Himachal Pradesh Civil Judge Prelims 2019-II Question Paper

Himachal Pradesh Public Service Commission · Screening held 1 March 2020 · 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 D

1. Under the Indian Evidence Act, 1872, which of the following is/are exception to the rule "res inter alios judicata nullum, aliis praejudicium facit"?

(A) Section 41
(B) Section 42
(C) Both (a) & (b)
(D) None of these

2. In which of the following judgment it was ruled that "when two medical experts differ in their opinion on the same point, court must accept the opinion which fit in with the direct testimony"?

(A) Piara Singh v. State of Punjab, AIR 1977 SC 2274
(B) Kalua v. State of U.P., 1958 Cr.L.J. 30 (SC)
(C) L.C. Goyal v. Suresh Joshi, AIR 1999 SC 2222
(D) Satya v. Teja Singh, AIR 1975 SC 105

3. A document prepared in two copies, and 'A' alone sign one copy, whilst 'B' alone sign the other. 'A' then hands to 'B' the document signed by himself and 'B' hands to 'A' the document signed by himself. With respect to this, and as prescribed under Section 62 of the Indian Evidence Act, 1872. Choose the true propositions:

(A) Both the copies are primary document
(B) Document executed by 'A' is primary evidence against 'B'
(C) Document executed by 'A' is primary evidence against 'A' as well as 'B'
(D) Document executed by 'B' is primary evidence only against 'B'.

4. In which of the following case, Supreme Court, ruled that a party who is not in possession of the electronic device from which the document is produced, such party cannot be required to produce certificate under Section 65B (4) of the Evidence Act?

(A) Anvar P.V. v. P.K. Basheer, (2014) 10 SCC 473
(B) Mohd. Ajmal Amir Kasab v. State of Maharashtra, (2012) 9 SCC 1
(C) Tomaso Bruno v. State of Uttar Pradesh, (2015) 7 SCC 178
(D) Shafhi Mohammad v. Himachal Pradesh, SLP (Crl.) No. 2302 of 2017)

5. Which of the following provision of the Indian Evidence Act, 1872 deals with privileged communication about unpublished official records relating to affairs of the state?

(A) Section 122
(B) Section 123
(C) Section 125
(D) Section 127

6. The expression 'information received from a person accused of offence' under Section 27 of the Indian Evidence Act, 1872 covers information through_____

(A) Confessional Statements only
(B) Statement amounting to Confession or Admission only
(C) All form of informations whether confessional or not
(D) None of the above

7. Where an instrument is chargeable with ad valorem duty in respect of any stock or of any marketable or other security, such duty shall be calculated on the value of such stock or security according to the_____.

(A) Average value thereof
(B) Average value thereof on the day of the date of the instrument
(C) Average value thereof in month of purchase
(D) Annual Value

8. A owes B Rs. 1,000/-. A sells a property to B, the consideration being Rs. 500/- and the release of the previous debt of Rs. 1,000. Stamp-duty is payable on

(A) Rs. 500/-
(B) Rs. 1,000/-
(C) Rs. 1,500/-
(D) None of these

9. Under the Indian Stamp Act, 1889, which of the following instruments cannot be stamped with adhesive stamps?

(A) Bills of exchange
(B) Transfers by endorsement of shares in any incorporated company
(C) Notarial acts
(D) Cheque

10. Under section 7 of the Himachal Pradesh Courts Act, 1976, who may assign to an Additional District Judge any of the functions of the District Judge including the functions of receiving and registering cases and appeals?

(A) High Court of Himachal Pradesh
(B) District Judge
(C) Both (a) & (b)
(D) None of these

11. Under section 9 of the Himachal Pradesh Courts Act, 1976, which of the following is principal civil court of original jurisdiction?

(A) District Court
(B) Court of Small Causes
(C) Court of Additional District Judge
(D) High Court

12. With respect to place of sitting of courts under the Himachal Pradesh Courts Act, 1976, choose the true statement about propositions: Propositions: (i) the High Court may fix the place at which any Court under this Act is to be held. (ii) the place so fixed cannot be beyond the local limits of the jurisdiction of the Court. (iii) A Court under this Act may be held at any place within the local limits of its jurisdiction Assertions:

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

13. Which of the following order is not decree as per the definition of decree contained in the Code of Civil Procedure, 1908?

(A) Order of abatement of suit
(B) Order holding that there is no cause of action
(C) Order holding that appeal is not maintainable
(D) Order of remand

14. Which of the following is a deemed decree under the code of Civil Procedure 1908?

(A) Rejection of plaint
(B) Restitution order under section 144
(C) Adjudication as to obstruction by judgement debtor
(D) All of these

15. Which of the following case deals with principles relating to exclusion of jurisdiction of civil court?

(A) Dhulabhai v. State of M.P. AIR 1969 SC 78
(B) Daryao v. State of UP, AIR 1961 SC 574
(C) Lal Chand v. Radha Krishnan, AIR 1977 SC 789
(D) State of U.P. v. Nawab Hussain , AIR 1977 SC 1680

16. Which of the following is governed by principles of res-judicata?

(A) Consent decree
(B) Ex Parte decree
(C) Dismissal in default
(D) Dismissal in limine

17. Which of the following is not a ground to reject foreign judgement?

(A) Foreign judgement not by a competent court
(B) Foreign judgement not on merit
(C) Foreign judgement opposed to natural justice
(D) Foreign judgement based on irregular exercise of jurisdiction

