Himachal Pradesh Civil Judge Prelims 2019-I Question Paper

Himachal Pradesh Public Service Commission · Screening held 8 September 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. If the suit is dismissed due to default of the plaintiff and if there is subsequent suit between same parties, then decision in the first suit_____.

(A) amounts to res judicata
(B) amounts to res sub-judice
(C) does not amount to res judicata
(D) amounts to stay of subsequent suit

2. Which of the following Order deals with suit against indigent person?

(A) Order XXXII
(B) Order XXXIII
(C) Order XXXIV
(D) Order XXXV

3. The Code of Civil Procedure, 1908 defines 'Decree' under _____.

(A) Section 2 (2)
(B) Section 2 (6)
(C) Section 2 (8)
(D) Section 2 (12)

4. As per Order XXXIX of Code of Civil Procedure, 1908 the Court is required to dispose of application for injunction within _____.

(A) Fifteen Days
(B) Thirty Days
(C) Two Months
(D) Three Months

5. Provisions relating to Counter-claim is prescribed under_____ of Code of Civil Procedure, 1908.

(A) Order VII Rule 6
(B) Order VII Rule 6A
(C) Order VIII Rule 6
(D) Order VIII Rule 6A

6. Choose the true statement about propositions: Propositions: (I) No suit shall lie challenging the validity of a decree passed in a 'former suit' between the same parties, litigating under the same title, on any ground based on an objection as to the place of suing (II) Former suit' means a suit which has been decided prior to the decision in the suit in which the validity of the decree is questioned (III) Date of institution is material factor in deciding 'former suit' Assertations:

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

7. Choose the true statement about propositions: Propositions: (I) All objections with respect to the place of suing must be taken in the Court of first instance at the earliest possible opportunity and in all cases where issues are settled at or before such settlement (II) Objections with respect to the place of suing cannot be allowed after settlement of issues (III) Objection as to the competence of a Court with reference to the pecuniary limits of its jurisdiction may be allowed even after the settlement of issues if there has been a consequent failure of justice Assertations:

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

8. Choose the true statement about propositions:
Propositions: (I) Where on the fixed day it is found that summons has not been served upon the defendant in consequence of the failure of the plaintiff to pay the court-fee the Court may dismissed the suit (II) Where neither party appears when the suit is called on for hearing, the court may make an order that the suit be dismissed (III) Where a suit is dismissed under any of the above case, the plaintiff will be barred bring a fresh suit
Assertions:

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

9. Choose the true statement about propositions:
Propositions: (I) A suit in which the right to property or to an office is contested is a suit of a civil nature (II) A suit dealing with right to an office is of civil nature notwithstanding that such right may depend entirely on the decision of questions as to religious ceremonies (III) A suit dealing with right to an office would be of civil nature only when fees are attached with such office
Assertions:

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

10. Choose the true statement about propositions:
Propositions: (I) Issues arise when a material proposition of fact or law is affirmed by the one party and denied by the other (II) Issues arise when a material proposition of fact or law is affirmed by the one party and denied by the other (III) Distinct issue is not necessary to be framed for each material proposition even though the same was affirmed by one party and denied by the other
Assertions:

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

11. As per Section 46 of Code of Civil Procedure, 1908 the 'precept' means an order issued by the court which passed the decree and addressed to_____.

(A) the District Collector to effect partition of property
(B) another court to arrest the judgement debtor
(C) the other court to attach the property of the judgement debtor, specified in the precept
(D) the revenue court to sell the property attached by the court

12. Under Section 47 of Code of Civil Procedure, 1908, the Execution Court has to decide _____.

(A) all the questions raised between the parties to the suit
(B) all the questions between the parties to the suit relating to execution, discharge and satisfaction of the decree
(C) all the questions between the parties to suit and the third party
(D) all the questions between the parties except those relating to delivery of property to the auction purchaser

13. Choose the true statement about propositions:
Propositions: (I) Code of Civil Procedure, 1908 permits substituted service of summon (II) Substituted service can be done by affixing a copy of summon in some conspicuous place in the Court-house, and also upon some conspicuous part of the house in which the defendant is known to have last resided (III) Mere publishing the summon in newspaper is not a substituted service of summon
Assertions:

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

14. For the purpose of filing suit against Government a mandatory notice of not less than _____ is required to be given under Section 80 of Code of Civil Procedure, 1908.

(A) Fourteen Days
(B) Thirty Days
(C) Two Months
(D) Three Months

15. In a civil suit, parties are required to submit the list of witnesses whom they propose to call either to give evidence or to produce documents on or before such date as the Court may appoint, and _____.

(A) not later than fifteen days from the date of settlement of issues
(B) not later than thirty days from the date of settlement of issues
(C) not later than two months from the date of settlement of issues
(D) not later than three months from the date of settlement of issues

16. It appears to a Court that the evidence of Mr. X, a person confined in a prison outside the state is material in a suit. The Court may_____.

(A) make an order requiring the District Magistrate in charge of District to produce that person before the Court to give evidence
(B) make an order requiring the DGP of state in charge of the prison to produce that person before the Court to give evidence
(C) make an order requiring the officer in charge of the prison to produce that person before the Court to evidence
(D) constitute a commission to record the statement

17. Choose the true statement about propositions: Propositions: (I) Section 11 Explanation IV provides provisions for Constructive Res Judicata (II) Any matter which might and ought to have been made ground of defence or attack in former suit shall not constitute res judicata (III) Any relief claimed in the plaint, which is not expressly granted by the decree, shall be deemed to have been refused Assertations:

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

18. Where a suit is to obtain relief respecting immovable property situate within the jurisdiction of different Courts, the suit may be instituted_____.

