Karnataka Civil Judge (Preliminary) 2015

High Court of Karnataka · Civil Judge Preliminary Examination (CJR 1/2014, held 25.07.2015) · 100 questions

Preliminary Examination

1. While executing a decree for maintenance, the salary of the judgment-debtor to the extent of -
   (A) 1/3rd cannot be attached
   (B) 1/2 cannot be attached
   (C) 1/4th cannot be attached
   (D) None of the above

2. A defendant shall file written statement within _____ days
   (A) 60
   (B) 90
   (C) 30
   (D) 120

3. Return of plaint for want of jurisdiction amounts to -
   (A) transfer of the suit
   (B) does not amount to transfer of the suit
   (C) amounts to decree
   (D) None of the above

4. A Magistrate can take cognizance -
   (A) only upon a complaint
   (B) only upon a police report
   (C) only upon the information received from any person other than a police officer, or upon his own knowledge.
   (D) Any of the above

5. A confession made before a police officer -
   (A) shall not be proved against the person accused of any offence
   (B) can be proved against the person accused of an offence
   (C) can be proved only through the investigating officer
   (D) can be proved if permitted by the Court

6. If mortgage by deposit of title deeds is to be valid, the handing over of the title deeds of the property to the mortgagee can be made -
   (A) at any place
   (B) at a place notified by the government
   (C) at Sub-Registrar's office
   (D) in the presence of attestors

7. 'Equality before law' is a fundamental right enshrined in which of the following Articles of the Constitution of India -
   (A) Article 13
   (B) Article 16
   (C) Article 14
   (D) Article 19

8. Relief of injunction cannot be granted -
   (A) if a person is not able to prove his title over the property
   (B) when equally efficacious relief can certainly be obtained by any other usual mode
   (C) when the plaintiff has no personal interest in the matter
   (D) both (b) and (c)

9. Novation of a contract under Indian Contract Act, means -
   (A) cancellation of contract
   (B) alteration of the contract
   (C) the renewal of original contract
   (D) substitution of a new contract in place of original contract

10. A fists B on his right eye and causes permanent privation of the sight of that eye. He is said to have -
   (A) committed an offence of hurt
   (B) committed an offence of grievous hurt
   (C) used criminal force
   (D) assaulted B

11. Injury means any harm whatever illegally caused to a person -
   (A) in body
   (B) in mind
   (C) in reputation or property
   (D) All the above

12. There is an agreement between A and B that B shall on receipt of Rs.1,000/- from A deliver either rice or smuggled opium. Then,

(A) the contract is valid with regard to delivery of both rice and smuggled opium.
(B) the contract is valid with regard to delivery of rice only.
(C) the contract is valid with regard to delivery of smuggled opium only
(D) the entire contract is void

13. A surety stands discharged -

(A) when the terms of the contract are varied without surety's consent
(B) when co-surety is released
(C) when the principal debtor dies
(D) when there is forbearance to sue on the part of the principal debtor

14. Presumption as to production of electronics records as per Section 90A of Evidence Act may be drawn if the document is -

(A) 10 years old
(B) 05 years old
(C) 30 years old
(D) 12 years old

15. Sea bird located in which State -

(A) Goa
(B) Maharashtra
(C) Karnataka
(D) Kerala

16. Article 39-A inserted by the Constitution (42nd Amendment) Act, 1976 for what?

(A) Environment Right
(B) Property right as a Constitution right
(C) Equal justice and legal aid
(D) Protection of woman from domestic violence

17. Sale of Intangible property can be effected -

(A) Only by a registered instrument (Section 54)
(B) by a registered instrument only if the value is more than Rs.100
(C) either by registered instrument or by delivery of possession
(D) By delivery of possession

18. A document required by law to be attested cannot be used in evidence -

(A) Unless at least two attesting witness are examined
(B) Unless at least one attesting witness alive has been called for the purpose of proving it
(C) Unless all the attesting witnesses are examined
(D) Unless the scribe and the attesting witness are examined

19. Stalking as an offence means -

(A) Illegally storing
(B) Illegally following a woman and attempting to contact her
(C) Insulting a lady
(D) Imitating a lady

20. A senior citizen is given right to recover immediate possession of the premises under which provision of the Karnataka Rent Act?

(A) Section 31 (1)(c)
(B) Section 30(1)
(C) Section 29(1)
(D) Section 28

21. A Judgment on admission can be given under Order _____, Rule _____ of the Code of Civil Procedure, 1908.

(A) XII : 5
(B) XII : 6
(C) VI : 4
(D) VI : 5

22. A mortgage by way of deposit of title is also known as -

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

23. The principle embodied in Section 43 of the Transfer of Property Act is -

(A) Holding over
(B) Clog on redemption
(C) Feeding the grant by estoppel
(D) None of the above

24. Article 21-A deals with

(A) Right to food
(B) Right to education
(C) Right to employment
(D) None of the above

25. Which of the following is not a judicial proceeding?

(A) Proceedings under Section 200 of CrPC
(B) Proceedings under Section 202 of CrPC
(C) A magistrate holding a test identification parade
(D) Proceedings under Section 340 of CrPC

26. Any question suggesting the answer which the person putting it wishes or expects to receive, is called a _____ question.