18. With respect to the decree defined under Code of Civil Procedure, 1908. choose the true statement about propositions. Propositions: (i) In order that a decision of a court may be a decree. It must have determined the rights of the parties inter se. (ii) The expression rights means substantive as well as procedural rights (iii) Rights of parties under section 2(2) of the Civil Procedure Code, 1908 includes limitation, jurisdiction accounts etc. Assertions:

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

19. With respect to the expression suit of civil nature as applicable in the Code of Civil Procedure, 1908. Choose the true statement about propositions: Propositions: (i) A civil Court has jurisdiction to try all suits of a civil nature unless they are barred (ii) The expression suit of civil nature does not includes private rights (iii) A suit where principle question is about religion is not a suit of civil nature Assertions:

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

20. With respect to the doctrine of Res-judicata. Choose the true statements about propositions: Propositions: (i) The doctrine of Res judicata is based on public policy (ii) principles of res judicata applies to civil suits, execution proceedings, arbitration, interim order etc. (iii) The doctrine of res-judicata codified under Section 11 Code of Civil Procedure, 1908 is exhaustive. Assertions:

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

21. With respect to representative suits under order I rule 8. Choose the true statement about propositions: Propositions: (i) All members of the class should have a common interest in the subject matter. (ii) All members of the class should have a common grievance in the subject matter. (iii) The relief sought, in its nature, be beneficial to all. Assertions:

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

22. With regard to the applicability of Order II Rule 2 of the Code of Civil Procedure, 1908. Choose the true statement about propositions: Propositions: (i) The cause of action in the previous suit must be identical to the subsequent suit. (ii) Relief sought in the subsequent suit could have been given in the previous suit. (iii) If the omission as to relief in the previous suit was with/without leave of the court subsequent suit will be barred. Assertions:

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

23. Choose the true statement about propositions: Propositions: (i) Every suit presupposes the existence of cause of action against the defendant (ii) If there is no cause of action, the plaint will have to be rejected. (iii) Failure in indicating the date of accrual of cause action is fatal to the filing of suit. Assertions:

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

24. Which regard to pleading under the Code of Civil Procedure, 1908. Choose the true statement about propositions: Propositions: (i) Pleading should state facts and law (ii) Facts stated in the pleading should be material facts (iii) Pleading should not state the evidence Assertions:

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

25. In which of the following case, the Court may not issue a commission-

(A) To examine any person
(B) To make a local investigation
(C) To make a partition
(D) All of these

26. Which of the following property is not liable to be attached and sale during the execution proceedings-

(A) Bills of exchange
(B) Promissory notes
(C) Government securities
(D) Tools of artisans

27. Which of the following recognised mode of service of summon under the Code of Civil Procedure, 1908?

(A) Personal Service to parties or agent
(B) Service of summon by Court
(C) Substituted service of Summon
(D) All of these

28. Legal setoff is prescribed under_____of the Code of Civil Procedure, 1908.

(A) Order VIII Rule 6
(B) Order VI Rule 8
(C) Order VIII Rule 6A
(D) Order VI Rule 6A

29. With regard to abatement of suit under Order XXII of the Code of Civil Procedure, 1908. Choose the true statement about propositions: Propositions: (i) The death of a plaintiff or defendant shall not cause the suit to abate if the right to sue survives. (ii) Where sole surviving plaintiff dies and the right to the sue survives, the court, on an application made in that behalf, shall cause the legal representative of the deceased plaintiff to be made a party and shall proceed with the suit (iii) Any person so made a party shall be governed by pleadings already submitted, and shall not be entitled to make any defence appropriate to his character as legal representative of the party. Assertions:

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

30. In which of the following case, Supreme Court stated that "the remedy of attachment before judgement is a drastic and extraordinary power. Such power should not be exercised mechanically or merely for asking. It should be used sparingly, and strictly in accordance to Rule. The purpose of Order 38 Rule 5 is not to convert an unsecured debt into a secured debt……."?

(A) Raman Tech. & Process Engg. Co. v. Solanki Traders,(2008) 2 SCC 304
(B) Kiran Singh v. Chaman Paswan, (1981), 3 SCC 589
(C) ONGC v. Utpal Kumar Basu, (1994) 4 SCC 711
(D) Narasimha Rao v. Venkata Lakshmi, (1991) 3 SCC 451

31. For the purpose of applying Section 6 of the Specific Relief Act, 1963, which of the following is incorrect?

(A) Person is dispossessed of immovable property.
(B) Dispossession of property was without his consent
(C) Dispossession from the property was otherwise than in due course of law
(D) Suit must have been filed within three months from the date of dispossession

32. Against an order under section 6 of the Specific Relief Act 1963. Which of the following is appropriate remedy?

(A) Appeal
(B) Review
(C) Revision
(D) None of these

33. With respect to 'settlement' under Specific Relief Act, 1963. Choose the true statement about propositions: Propositions: (i) settlement means an instrument other than will (ii) through 'settlement' devolution of successive interest in the movable property only is disposed of. (iii) through 'settlement' devolution of successive interest in the movable or immovable property is disposed of. Assertions:

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

34. In which of the following case Supreme Court ruled that "suit seeking merely declaration of title of ownership albeit a property without seeking possession, when the plaintiff is not in possession of the property is not maintainable……."?