(A) in any Court within the local limits of whose jurisdiction substantial portion of the property is situate
(B) in any Court within the local limits of whose jurisdiction any portion of the property is situate
(C) in any Court within the local limits of whose jurisdiction defendants resides or work for gain
(D) None of the above

19. In which of the following case, judgment debtor cannot be send to civil prison in execution of a Decree for the payment of money?

(A) Where the total amount of the decree does not exceed two thousand rupees
(B) Where the total amount of the decree does not exceed three thousand rupees
(C) Where the total amount of the decree does not exceed five thousand rupees
(D) Where the total amount of the decree does not exceed ten thousand rupees

20. Which of the following property can be attached while executing a decree?

(A) cooking vessels
(B) tools of artisans
(C) shares in a corporation
(D) one-third of the salary in execution of any decree for maintenance

21. Under Code of Civil Procedure, 1908 'Letter of Request' may be issued to_____.

(A) examine a witness
(B) to make a local investigation
(C) to make a partition
(D) to conduct sale of property

22. Choose the true statement about propositions: Propositions: (I) Section 6 of Specific Relief Act, 1963 provides that If any person is dispossessed without his consent of immovable property otherwise than in due course of law, he may, by suit, recover possession thereof (II) Under Section 6, 'possession' actual possession only (III) No suit under Section 6 shall be brought after the expiry of six months from the date of dispossession Assertations:

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

23. An order passed under Section 6 of the Specific Relief Act, 1963 is_____.

(A) Appealable
(B) Reviewable
(C) Neither appealable nor reviewable
(D) Both appealable and reviewable

24. In which of the following case specific performance of a contract is not permitted?

(A) where a party to the contract has obtained substituted performance of contract
(B) a contract, the performance of which involves the performance of a continuous duty which the court cannot supervise
(C) a contract which is so dependent on the personal qualifications of the parties
(D) All of the above

25. Where the contract is a settlement on marriage, which of the following is entitled to obtain specific performance?

(A) Husband
(B) Wife
(C) any person beneficially entitled thereunder
(D) All of the above

26. No substituted performance of contract under Section 20 of Specific Relief Act, 1963 shall be undertaken
unless_____

(A) the party who suffers such breach has given a notice in writing
(B) not less than thirty days' notice
(C) the party in breach of contract has refused or failed to perform after the notice
(D) All of the above

27. Choose the true statement about propositions: Propositions: (I) Evidence must be confined to the matters in issue (II) The best evidence must be given in all cases (III) Circumstantial evidence cannot be admitted Assertations:

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

28. Choose the true statement about propositions: Propositions: (I) Evidence Act 1872 is applicable to judicial inquiries (II) Evidence Act 1872 is strictly inapplicable quasi-judicial inquiries (III) In judicial proceeding, the evidence is taken on oath Assertations:

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

29. Which of the following is evidence though not covered by the definition of Evidence under Section 3 of Evidence Act, 1872?

(A) Admission
(B) Confession
(C) Demeanour
(D) Judicial Notice

30. Which of the following is a question of law as per Evidence Act 1872?

(A) Relevancy
(B) Admissibility
(C) Both of these
(D) None of these

31. Falsus in uno falsus in omnibus is a-

(A) Rule of Law
(B) Rule of Caution
(C) Rule of Evidence
(D) Rule of Estoppel

32. Choose the true statement about propositions: Propositions: (I) Section 6 prescribes rule for relevancy of an evidence which is 'part of same transaction' (II) Proximity of time, place and continuity of action are suggestive of part of same transaction (III) Psychological acts may also form part of same transaction Assertations:

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

33. 'X' is prosecuted for the murder of 'Y'. During trial, evidence is adduced that 'X' and 'Y' had verbal altercation, in which accused 'X' had threatened to kill 'Y'. The fact that, soon after the threatening statement, 'X' had purchased the same knife which was used to stab 'Y', is admissible under_____ of Evidence Act, 1872.

(A) Section 6
(B) Section 7
(C) Section 8
(D) Section 10

34. Test Identification Parade is admissible under_____.

(A) Section 7
(B) Section 8
(C) Section 9
(D) Section 10

35. 'X', 'Y' and 'Z' entered into conspiracy on December 26, 2017 to explode a bridge. In accordance with the conspiracy, the bridge was to be exploded on January 26, 2018. However, Mr. Y was arrested on January 24, 2018. He made statement to police about the conspiracy. However, remaining two conspirators successfully executed the conspiracy. Later on, the remaining two conspirators were also arrested, and all were charged under various provisions of Indian Penal Code, 1860. During trial, prosecution reasonably established the fact of conspiracy between X, Y and Z to explode the said bridge. In this reference, which of the following fact is relevant under Section 10 of Evidence Act 1872?

