of one thousand rupees or both
(B) imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or both
(C) imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or both
(D) imprisonment for life

150. 'Forest-produce' is explained under which one of the following clauses of Section 2, the Indian Forest Act?

(A) Clause 2
(B) Clause 3
(C) Clause 4
(D) Clause 4-A