(A) Union of India v. Ibrahim, (2012) 8 SCC 148
(B) Rukhmabai v. Lala Laxminarayan, AIR 1960 SC 335
(C) Mayawanti v. Kaushalya Devi, (1990) 3 SC 1
(D) Ramzan v. Hussaini (1990) 1 SCC 104

35. Which of the following provisions of the Specific Relief Act, 1963, empowers the state Government, designate one or more civil Courts as Special Courts to exercise jurisdiction and to try a suit in respect of contracts relating to infrastructure projects?

(A) Section 14
(B) Section 20A
(C) Section 20B
(D) Section 20C

36. With regard to Section 21 of the Specific Relief Act, 1963. Choose the true statement about propositions: Propositions: (i) In a suit for specific performance of a contract the plaintiff may also claim compensation for its breach in addition to such performance (ii) If, the court decides that specific performance ought to be granted, but, that it is not sufficient to satisfy the justice of the case, and that some compensation for breach of the contract should also be made to the plaintiff, it shall award him such compensation accordingly. (iii) where the plaintiff has not claimed any compensation in the plaint, the court shall neither grant any compensation nor shall allow him to amend the plaint. Assertions:

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

37. With respect to proof of circumstantial evidence under the Indian Evidence Act, 1872, which of the following propositions/expressions is incorrect?

(A) That the circumstances from which guilt is established must be fully proved
(B) That all the facts must be consistent with the hypothesis of guilt/innocence of the accused
(C) That the circumstances must be of a conclusive in nature
(D) That the circumstances should to a moral certainty, exclude every hypothesis except the one proposed to be proved

38. Which of the following case deals with testimony of child witness?

(A) Hem Raj v. State of Haryana, AIR 2005 SCW 885
(B) Leela Ram v. State of Haryana, AIR 1999 SC 3717
(C) State of Uttar Pradesh v. Babu Ram, AIR 2000 SC 1735
(D) State of Maharashtra v. Damu s/o Gopinath Shinde, AIR 1999 SC 3544

39. Which of the following provisions of the Indian Evidence Act, 1872 provides irrebuttable presumption?

(A) Section 79
(B) Section 85
(C) Section 105
(D) Section 112

40. Footprints of accused is admissible under_____of the Indian Evidence Act, 1872.

(A) Section 7
(B) Section 8
(C) Section 10
(D) Section 14

41. First information report was filed against 'A' for committing offence under Section 302 of Indian Penal Code, 1860. 'A' absconded from the jurisdiction, however, later on got arrested from a different place. During trial, prosecution adduced a letter written by Mr. B, his relative, containing information as to filing of the FIR. as per the Indian Evidence Act, 1872, the letter written by Mr. 'B' is_____.

(A) Not relevant
(B) Relevant and admissible under Section 6
(C) Relevant and admissible under Section 8
(D) Relevant and admissible under Section 10

42. With respect to section 10 of the Indian Evidence Act, 1872, which of the following propositions/expressions is incorrect?

(A) There must be reasonable ground to believe in the existence of conspiracy, established by prima facie evidence
(B) It must be proved that the accused were parties to the conspiracy
(C) The act, declaration etc. of each conspirator must be only in furtherance to their common intention
(D) The act, declaration etc. must be confined to the period of conspiracy.

43. During trial, evidence as to the 'good character' of the accused was not raised. However, the prosecution tried to adduce the evidence about the 'bad character' of the accused as being 'highly probable' that he committed the crime, as per the Indian Evidence Act, 1872, the evidence adduced by prosecution is-

(A) Admissible under section 54
(B) Admissible under section 11
(C) Admissible in both section 11 as well as 54
(D) Inadmissible under section 54 or 11

44. With respect to admission under the Indian Evidence Act, 1872, choose the true statement about propositions: Propositions: (i) admission can be made by parties to the proceedings (ii) Admission can be made by agents of the parties who are authorised expressly only. (iii) Person filing suits in representative character can also make admission while having that character. Assertions:

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

45. With respect to admission under the Indian Evidence Act, 1872. choose the true statement about propositions: Propositions: (i) Admission is a substantive piece of evidence. (ii) Generally, admission is provided against the maker of the statement. (iii) Self-serving statement as to state of mind of body is admissible as Admission. Assertions:

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

46. With respect to admission under the Indian Evidence Act, 1872. choose the true statement about propositions: Propositions: (i) Confession is sub-species of admission in criminal cases. (ii) Statement containing self-exculpatory statement cannot be called as Confession. (iii) Mere conduct is not confession unless it amounts to assertion. Assertions:

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

47. Section 27 of the Indian Evidence Act, 1872 is based on:

(A) Theory of agency
(B) Theory of ratification
(C) Theory of confirmation by subsequent facts
(D) None of these

48. With respect to Confession under the Indian Evidence Act, 1872. choose the true statement about propositions: Propositions: (i) Article 20(3) of the Constitution protects an accused against testimonial compulsions. (ii) Article 20(3) creates no bar in using retracted confession against the accused. (iii) Accused can claim protection given in Section 24 against the confession recorded through compulsion. Assertions:

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

49. With respect to Section 154 of the Indian Evidence Act, 1872. choose the true statement about propositions: Propositions: (i) Section 154 of the Evidence Act confers a discretion on the court to permit a witness to be cross-examined by a party calling him. (ii) The court will not normally allow a party to cross-examine his own witness and declare the same hostile unless the court is satisfied that the statement of the witness exhibits an element of hostility. (iii) Mere declaration that a witness is hostile, his all statement shall be excluded from being considered. Assertions:

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

50. With respect to Dying Declaration under the Indian Evidence Act, 1872. choose the true statement about propositions: Propositions: (i) Percentage of burn injury alone would not determine the admissibility of dying declaration. (ii) Absence of Medical certificate as to fit state of body is a fit ground to throw the dying declaration. (iii) Opinion of Magistrate as to fit state of mind/body would decide the reliability of dying declaration. Assertions:

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

Civil Law-II · Booklet D

51. Where a plaintiff has been prosecuting with due diligence and in good faith another civil proceeding relating to the same matter in issue, in a Court which, from defect of jurisdiction, is unable to entertain it, the period so spent by the plaintiff is liable to be excluded in computing the period of limitation for a suit under

(A) Section 12 of the Limitation Act
(B) Section 13 of the Limitation Act
(C) Section 14 of the Limitation Act
(D) Section 15 of the Limitation Act

52. A judgment was passed on 10/07/2002 and the decree was prepared on 25/07/2002. An application for certified copy was made on 11/07/2002 and the certified copy was ready on 01/08/2002 and the delivery of certified copy was taken on 05/08/2002. Under Section 12, the period of limitation to be excluded is

(A) 11/07/2002 to 01/08/2002
(B) 11/07/2002 to 05/08/2002
(C) 10/07/2002 to 01/08/2002
(D) 10/07/2002 to 05/08/2002

53. The word 'after' in Section 6(a) of the Hindu Minority and Guardianship Act, 1956 need not necessarily mean 'after the lifetime' but 'in the absence of', was held in which of the following case?

(A) Jija Bai v. Pathan Khan
(B) Vijaya Lakshmi v. Inspector of Police, Karur
(C) Geeta Hariharan v. Reserve Bank of India
(D) Mausami Moitra Ganguli v. Jayanti Ganguli

54. Under the Hindu Marriage Act, 1955, a wife may present a petition for dissolution of marriage by a decree of divorce on the ground that her marriage was solemnised before she attained the age of 15 years and she has repudiated the marriage after attaining that age but before attaining the age of 18 years under-

(A) Section 13(2)(i)
(B) Section 13(2)(ii)
(C) Section 13(2)(iii)
(D) Section 13(2)(iv)

55. Under Hindu law, children of void and voidable marriage are legitimate under which section of the Hindu Marriage Act, 1955?

(A) Section 5
(B) Section 16
(C) Section 11
(D) Section 17

56. Which of the following persons is not a Class I heir for succession to the property of a Hindu male under the Hindu Succession Act, 1956?

(A) Father
(B) Mother
(C) Son
(D) Daughter

57. A Hindu husband can claim maintenance from his 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)

58. A married boy or girl, or a boy or girl who has completed the age of 15 years can be adopted under the Hindu Adoption and Maintenance Act, 1956-

(A) Generally
(B) With the permission of the Court
(C) If the custom or usage permits such adoption
(D) Either (b) or (c)

59. Who amongst the following is not a dependant of a deceased Hindu under Section 21 of the Hindu Adoption and Maintenance Act, 1956?

(A) Grandfather and grandmother
(B) Father and mother
(C) Widow till remarriage
(D) Unmarried daughter

60. 'Presumption in cases of simultaneous deaths' under the Hindu Succession Act, 1956 is given under-

(A) Section 20
(B) Section 21
(C) Section 23
(D) Section 22

61. Which of the following is not a constituent element of Actual Desertion?

(A) Factum of desertion
(B) Animus deserendi
(C) Desertion should be without a reasonable excuse and without consent of the other party
(D) Statutory period of one year must have run out before a petition is presented

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

(A) Father's widow and brother's widow
(B) Father's brother and father's sister
(C) Father's widow and father's sister
(D) Brother's widow and father's brother

63. Which of the following is not an essential of a Contract of Guarantee?

(A) Concurrence of three parties
(B) Surety's distinct promise to be answerable
(C) Liabilities to be legally enforceable
(D) Existence of only one contract

64. The term 'Agent' is defined in the Indian Contract Act, 1872, under Section

(A) Section 180
(B) Section 181
(C) Section 182
(D) Section 183

65. Drawing cash from ATM, sale by fall of hammer at an auction sale, etc., are examples of

(A) Express contract
(B) Implied contract
(C) Tacit contract
(D) Unlawful contract

66. The case of Frost v. Knight relates to

(A) Frustration of Contract
(B) Anticipatory Breach of Contract
(C) Remission of Performance of Contract
(D) Discharge of Contract

67. A void agreement means

(A) Agreement not enforceable by Law
(B) Agreement illegal in nature
(C) Agreement not enforceable in a Court of Law
(D) Agreement violating legal procedure

68. Communication of acceptance is complete as against the proposer-

(A) When it comes to the knowledge of the proposer
(B) When it is put in the course of transmission to him so as to be out of the power of the acceptor
(C) When the acceptance is communicated to the proposer
(D) All of the above

69. Communication of acceptance is complete as against the acceptor-

(A) When it comes to the knowledge of the proposer
(B) When it is put in the course of transmission
(C) When it is communicated to the acceptor that the acceptance has reached the proposer
(D) When the proposer conveys the acceptance to the acceptor

70. A owes B, under a contract, a sum of money, the amount of which has not been ascertained. A, without ascertaining the amount, gives to B, and B in satisfaction thereof accepts the sum of Rs. 5000/. This is a discharge of-