(A) A letter written by 'X' to 'Y' on December 20, 2017 inquiring the possibility of a meeting
(B) Confession made of 'Y' to the police officer on January 24, 2018
(C) Confession made of 'Z' to the police officer on January 30, 2018
(D) An email sent by Y, dated January 16, 2018 to the supplier of explosives

36. Choose the true statement about propositions: Propositions: (I) Section 11 of Evidence Act provides residuary clause for relevancy of facts (II) Section 11 is based on general theory of relevancy (III) Section 11 is independent one, and not controlled by other provisions of Evidence Act Assertations:

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

37. 'X' is tried for committing murder of 'Y' by intentionally shooting at him. With reference to his 'intention', prosecution adduced the fact that 'X' had attempted to shoot 'Y' at an earlier occasion. The fact is relevant under_____ of Evidence Act, 1872.

(A) Section 6
(B) Section 11
(C) Section 14
(D) Section 15

38. Choose the true statement about propositions: Propositions: (I) Judicial confession is substantive piece of evidence (II) Extra judicial confession is not a substantive piece of evidence (III) Confession of co-accused is admissible against others as well Assertations:

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

39. In which of the following judgement Supreme Court ruled that Section 27 is an exception to Section 25 and 26 of Evidence Act?

(A) Inayatullah v. State of Maharashtra
(B) Nirmal Kumar v. State of Uttar Pradesh
(C) Lachiman Singh v. State
(D) Kottayya v. Emperor

40. When a photograph of an original is prepared, without being compared, the photograph is_____.

(A) Primary Evidence
(B) Secondary Evidence
(C) Not admissible
(D) Admissible but not reliable

41. In which of the following case secondary evidence may be given of the existence, condition or contents of a document?

(A) When the original is shown or appears to be in the possession or power of the person against whom the document is sought to be proved
(B) When the original is shown or appears to be in the possession or power of the person out of reach of the court
(C) When the original is shown or appears to be in the possession or power of the person not subject to the process of the Court
(D) In all of the above

42. X is charged with travelling on a railway without a ticket. The burden of proving that X had a ticket is on _____ and the burden must be discharged _____.

(A) X: beyond reasonable doubt
(B) X: preponderance of probability
(C) Prosecution: beyond reasonable doubt
(D) Prosecution: preponderance of probability

43. Plea of alibi can be established under _____ of Evidence Act, 1872.

(A) Section 9
(B) Section 12
(C) Section 103
(D) Section 106

44. A judgment given by competent court can create_____.

(A) Estoppel by record
(B) Estoppel by deed
(C) Estoppel by recital
(D) Estoppel by matter in pais

45. Which of the following provision of Evidence Act, 1872 deals with 'leading question'?

(A) Section 137
(B) Section 141
(C) Section 142
(D) Section 143

46. Choose the true statement about propositions: Propositions: (I) Under Indian Stamp Act, 1899 the expression 'Conveyance' includes conveyance on sale (II) 'Conveyance' does not include an instrument by which movable property is transferred (III) through 'conveyance' property is transferred inter vivos Assertations:

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

47. Which of the following provision was inserted by Indian Stamp (Himachal Pradesh Amendment) Act, 1952 to prescribe provision for stamp duty on counter-parts when duty is not paid on original instrument?

(A) Section 6
(B) Section 6A
(C) Section 19
(D) Section 19A

48. Under Indian Stamp Act 1899, all instrument chargeable with duty and executed by any person in India shall be stamped_____.

(A) before the execution
(B) at the time of execution
(C) (a) & (b) both
(D) Neither (a) nor (b)

49. Choose the true statement about propositions: Propositions: (I) Under the Himachal Pradesh Courts Act, 1976 the High Court may, in consultation with state government, fix the place at which the Court is to be held (II) The place so fixed must always be within the local limits of the jurisdiction of the Court (III) A Court under Himachal Pradesh Courts Act, 1976 may be held at any place within the local limits of its jurisdiction Assertations:

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

50. As per the Himachal Pradesh Courts Act, 1976, the local limits of the jurisdiction of a Civil Judge shall be decided by_____.

(A) the High Court
(B) the high court in consultation with State
(C) the high court in consultation with Law Governor
(D) None of the above

Civil Law-II · Booklet A

51. With reference to the Limitation Act, Match List I with List II and select the correct answer by using the codes given below the lists: List I List II a) Extension of prescribed period in certain cases (i) Section 3 b) Effect of Fraud or Mistake (ii) Section 5 c) Effect of Acknowledgment in writing (iii) Section 17 d) Bar of Limitation (iv) Section 18 Codes: a b c d

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

52. Statement I: Acquisition of easements by prescription has been provided under Section 25 of the limitation Act, 1963 which provides for use of light or air to and for any building without interruption and for 20 years. Statement II: The right to such access and use of light or air shall be absolute and indefeasible. Statement III: Each of the said periods of 20 years shall be taken to be a period ending within 3 years before the institution of the suit wherein the claim to which such period relates is contested. Choose the correct statement:

(A) Only statements II & II are correct
(B) Only statements I & III are correct
(C) Only statements I & II are correct
(D) Only statements II & IV are correct

53. In case of suits relating to tort of trespass, the period of limitation for filing a suit for compensation is:

(A) One Year
(B) Two years
(C) Three Years
(D) Twelve years

54. Any suit for which no period of limitation has been prescribed elsewhere in the schedule under the Limitation Act, the limitation period shall be:

(A) Ninety Days
(B) Twelve Years
(C) Thirty Years
(D) Three Years

55. The following is / are the objective(s) of the Limitation Act: Statement I: There should never be an end to litigation. Statement II: Viglantibus Non Dormentibus Jura Subveniunt. Statement III: It bars the judicial remedy but the substantive right itself survives and continues to be available in other ways. Choose the correct option:

(A) Only I
(B) Only II and III
(C) Only III
(D) Only I & II

56. Choose the correct option: As per Section 3 of the limitation Act, in a suit instituted after the prescribed period of limitation, the plea of limitation may be:

(A) Waived by the defendant
(B) Cannot be ignored and such suit shall be dismissed.
(C) Waived by both the parties to the suit with consent
(D) Can be ignored by the Court

57. As per Section 14 (1) of the Limitation Act, provides for exclusion of time of proceeding bona fide in court without jurisdiction and as per the Explanation to this section, for the purposes of this section, in excluding the time during which a former civil proceeding was pending, Choose the correct option:

(A) the day on which that proceeding was instituted and the day on which it ended shall both be counted
(B) Only the day on which that proceeding was instituted and not the day on which it ended shall both be counted
(C) Only the day on which it ended shall both be counted and not the day on which that proceeding was instituted
(D) Depends on the nature of the suit and facts of the case

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

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

59. As per Contract Act, 1872, Match List I with List II and select the correct answer by using the codes given below the lists: List I List II a) Mistake of Law (i) Section 13 b) Consent (ii) Section 21 c) Undue Influence (iii) Section 15 d) Coercion (iv) Section 16 Codes: a b c d

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

60. Mr X is a dealer in coconut oil only. He agrees to sell to Ms Y 100 Litres of oil. Find out the best correct option out of the following as per the Indian Contract Act, 1872:

(A) The agreement between X & Y is void for uncertainty as per Section 29
(B) The agreement between X & Y is valid and not void for uncertainty as per Section 29
(C) The agreement is voidable since the essential ingredients of a contract are incomplete
(D) The agreement is not enforceable by law

61. Time of Performance of contract is provided under the following Section under the Indian Contract Act, 1872:

(A) Section 52
(B) Section 53
(C) Section 54
(D) Section 55

62. With reference to the Contract Act, 1872, Match List I with List II and select the correct answer by using the codes given below the lists: List I List II a) Hadley v Bexandale (i) Liquidated Damages b) Gajanan Moreshwar v Moreshwar Madan (ii) Remoteness of Damages c) Dunlop Pneumatic Tyre v New Garage & Motor Co. Ltd. (iii) Frustration d) Krell v Henry (iv) Indemnity Codes: a b c d

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

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

(A) Privity of Contract
(B) Privity of Consideration
(C) Quantum Meruit
(D) Uberrimafides

64. Ravi's estate is sold for arrears of revenue under the provisions of an Act of the Legislature, under which the defaulter is prohibited from purchasing the estate. Shyam, upon an understanding with Ravi, becomes the purchaser and agrees to convey the estate to Ravi after receiving the purchase price paid from him. Decide:

(A) The agreement is valid and enforceable as both the consideration and object are lawful
(B) The agreement is void as it renders the transaction in effect, a purchase by the defaulter and would so defeat the object of the law
(C) The agreement is immoral and hence, void
(D) The agreement is voidable at the option of Ravi or Shyam

65. In the Contract Act, 1872, the provision about minor's agreement is provided under the following:

(A) Section 9
(B) Section 10
(C) Section 11
(D) Section 12

66. Suman owes Rs.50,000 to Pushpa under a contract. It is agreed between Suman, Pushpa and Kusum that Pushpa shall accept Kusum as her debtor, instead of Suman. Find the correct option:

(A) The old contract between Suman & Kusum comes to an end and a new debt from Kusum to Pushpa is created as per Section 62 of the Contract Act
(B) The old contract between Suman & Kusum comes to an end and a new debt from Kusum to Pushpa is created as per Section 65 of the Contract Act
(C) There is no consideration and the new contract would be void under the Contract Act
(D) The original contract must be performed and such kind of alteration is not provided for under the Contract Act

67. Find the wrong statement with respect to creation of an Agency as per the provisions of the Contract Act:

(A) Agency can be created by express appointment
(B) Sometimes, the agency is created by the conduct of the parties
(C) Necessity may create the relationship of agency
(D) The subsequent ratification of any unauthorized act can never create relationship of agency

68. Revocation of acceptance under the Contract Act is provided under:

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

69. With reference to Doctrine of Lis Pendens, read the following: (i) It refers to Fraudulent transfers (ii) It imposes a prohibition on transfer or otherwise dealing of any property during the pendency of a suit provided the conditions laid down in the section are satisfied (iii) It creates only a right to be enforced to avoid a transfer made pendent lite (iv) Such transfers are valid and not voidable. Choose the best option:

(A) (i), (ii) and (iii) are correct.
(B) Only (ii) and (iii) and correct.
(C) Only (iii) and (iv) are correct
(D) (ii), (iii) & (iv) are correct

70. Purushottam transfers property X to Anupam for life and after Anupam's death to Keshav & Vibhor, to be equally divided between them or to the survivors of them. Vibhor dies during the life of Anupam. However, Keshav survives Anupam. After Anupam's death, decide about the property with reference to the Transfer of Property Act:

(A) The property X would pass to Keshav as per Section 24
(B) The transfer is invalid as per Section 10 since it cannot be divided as provided in the original alienation
(C) The disposition of property X cannot take place as per Section 28
(D) The disposition of property X can take place as per Sections 10 & 28

71. Match List I with List II and select the correct answer by using the codes given below the lists: List I List II a) Condition restraining alienation (i) Right in rem b) Agreement to sell (ii) Section 10 c) Sale (iii) Right in personam d) Fraudulent Transfer (iv) Section 53 Codes: a b c d

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

72. With reference to Transfer of Property Act, Ram Baran v Ram Mohit AIR 1967 SC 747 is a case for:

(A) Nemo dat quod non habet
(B) Rule against Perpetuity
(C) Election
(D) Easements

73. Section 6 of Transfer of Property Act provides that property of any kind may be transferred except the following: i) A mere right to sue ii) A public office or salary of a public officer iii) The chance of an heir-apparent succeeding to an estate iv) An easement apart from the dominant heritage Choose the correct combination:

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

74. In Transfer of Property Act Conditional Transfer is provided under the following section:

(A) Section 25
(B) Section 27
(C) Section 23
(D) Section 26

75. In a Mortgage under Transfer of Property Act, the mortgagor delivers possession of the mortgaged property to the mortgagee and authorizes him to retain such possession until payment of the mortgage money, and to receive the rents and profits accruing from the property. Identify the type of the mortgage:

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

76. Where, on a transfer of property, an interest therein is created in favour of a person without specifying the time when it is to take effect, or in terms specifying that it is to take effect forthwith or on the happening of an event which must happen, such interest is:

(A) Contingent Interest
(B) Vested Interest
(C) Perfect Interest
(D) Agreement to sell

77. Match the Columns: Column I Column II a) Definition of Lease (i) Section 122 b) Duration of Leases (ii) Section 106 c) Determination of Leases (iii) Section 111 d) Definition of Gift (iv) Section 105 Choose the correct combination: a b c d

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

78. Where a gift consists of the donor's whole property, the donee is personally liable for all the debts due by the donor at the time of the gift to the extent of the property comprised therein. It may be described as:

(A) Onerous Gift
(B) Exchange
(C) Universal Donee
(D) Transfer of actionable claim

79. The period of Limitation to recover possession of immoveable property mortgaged and afterwards transferred by the mortgagee for a valuable consideration is:

(A) Twelve Years
(B) Thirty Years
(C) Three Years
(D) One Year

80. For the purposes of the Limitation Act, 1963, the prescribed period means:

(A) The period of limitation prescribed for any suit, appeal or application by the Schedule
(B) The period of limitation computed in accordance with the provisions of this act
(C) Both A & B
(D) The period as prescribed in the agreement between the parties

81. The increase in standard rent under HP Urban Rent Control Act (HPURCA), 1987 shall be automatic and if there is any dispute between the landlord and the tenant in regard to any increase or decrease in rent under this section, such dispute shall be decided by the Controller. This has been provided under:

(A) Section 5 (1)
(B) Section 6 (1)
(C) Section 5 (3)
(D) Section 6 (3)

82. The 'appointed day' as per the definition provided in the HP Urban Rent Control Act, 1987, means and refers to:

(A) August 18, 1987
(B) November 17, 1971
(C) October 20, 1987
(D) February 28, 2012

83. The order of succession in the event of death of the person continuing in possession after the termination of his tenancy shall be his: (a) Son / daughter / both (b) Spouse (c) Parents (d) Daughter-in-law Choose the correct order:

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

84. With reference to the HP Urban Rent Control Act, Match List I with List II and select the correct answer by using the codes given below the lists: List I List II a) Deposit of rent by the tenant (i) Section 21 b) Fine / premium not to be charged for grant, renewal, or continuance of tenancy (ii) Section 13 c) Cutting off or withholding essential supply or service (iii) Section 11 d) Landlord's duty to keep the building or rented land ill good repairs (iv) Section 8 Codes: a b c d

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

85. As per proviso to Section 7 HP Urban Rent Control Act, any agreement for the payment of any sum in addition to rent in excess of such standard rent, shall:

(A) Be binding on both the parties
(B) not exceed the prescribed threshold
(C) depend on the terms of the agreement since it's a private affair between the parties
(D) Be null and void

86. Under HP Urban Rent Control Act, 1987, the controller shall fix the standard rent at _____% of the aggregate cost of construction and the market price of the land comprised in the premises on the date of commencement of the construction whole in case of non-residential building _____ %.

(A) 5 & 10
(B) 10 & 15
(C) 5 & 15
(D) 10 & 20

87. Where the Standard rent has been fixed under Section 4 of HP Urban Rent Control Act, 1987, no further increase or decrease in such rent shall be permissible for a period of _____.

(A) Three Years
(B) Five Years
(C) Seven Years
(D) Nine Years

88. For conversion of a residential building into a non-residential building, choose the correct option as per under HP Urban Rent Control Act:

(A) Section 12 states that the written permission of the Controller is required
(B) Section 13 states that the written permission of the Controller is required
(C) Section 12 states that the written permission of the Controller is required along with the State Government's approval
(D) Section 12 states that the written permission of the Controller is required along with the State Government's approval

89. Controller shall be deemed to be a magistrate for recovery of fine under the provision of HP Urban Rent Control Act, 1987

(A) Section 30
(B) Section 31
(C) Section 32
(D) Section 33

90. Statement I: If the landlord neglects or fails to make, within a reasonable time after receiving a notice in writing, any repairs which he is bound to make under Section 13 (1) HP Urban Rent Control Act, the tenant may make the same himself and deduct the expenses of such repairs from the rent. Statement II: The amount so deducted in any year shall not exceed one-tenth of the rent payable by the tenant for that year.