(A) Whole debt
(B) Part debt
(C) Earnest money
(D) Previous debt

71. Match List I with List II and select the correct answer by using the Codes given below. List I: A. Contingent contract; B. Pledge; C. Continuing Guarantee; D. Bailment. List II: (i) Section 148; (ii) Section 129; (iii) Section 31; (iv) Section 172. Codes: (i) (ii) (iii) (iv)

(A) B D A C
(B) A B C D
(C) D C B A
(D) D C A B

72. The Indian Contract Act came into force

(A) From September 11, 1872
(B) From September 01, 1882
(C) From September 01, 1872
(D) From September 09, 1872

73. Match List I with List II and select the correct answer by using the Codes below. List I: A. Leases of vacant buildings; B. Landlord's duty to keep the building and rented land in good repairs; C. Special procedure for disposal of application under Section 14(3)(a)(iii) and Section 15; D. Deposit of rent. List II: (i) Section 21; (ii) Section 19; (iii) Section 13; (iv) Section 16. Codes: (i) (ii) (iii) (iv)

(A) A B C D
(B) B C D A
(C) D A B C
(D) C B D A

74. Under which Section of the Himachal Pradesh Urban Rent Control Act, 1987, the Controller can exercise power of a Magistrate for recovery of fine?

(A) Section 26
(B) Section 31
(C) Section 33
(D) Section 34

75. The Standard Rent fixed by the Controller under Section 4(1) of the Himachal Urban Rent Control (Amendment) Act, 2009 -

(A) Is payable from the date of filing of application for fixation of Standard Rent
(B) Is payable from the date of fixation of Standard Rent
(C) Is payable from the date of creation of tenancy
(D) Is payable from the date the Court decides

76. 'Fine or premium not to be charged for grant, renewal or discharge of tenancy' under which provision of the Himachal Pradesh Urban Rent Control Act, 1987?

(A) Section 6
(B) Section 8
(C) Section 10
(D) Section 9

77. Which one of the following heirs of a deceased tenant who continued in possession after the termination of his tenancy, is not mentioned under Schedule I of the Himachal Pradesh Urban Rent Control Act, 1987?

(A) Spouse
(B) Son of a predeceased son
(C) Son of a predeceased daughter
(D) Daughter

78. Under Section 30(3) of the Himachal Pradesh Urban Rent Control Act, 1987, the penalty imposed is -

(A) Imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or both
(B) Imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or both
(C) Imprisonment for a term which may extend to six months or with fine which may extend to three thousand rupees or both
(D) None of the above

79. Under the Himachal Pradesh Urban Rent Control Act, 1987, which of the following Court has power to transfer proceedings?

(A) Supreme Court
(B) High Court
(C) District Courts
(D) All of these Courts

80. Under which of the following sections, there is a provision for conversion of a residential building into a non-residential building?

(A) Section 13
(B) Section 11
(C) Section 14
(D) Section 12

81. 'The landlord shall not claim or receive any premium or other like sum in addition to standard rent or any rent in excess of such standard rent, but the landlord may stipulate for and receive in advance an amount not exceeding three month's rent in lump sum', has been provided under which of the following provisions of the Himachal Pradesh Urban Rent Control (Amendment) Act, 2009?

(A) Section 8
(B) Section 7
(C) Section 5
(D) Section 9

82. Under Section 6 of the Himachal Pradesh Urban Rent Control (Amendment) Act, 2009, increase of standard rent-

(A) Shall not exceed 10% of the cost of addition, improvement, alteration or special repairs
(B) Shall not exceed 20% of the cost of addition, improvement, alteration or special repairs
(C) Shall not exceed 30% of the cost of addition, improvement, alteration or special repairs
(D) Shall not exceed 5% of the cost of addition, improvement, alteration or special repairs

83. Rajes Kanta Roy v. Shanti Debi is a case on the following principles of the Transfer of Property Act, 1882:

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

84. Where the mortgagor delivers possession of the property to the mortgagee is called-

(A) Simple mortgage
(B) English mortgage
(C) Usufructuary mortgage
(D) Anomalous mortgage

85. Match List I with List II and select the correct answer by using the Codes given below. List I: A. Condition restraining alienation; B. Contingent interest; C. Part Performance; D. Rule against perpetuity. List II: (i) Section 14; (ii) Section 53-A; (iii) Section 10; (iv) Section 21. Codes: (i) (ii) (iii) (iv)

(A) D C A B
(B) A C D B
(C) A B C D
(D) D A B C

86. Every transfer of immovable property made with intent to defeat or delay the creditors of the transferor shall be-

(A) Illegal
(B) Not voidable
(C) Void
(D) Voidable

87. Immovable property under the law relating to transfer of property includes-

(A) Growing crops
(B) Grass
(C) Standing timber
(D) Growing trees

88. If the transfer of property is made with conditions, the condition is void and transfer is valid -

(A) Where transfer is made with void condition
(B) Where transfer is made with the condition restraining absolutely future transfer of such property
(C) Where transfer is made absolute with the condition restraining enjoyment of such property
(D) Both (b) and (c)

89. The mortgagee has the right to sell the mortgaged property without intervention of the Court

(A) English mortgage
(B) Simple mortgage
(C) Anomalous mortgage
(D) Mortgage by conditional sale

90. Determination of lease takes place by-

(A) By efflux of time limited thereby
(B) By forfeiture
(C) By a notice to quit given by the landlord
(D) By express surrender

91. Waiver of forfeiture under Section 112 takes place -

(A) By acceptance of rent which has become due since the forfeiture
(B) By distress for such rent
(C) By any other act on the part of the lessor showing an intention to treat the lease as subsisting
(D) All of the above