(A) Both the statements are correct
(B) Only I is correct
(C) Only II is correct
(D) Both I and II are incorrect

91. With reference to the Hindu Marriage Act, 1955; Match List I with List II and select the correct answer by using the codes given below the lists: List I List II a) Incapacity to consent (i) Section 12 (1) (a) b) Pre-Marriage Pregnancy (ii) Section 12 (1) (d) c) Impotency (iii) Section 12 (1) (b) d) Registration of Marriage (iv) Section 8 Codes: a b c d

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

92. As per Hindu Marriage Act, two persons are said to be within the "degree of prohibited relationship" if: Statement I: One is a lineal ascendant of the other. Statement II: One was the wife or husband of a lineal ascendant or descendant of the other. Statement III: Relationship includes illegitimate as well as legitimate blood relationship. Choose the correct option:

(A) I, II and III
(B) Only I and II
(C) Only I and III
(D) Only II and III

93. Under Hindu Adoption and Maintenance Act, 1956, If the adoption is to be taken by a female and the person to be adopted is a male, the adoptive mother should be at least _____ years older than the person to be adopted:

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

94. As per Definition clause in the Hindu Succession Act, 1956, One person is said to be an "agnate" of another if the two are related by:

(A) Blood or adoption but not wholly through males.
(B) Blood or adoption but wholly through males.
(C) Half Blood only
(D) Full Blood only

95. The Committee that evolved a Uniform Code of Hindu Law was presided over by:

(A) N Gopalaswamy Ayyangar
(B) Dr B R Ambedkar
(C) N Madhava Rau
(D) Sir Benegal Narsing Rau

96. Match List I and List II as per the provisions of maintenance under HAMA, 1956, and select the correct answer by using the codes given below the lists: List I List II a) Wife (i) Section 20 b) Widowed Daughter-in-Law (ii) Section 18 c) Children and aged parents (iii) Section 19 d) Dependents (iv) Section 22 Codes: a b c d

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

97. With reference to Hindu Adoptions and Maintenance Act, 1956, Choose the correct option about valid adoption:

(A) Once made it can be cancelled by mutual agreement between them
(B) It can never be cancelled by the adoptive father or mother or any other person but the adopted child can renounce his or her status as such and return to family of his birth
(C) It can never be cancelled by the adoptive father or mother or any other person nor can the adopted child renounce his or her status as such and return to family of his birth
(D) It would depend upon the facts and circumstances of the case

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

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

99. Under Hindu Law, Geeta Jagdish Mangtany v Jagdish Mangtani AIR 2005 SC 3508 is a case of:

(A) Desertion
(B) Maintenance
(C) Adultery
(D) Insanity

100. Smt. Seema v Ashwani Kumar AIR 2006 SC 1158, the following issue has been discussed by the SC:

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

Criminal Law · Booklet A

101. The Criminal (Amendment) Act, 2018 amended section 376 (1) (a) of the Indian Penal Code, 1860 increased the punishment for the offence of rape from 7 years to –

(A) 8 years
(B) 10 years
(C) 12 years
(D) 15 years

102. Which of the following cases is related to the defence on the ground of necessity?

(A) R. v. Dudley and Stephen
(B) R. v. Lipman
(C) R. v. Tolson
(D) D.P.P. v. Board

103. In which one of the following cases the "Wild beast test" was propounded?

(A) Hadfield case
(B) Bowler's case
(C) Ferrer's case
(D) R. v. Arnold

104. Match list I and list II and select correct answer from the code given below: List I List II (a) Attempt 1. Girija Shankar v. State of U.P. (b) Mens rea 2. Dahyabhai Chhaganbhai Thakkar v. State of Gujrat (c) Insanity 3. State of Maharashtra v. M.H. George (d) Common Intention 4. Koppula Venkat Rao v. State of Andhra Codes: A B C D

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

105. Removal of ornaments from the body of one after causing his death constitutes an offence under Section:

(A) 392 of the Indian Penal Code
(B) 379 of the Indian Penal Code
(C) 420 of the Indian Penal Code
(D) 404 of the Indian Penal Code

106. "To preserve one's life is generally speaking a duty, but it may be the highest duty to sacrifice it". This observation was made in Queen v. Dudley and Stephens by:

(A) Lord Denman
(B) Lord Coleridge
(C) Lord Acton
(D) Justice Pollock

107. Section 153-AA has been inserted in the IPC 1860 by which of the following Criminal Law Amendment Act?

(A) Act of 2001
(B) Act of 2003
(C) Act of 2005
(D) Act of 2006

108. In which one of the following cases common intention and similar intention were differentiated?

(A) R. v. Prince
(B) R. v. Govinda
(C) Mahboob Shah v. Emperor
(D) Barendra Kumar Ghosh v. Emperor

109. A denied food to his wife B for several days by keeping her confined in a room with an intention to accelerate her death. B ultimately managed to escape. In this case

(A) A is guilty of attempt to murder.
(B) A is guilty of wrongful confinement
(C) A is guilty of wrongful restraint
(D) A is gulty of no offence

110. An Indian citizen murders an Australian citizen in Sydney and absconded. He is found by Indian police in Mumbai. He (with previous sanction of Central Government) can be:

(A) Prosecuted in India at the place fixed by Foreign Ministry
(B) Prosecuted in national capital New Delhi only
(C) Prosecuted in Mumbai only
(D) Prosecuted at any place as per the request of Australian Government

111. "A" meets a bullock carrying a box of treasure. He drives the bullock in a certain direction in order that he may dishonestly take the treasure. In this case "A" commits:

(A) Criminal misappropiration of property
(B) No offence until the treasure is being taken away
(C) Theft, as soon as the bullock begins to move
(D) Criminal breach of trust

112. In which of the following cases, the Supreme Court held that legal and valid marriage is not a necessary ingredient to attract Section 498A of the Indian Penal Code?

(A) Reema Agarwal v. Anupam and others
(B) Sushil Kumar Sharma v. Union of India and others
(C) Arun Vyas v. Anita Vyas
(D) None of the above

113. Every doctor is not responsible under Section 304 (A) of the Indian Penal Code 1860, for death of a person due to his negligent operation unless his intention is culpable. This has been laid down in:

(A) Gyanendra v. State, 1972
(B) Sarveshwar Prasad Sharma v. State, 1978
(C) Jacob Mathew v. State of Punjab, 2005
(D) Munna v. State (2005)

114. A intending to commit theft enters the house of B at night and removes from one of the rooms a box to the courtyard where he opens it. He does not find in the box anything worth taking and leaving the box there goes away. In this case:

(A) A is liable only for house trespass
(B) A is liable for theft
(C) A has committed no offence
(D) A is liable forhouse trespass and attempt to commit theft

115. "An act committed or omitted in violation of a public law forbidding or commanding it is crime." It has been said by:

(A) J.F. Stephen
(B) William Blackstone
(C) Henry Maine
(D) Kenny

116. In which of following case, prosecution witness was prosecuted for perjury?

(A) Nitish Katara Case (2007)
(B) Priyadarshini Matto Case (2006)
(C) Jessica Lal Case (2007)
(D) None of these

117. Power to direct tender of pardon under section 307 of the Code of Criminal Procedure is available to:

(A) Any magistrate
(B) The Commital court
(C) The trial court
(D) None of these

118. "High Court cannot directly entertain the bail application of POTA accused person without it refusal by special court." This was laid down by SC in:

(A) State of Maharashtra v. S.K. Dhinde
(B) State of Gujarat v. Salim Bhai Abdul Guffor Shaikh
(C) State of Gujarat v. Santosh Kumar
(D) State of U.P v. S.N. Srivastava

119. Constitution Bench of Supreme Court in judgment "Hardeep Singh v. State of Punjab", decided on 10.01.2014 settled controversy regarding law containing in Section _____ of Code of Criminal Procedure, 1973:

(A) 125
(B) 311
(C) 319
(D) 357

120. The power to grant anticipatory bail under Section 438 Code of Criminal Procedure vests with:

(A) The Court of Magistrate
(B) Only in the Court of Sessions
(C) Only in the High Court
(D) Both the Court of Sessions and the High Court.

121. A refusal to answer questions put to a witness under Section 161 of the CrPC is an offence under:

(A) Section 176 of IPC
(B) Section 179 of IPC
(C) Section 187 of IPC
(D) Section 180 of IPC

122. A habitual offender may be asked to execute a Bond for his good behaviour for a period not exceeding:

(A) One Year
(B) Two Years
(C) Three Years
(D) Four Years

123. As per the Amendment Act, 2008 of CrPC, the new definition that was inserted under Section 2 (wa) is of:

(A) Audio Video Electronic means
(B) Victim
(C) Victim Compensation
(D) Victim Compensation Scheme

124. As mentioned in section 300 (5) of the Code of Criminal Procedure, a person discharged under section _____ shall not be tried again for the same offence except with the consent of the court by which he was discharged or of any other court to which the first mentioned court is subordinate.

(A) 258
(B) 239
(C) 245
(D) All of these

125. Who can commute the sentence of imprisonment for life under CrPC?

(A) Appropriate Government
(B) The President of India
(C) The Governor of the State
(D) The Home Minister of the State

126. If in a trial of a warrant case, the magistrate finds the accused not guilty, he shall:

(A) Discharge him
(B) Acquit him
(C) Convict him
(D) Rehar the case

127. In the Code of Criminal Procedure, 1973, power of court to convert summons cases into warrant cases is available under:

(A) Section 254
(B) Section 259
(C) Section 262
(D) Section 263

128. How many minimum numbner of Judges of the High Court are required to sign the confirmation of death sentence?

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

129. The mandatory provision in relation to providing "medical treatment by all hospitals to victims of specific crimes free of cost and immediately" is provided in which section of the Code of Criminal Procedure, 1973?

(A) Section 357 A
(B) Section 357 B
(C) Section 357 C
(D) Section 357

130. In which of the following case it was held that "Identity of victim is not to be disclosed even in judgment of the court"?