92. Exemption of leases for agricultural purposes-

(A) Section 116
(B) Section 117
(C) Section 115
(D) Section 114

93. Before the Limitation Act of 1963, which Limitation Act was being followed in Indian Courts and Tribunals?

(A) The Limitation Act, 1859
(B) The Limitation Act, 1871
(C) The Limitation Act, 1908
(D) The Limitation Act, 1906

94. Period spent in prosecuting the case before the Consumer Forum can be

(A) Partly excluded
(B) Included
(C) Excluded
(D) Partly included

95. Under Section 3 of the Limitation Act, 1963, the Court is required to consider the question of limitation

(A) Only when objection to limitation is raised by the defendant
(B) Only when the defendant does not confess judgment
(C) Only when the defendant does not admit his liability
(D) Suo motu even when the defendant has not taken any objection of limitation or has confessed judgment or has admitted his liability in the written statement

96. In order to attract Section 4, Limitation Act, 1963

(A) The Court should be closed for the whole of the day
(B) It is not necessary that the Court should be closed for the whole day and it is sufficient if the Court is closed during any part of its normal working hours
(C) The Court should be closed for substantial part of the day if not for the whole of the day
(D) The Court should be closed for more than half of the normal working hours

97. Period of limitation for a suit by a Hindu governed by Mitakshara law to set aside his father's alienation of ancestral property

(A) Twelve years from the date when the alienee takes possession of the property
(B) Three years from the date when the alienee takes possession of the property
(C) Twelve years from the date when the alienee takes possession of the property
(D) Thirty years from the date when the alienee takes possession of the property

98. Section 22 of the Limitation Act, 1963 refers to which of the following cases?

(A) Continuing breach of contract
(B) Successive breach of contract
(C) Both continuing and successive breaches
(D) Special damages

99. The period of limitation for filing a suit to recover possession of movable or immovable property comprised in religious and charitable endowment, transferred for valuable consideration, under Article 96 of the Schedule

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

100. Under Article 112 of the Schedule, the period of limitation for filing a suit by the Central Government is

(A) 3 years if relates to movable property and 12 years if relates to immovable property
(B) 12 years if relates to movable property and 30 years if relates to immovable property
(C) 30 years for any suit
(D) 60 years for any suit

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101. Under the Negotiable Instruments Act if the drawer goes for appeal, the trial court:

(A) Can suspend interim compensation
(B) Can order minimum of twenty percent of the awarded amount to be released to the drawee
(C) Can order awarded amount to be deposited in the court
(D) Can order minimum of five percent of the awarded amount to be released to the drawee

102. The following three are conditions precedent, which must be satisfied before the dishonour of a cheque can constitute an offence and become punishable. Choose the odd one out:

(A) The cheque ought to have been presented to the bank within a period of six months from the date on which it is drawn or within the period of its validity, whichever is earlier

(B) The payee, or the holder ought to make a demand for the said money by giving a notice in writing, to the drawer of the cheque, within 30 days of the receipt of information by him from the bank regarding the returns of the cheque as unpaid

(C) The drawer of such a cheque should have failed to make payment of the said amount to the payee in due course of the cheque within 15 days of the said notice

(D) The drawer of such a cheque should have failed to make payment of the said amount to the payee in due course of the cheque within 30 days of the said notice.

103. Power to close liquor vendor under Section 14 of the Himachal Pradesh Excise Act 2011 is vested in:

(A) State Government

(B) Excise & Taxation Officer

(C) District Magistrate

(D) Financial Commissioner and District Magistrate

104. If a license holder or any person acting on his behalf sells or delivers liquor to any person apparently under the age of 18 years, he shall be punished with:

(A) Simple imprisonment for a term which may extend to three months

(B) Simple imprisonment and fine of Rs. 5000

(C) Fine which may extend to ten thousand but not less than two thousand rupees

(D) Simple imprisonment which may extend three months and fine which may extend to fifty thousand rupees or both

105. Permit for scientific management of wild animals under Section 12 of WildLife Protection Act 1972 does not include:

(A) Translocation of any wild animal

(B) Population management of wildlife

(C) Translocation to suitable habitat

(D) Population management by poisoning or otherwise destroying wild animal

106. The chief wildlife warden may grant permit to enter or reside in a sanctuary for the following purposes. Choose the incorrect one:

(A) Photography

(B) Scientific management of population

(C) Tourism

(D) Transaction of business with any person residing in the sanctuary

107. Power of entry, search and detention under the Chapter prevention and detection of offences in the Wildlife Protection Act 1972 is specified in:

(A) Section 46

(B) Section 26

(C) Section 63

(D) Section 50

108. Whenever a notification has been issued to constitute any land a reserved forest the forest must issue a proclamation (Choose the incorrect one):

(A) Specifying, as nearly as possible the situation and limits of the proposed forest

(B) Consequences that will ensue on the reservation of such forest

(C) Notice that no compensation claim will be entertained

(D) Fixing a period for claiming rights

109. The provision for protected forests is mentioned in the following section of the Indian Forest Act:

(A) Section 29

(B) Section 28

(C) Section 33

(D) Section 3

110. Choose the incorrect statement under the Indian Forest Act 1972.

(A) State government may make rules to regulate the transit of all timber and other forest produce

(B) Section 41 will override the rules made by central government to prescribe the route by which timber and other forest produce may be imported

(C) The central government may levy a duty as it may declare by notification on all timber or other forest produce