(A) Shashikant v. C.B. IAIR 2007 SC 351
(B) Dinesh v. State of Rajasthan, AIR 2006 SC 1267
(C) Naveen Chandra v. State of Uttaranchal AIR 2007 SC 363
(D) None of the above

131. Provision contained in Section 141 creates a constructive liability on the person responsible for the conduct of the business of the company was laid down in:

(A) Laxmi Dyechem v. State of Gujarat
(B) Mandvi Cooperative Bank Ltd v. Nimesh B Thakore
(C) Standard Chartered Bank v. State of Maharashtra
(D) S.V. Manzumdar v. Gujarat State Fertilizer Corporation Ltd.

132. Section 142A of the Negotiable Instruments Act, 1881 was inserted by:

(A) Act 26 of 2015, Sec. 4 (w.e.f. 15.6.2015)
(B) Ins. By Act 55 of 2002, Sec. 10 (w.e.f. 6.2.2003)
(C) Ins. By act 66 of 1988.
(D) None of the above

133. For the purposes of Explanation to Section 138 of the Negotiable Instruments Act, 1881 "Debt or other liability means

(A) "a part debts"
(B) "a legallyenforceable debt or other liability
(C) An existing debt
(D) A future debt

134. Complaint under Section 138 of the Negotiable Instruments Act, 1881 must contain the following ingredients

(A) That there is a legally enforceable debt
(B) That the cheque was drawn from account of bank for discharge in whole or in part of any debt or other liabilitywhich presupposes a legally enforceable debt
(C) Cheque so issued had been returned due to insufficiency of funds
(D) All of the above

135. Section 145 of the Negotiable Instruments Act, 1881 deals with –

(A) Cognizance of offences
(B) Presumption in favour of holder
(C) Offences by companies
(D) Evidence on affidavit

136. Section 2 (j) of the Himachal Pradesh Excise Act, 2011 deals with the definition of –

(A) "denatured"
(B) "Medicinal preparations"
(C) "Warehouse"
(D) "export"

137. What is the penalty for unlawful production, manufacture, possession, import, export, transport, sale etc. under the Himachal Pradesh Excise Act, 2011 –

(A) Imprisonent for a term which may extend to three years and with fine which may extend to two lakh rupees
(B) Imprisonment which shall not be less than six months but which may extend to five years and fine which may extend to 50,000 rupees
(C) Imprisonment for a term which may extend to five years and with fine which may extend to three lakh rupees
(D) Fine of Rs.1,00,000/-

138. Section 79 of the Himachal Prasdesh Excise Act, 2011 deals with –

(A) Measures, weights and testing Instruments
(B) Protection of Action taken in good faith
(C) Power of Collector to take grants under his management or resell and recover deficiency
(D) Penalty in lieu of confiscation

139. Chapter IX of the Himachal Pradesh Excise Act, 2011 deals with –

(A) Appeal and Revision
(B) General Provisions
(C) Confiscation
(D) Composition

140. License for sale in more than one district as provided under Section 28 of the Himachal Pradesh Excise Act, 2011 shall be granted by,

(A) State Government only
(B) Collector
(C) Financial Commissioner only
(D) Financial Commissioner after approval of the State Government

141. Section 2 (15) of the Wild Life (Protection) Act, 1972 defines

(A) Collector
(B) Dealer
(C) Habitat
(D) Manufacturer

142. Chapter III A of the Wild life (Protection) Act, 1972 deals with

(A) Protected Areas
(B) Recognition of Zoos
(C) Protection of Specified plants
(D) Prevention and detection of offences

143. The Time limit for completion of acquisition proceedings under Section 25 A of the Wild life (Protection) Act, 1972 is

(A) Within a period of two years from the date of notification of declaration of sanctuary under Section 18
(B) Within a period of six months from the date of notification of declaration of sanctuary
(C) Within a period of three years from the date of notification of declaration of sanctuary under Section 18
(D) Within three months of the date of notification of declaration of sanctuary

144. The National Tiger Conservation Authority means the Tiger Conservation Authority constituted under Section –

(A) 38 K
(B) 38 L
(C) 38 F
(D) 38 M

145. Section 38J of the Wildlife (Protection) Act, 1972 deals with

(A) Constitution of Steering Committee
(B) Prohibition of teasing etc. in a zoo
(C) Annual Report
(D) Offences by Companies

146. Section 2 (4A) of the Indian Forest Act, 1927 deals with the definition of

(A) Forest offence
(B) Owner
(C) River
(D) Tree

147. The power to impose duty on timber and other forest produce under Section 39 of the Indian Forest Act, 1927 vests in

(A) The Central Government
(B) The State Government
(C) The Forest Settlement Officer
(D) The Chief Conservator of Forests

148. Section 45 of the Indian Forest Act, 1927 deals with –

(A) Certain kinds of timber to be deemed property of government until title thereto proved, and may be collected accordingly
(B) Government and Forest Officers not liable for damage to forest produce at depot
(C) Power to assume management of forests
(D) Protection of forests at the request of owners

149. Formation of village forests are dealt by which of the following Section of the Indian Forest Act 1927

(A) Section 20
(B) Section 28
(C) Section 36
(D) Section 45

150. Contravention of Acts prohibited under Section 26 of the Indian Forest Act, 1927 leads to a penalty of

(A) Minimum imprisonment of one month which may extend to 2 years.
(B) Imprisonment for a term which may extend to six months or with fine which may extend to five hunbdred rupees or with both.
(C) Imprisonment for a term which may extend to two years or with fine which may extend to 1000 rupees or with both.
(D) Imprisonment for a term which is not less than 3 months but which may extend to six months, or fine of Rs.1000 or with both.