(D) The owner of any land may write to the collector that his land be managed by the forest officer as a reserved or protected forest

111. All offences under the Himachal Pradesh Excise Act 2011 shall be:

(A) Bailable
(B) Non-bailable
(C) Bailable except first and second proviso of subsection(1) of section 39 and section 40 and 41
(D) Non bailable except sub section 2 of section 38 and proviso to section 42

112. In S. Nambi Narayanan v. Siby Mathews in the ISRO spy case the court ordered the state government to

(A) Pay 50 lacs as compensation to the appellant
(B) The appellant to file a civil case for compensation
(C) The erring officials pay their 2 years salary to the appellant
(D) That departmental enquiry may be instituted, but compensation may set a bad precedent

113. 'They also serve who stand and wait'. Milton's words were quoted in:

(A) Barendra Kumar Ghosh v. King Emperor
(B) Girija Shankar v. State of Uttar Pradesh
(C) Queen v. Dudley and Stephens
(D) Mahboob Shah v. Emperor

114. General Exception of IPC limit and override offences and penal provisions of the Code and comprises of following sections:

(A) 67-102
(B) 96-106
(C) 82-106
(D) 76-106

115. Sudden and grave provocation is a defence for the offence of murder. Please specify the category of the defence.

(A) Complete defence
(B) Partial defence
(C) Sentencing defence
(D) General defence

116. Actus reus is that result of human conduct which the law seeks to prohibit. This definition was given by:

(A) Glanville Williams
(B) Kenny
(C) Blackstone
(D) Russell

117. The Constitution Bench held that a company can be prosecuted for any offence and cannot go scot-free merely on the ground that it technically cannot be punished by way of imprisonment. This ruling of the Constitution Bench came in the following case:

(A) State of Maharashtra v. Syndicate Transport Company Ltd.
(B) CBI v. Blue Sky Tie Up Pvt. Ltd.
(C) Assistant Commissioner, Assessment II Bangalore v. Messrs Velliappa Textiles Ltd.
(D) Standard Chartered Bank v. Directorate of Enforcement

118. The 'contemporary community standard test' was stressed in the following case dealing with obscenity:

(A) Devidas Ramchandra Tuljapurkar v. State of Maharashtra
(B) Sharat Babu Digumarti v. Government of NCT Delhi
(C) Gita Ram v. State of Himachal Pradesh
(D) State of Maharashtra v. Flora Santuno Kutino

119. Section 416 now states that if a woman sentenced to death is found to be pregnant, the high court shall commute the sentence to imprisonment for life.' This amendment was done by:

(A) Criminal Law (Amendment) Act 2013
(B) Criminal Law (Amendment) Act 2009
(C) Criminal Law (Amendment) Act 2018
(D) Criminal Law (Amendment) Act 2005

120. Section 433 A was introduced by amendment of CrPC in 1978. The constitutionality of this provision was examined by the Supreme Court in:

(A) Sunil Batra v. Delhi Administration
(B) Shatrughan Chauhan v. Union of India
(C) Ashok Kumar @ Golu v. Union of India
(D) Charles Sobhraj v. Superintendent, Central Jail

121. Doctrine of Locus Poenitentiae is a doctrine invoked in cases of:

(A) Obscenity
(B) Rape leading to offer of marriage
(C) Attempt
(D) Expiation theory of punishment

122. Choose the wrong proposition:

(A) Right of private defence of the body extends to causing death in case of an assault with an intention of committing rape.
(B) Right of private defence of the body extends to causing death in case of an act of throwing acid which may reasonably use the apprehension that grievous hurt will otherwise be the consequences of such act.
(C) Right of private defence of the body extends to causing death is available to the husband against adulterer of his wife
(D) Right of private defence of the body extends to causing death is available in an assault with the intention of gratifying unnatural lust.

123. The principle of law-de-minimis non curat lex is embodied in the following section of the Indian Penal Code.

(A) Section 92
(B) Section 85
(C) Section 95
(D) Section 76

124. Joseph Shine v. Union of India dealt with the offence of:

(A) Bigamy
(B) Adultery
(C) Homosexuality
(D) Triple Talaq

125. For offence of conspiracy the following is not true:

(A) Minimum two persons required
(B) Offence is heavily mental in its composition
(C) Conspiracy is a rule of evidence
(D) Mere agreement to do anything contrary to law is punishable

126. The following principle is least relevant for criminal liability:

(A) Causation
(B) Contemporaneity
(C) Novus actus interveniens
(D) Motive

127. Union of India v. Sriharan upheld the life imprisonment without remission which was first awarded in the case of:

(A) Jagmohan v. State of Uttar Pradesh .
(B) Macchi Singh v. State of Punjab
(C) Swamy Shraddananda v. State of Karnataka
(D) Nalini v. State of Tamil Nadu

128. Review petition in death penalty cases should be heard by:

(A) Bench of three judges
(B) Constitution Bench
(C) Same bench
(D) Bench of five judges

129. Section 354(3) of CrPC provides:

(A) Pre sentence hearing
(B) Reason for imposing death sentence
(C) Reason for not imposing a death sentence
(D) Confirmation of death sentence by High Court

130. Which of the following is incorrect:

(A) Pardoning power conferred on the President and the State Government is absolute
(B) Pardoning power to be exercised as per the advice of the Council of Ministers
(C) Pardoning power can be curtailed by the Supreme Court
(D) The 'appropriate government' without consent of the offender can commute sentence of death

131. Ignorance of law is not a defence. However contemporary scholars are less sanguine about this rule. A scholar argues that when an accused who had taken reasonable measures to comply with the law and was nevertheless reasonable ignorant or mistaken should be allowed a defence. The criminal law scholar is:

(A) Andrew Ashworth
(B) Barbara Wootton
(C) George Fletcher
(D) Allan Norrie

132. Priya Patel v. State of Maharashtra held that a woman:

(A) Can be held guilty of a gang rape
(B) Can have an intention to commit rape
(C) Cannot be held guilty of a gang rape
(D) Can be held guilty of rape if in "furtherance of their common intention" is proved

133. Exception 2 to Section 375 states that non consensual sexual intercourse by a man with his own wife does not amount to rape. Presently the age circumscribed for this exception is:

(A) 12 years
(B) 18 years
(C) 21 years
(D) 15 years

134. The law prohibits the disclosure of identity of rape victims under the following provision:

(A) Section 376 D
(B) Section 228 A
(C) Explanation 1 to Section 375
(D) Section 375

135. Two finger test was questioned in a case and was held to be violative of right to privacy, physical and mental integrity and dignity of the prosecutrix. This case was:

(A) Lillu v. State of Haryana
(B) Naz Foundation v. Union of India
(C) Tukaram v. State of Maharashtra
(D) Sakshi v. Union of India

136. When a criminal case is transferred from one state to other, the appropriate mechanism is:

(A) That the transferor state appoints Public Prosecutor
(B) That the transferee state appoints Public Prosecutor
(C) That the complaint state appoints Public Prosecutor
(D) Either of the two-the transferor or transferee state appoints Public Prosecutor

137. D.K. Basu guidelines deal with:

(A) Right of an arrested person to free legal aid
(B) Right to bail
(C) Right of person who is seriously ill while being arrested
(D) Standard operating procedure for arrest

138. Registration of an FIR is mandatory in a case of cognizable offence. This was held by a Constitution Bench in:

(A) Union of India v. Murugan
(B) K.S. Puttaswamy v. Union of India
(C) Lalita Kumari v. State of Uttar Pradesh
(D) Navtej Johar v. Union of India

139. Default bail is given in case of:

(A) Where the investigation is not completed within the time prescribed
(B) Where the offence is a bailable offence
(C) Where the person applies for anticipatory bail
(D) Where no reasonable grounds exist for believing the accused guilty after conclusion of trial but before judgement.

140. As per this section of CrPC the court of its own can examine any person as a court witness:

(A) Section 235
(B) Section 438
(C) Section 307
(D) Section 311

141. Which of the following statement is correct:

(A) Offences under the Protection of Civil Rights Act, 1955 cannot be compounded
(B) Non Compoundable offences can be compounded with the permission of the court
(C) Some offences are recognised compoundable offences and others may be compoundable only with the consent of the victim.
(D) Offences can be compoundable, but it does not amount to acquittal

142. Maintenance under Section 125.....(choose the correct statement):

(A) Is limited to Rs. 500 per month
(B) Is to be disposed of within reasonable time, however no time frame is given
(C) Can be denied to a wife living in adultery
(D) Is only for the wife

143. Adambhai Sulemanbhai Ajmeri v. State of Gujarat is a classic case of:

(A) Fast track investigation
(B) Wrongful prosecution
(C) 'Rarest of rare' case
(D) Waging war against government of India

144. Which of the following is incorrect:

(A) Section 300 embodies the principle of autrefois convict and autrefois acquit
(B) Article 20(2) of the Constitution guards against double jeopardy
(C) Victim impact statement is taken before pronouncing sentence
(D) Judgement of the court is written in the language of the court and the language is determined by the state government

145. Plea bargaining in India is:

(A) Sentence bargaining
(B) Charge bargaining
(C) Fact bargaining
(D) Charge and sentence bargaining

146. Every investigation is required to be completed without unnecessary delay under Section 173. Choose the most appropriate statement:

(A) The police files a report known as challan after framing charges

(B) The police forms an opinion and the magistrate is bound by the opinion of the investigative officer

(C) The magistrate frames charges after filing of police report

(D) The police and magistrate in consultation frame charges after completion of investigation.

147. The liability inquiry under thirdly of Section 300 IPC is:

(A) Subjective and objective liability

(B) Objective liability

(C) Subjective liability

(D) Strict liability

148. In scrutiny of a complaint the magistrate does the following. (choose the correct course available):

(A) If the magistrate is not competent to take cognisance of the offence mentioned he still may take cognisance if it is a complaint case

(B) The magistrate takes cognisance of the case but cannot examine the complainant on oath

(C) The magistrate may look into the complaint and send it to the police for investigation

(D) Direct an investigation even if the offence is triable exclusively by the Sessions Court

149. Which of the following statement is incorrect:

(A) Confession or a statement can be recorded only by a metropolitan magistrate or a judicial magistrate

(B) Confession or a statement can be recorded by a police officer on whom power of a magistrate has been conferred under any law

(C) Confession or a statement can be recorded in the course of an investigation

(D) Confession or a statement can be recorded only when it is being voluntarily

150. Under Section 143A of the Negotiable Instruments Act 1881 the court may order the drawer of the cheque to pay interim compensation to the complainant which:

(A) Shall not exceed fifty percent of the amount of cheque

(B) Shall not exceed ten percent of the amount of cheque

(C) Shall not exceed twenty percent of the amount of cheque

(D) Shall be nominal as per the wisdom of the trier of facts