(A) cross question
(B) question in examination-in-chief
(C) leading question
(D) none of the above

27. In law a man is presumed to be dead if he is not heard of for -

(A) 5 years
(B) 7 years
(C) 12 years
(D) 14 years

28. Who wrote the song "Saare Jahan Se Achha Hindostan Hamara"?

(A) Dayanand Saraswati (Swami)
(B) Raja Ram Mohan Roy
(C) Swami Vivekananda
(D) Mohammed Iqbal

29. A place where public records are kept is called an/a -

(A) Apiary
(B) Aviary
(C) Archives
(D) Laboratory

30. Every suit shall be instituted -

(A) in the Court of the lowest grade competent to try
(B) in the Court of the highest grade competent to try
(C) in either of the Courts
(D) in the Court of District Judge

31. Plaint shall be rejected -

(A) if it does not disclose a cause of action
(B) where the cause of action pleaded appears to be false
(C) where there is no cause of action
(D) Both (a) and (c)

32. A 'cognizable offence' means -

(A) one which a Magistrate only can take cognizance
(B) one which police only can take cognizance
(C) police can arrest without a warrant
(D) police can arrest only with a warrant

33. An order of maintenance passed under Section 125 Cr.P.C., -

(A) cannot be altered
(B) can be altered if change in circumstance is made out
(C) can be altered on the death of the respondent
(D) can be altered on the death of the petitioner.

34. Statements of witnesses recorded under Section 164 Cr.P.C., can be used for -

(A) contradiction only
(B) corroboration only
(C) both contradiction and corroboration
(D) neither contradiction nor corroboration

35. Where number of documents are made by one uniform process -

(A) each is primary evidence of the contents of the rest
(B) when they are copies of a common original they are not primary evidence of the contents of the original.
(C) Both (a) and (b) are correct
(D) None of the above

36. A lease of an immovable property from month to month for a purpose other than manufacturing purpose is terminable either by the lessor or lessee by issuing prior notice of -

(A) 30 days
(B) 15 days
(C) 60 days
(D) 90 days

37. Granting of a decree for specific performance is -

(A) not mandatory on the court
(B) discretionary
(C) not compulsory
(D) None of the above

38. An eviction petition is decided by a Court of Small Causes at Bengaluru. The aggrieved party can file -

(A) a revision petition to the High Court
(B) a revision petition to the District Court
(C) a Revision petition to the City Civil Court
(D) an appeal to the High Court

39. Who among the following has not been awarded the Jnanapeeta award -

(A) Masti Venkatesha Iyengar
(B) Kuvempu
(C) U.R. Anantamurthy
(D) S.L. Byrappa

40. Law Day falls on -

(A) 29th October
(B) 26th November
(C) 26th January
(D) 15th August

41. Which Article in Part IV of the Constitution provides for 'Promotion of Education and Economic Interest of the weaker section?

(A) 36
(B) 46
(C) 59
(D) 69

42. When dispute regarding relationship of landlord and tenant is raised, the Court has power to stop all further proceedings under certain circumstances. Which is the provision?

(A) Section 40
(B) Section 42
(C) Section 43
(D) Section 46

43. The doctrine of res judicata is based on certain principles. They are -

(A) No man should be vexed twice for the same cause
(B) In the interest of the state there should be an end to the litigation
(C) a judicial decision must be accepted as correct
(D) all of the above

44. Set-off means -

(A) Amount paid by the decree-holder for detention of the judgment-debtor in civil prison
(B) Adjustment of defendant's claim with the plaintiff's claim
(C) Gains from property by a person having wrongful possession
(D) None of the above

45. Considerations and objects are unlawful when it is -

(A) fraudulent
(B) forbidden by law or defeat provision of any law
(C) is immoral and against the public policy
(D) all the above

46. No Court shall make a declaration with regard to plaintiffs title to any legal character or to any right as to any property, where the plaintiff, being able to seek further relief than a mere declaration of title, omits to do so. The aforesaid statement is

(A) false
(B) partly true
(C) true
(D) none of the above

47. The Constitution of India secures to all its citizens -

(A) Justice and Equality
(B) Liberty
(C) Fraternity
(D) All of the above

48. The Doctrine of 'Double Jeopardy' in Article 20(2) of the Constitution of India means -

(A) one can be tried several times for the same offence
(B) punishment once awarded cannot be enhanced in appeal or revision
(C) one can be tried more than once but punished only once
(D) no one can be tried and punished more than once for the same offence

49. Which of the following Articles of the Indian Constitution guarantees equal opportunities in public employment to citizens -

(A) Article 14
(B) Article 15
(C) Article 16
(D) Article 21

50. In which of the following cases, the Supreme Court has held that erring Prosecution and Investigating Officers must be proceeded against in case of unmerited acquittals and wrongful convictions?

(A) Hardeep Singh Vs. State of Punjab
(B) Mohd. Shafi Vs. Mohd. Rafiq
(C) State of Gujarat Vs. Kishanbhai
(D) None of the above

51. The right of an accused to be defended by a legal practitioner of his choice commences when -

(A) he is arrested
(B) he is remanded
(C) charge is framed
(D) he pleads not guilty

52. Can a Court exercise the power of re-summoning any witness if once that power under Section 311 of Cr.P.C. has been exercised?

(A) Yes
(B) No
(C) Only in Sessions cases
(D) None of the above

53. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is known as

(A) the Vishakha Act
(B) the Nirbhaya Act
(C) the Mathura Act
(D) none of the above

54. Which of the following Section of the Indian Penal Code provides the punishment for voluntarily throwing or attempting to throw acid?

(A) Section 326
(B) Section 326A
(C) Section 326B
(D) Section 325A

55. When one person has, by his declaration, act or omission, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed, in any suit or proceeding between himself and such person or his representative, to deny the truth of that thing. The above defines

(A) admission
(B) Estoppel
(C) Doctrine of Election
(D) none of the above

56. Secondary evidence means and includes -

(A) Oral accounts of the contents of a document given by some person who has himself seen it
(B) Copies made from or compared with the original
(C) Counterparts of documents as against the parties who did not execute them
(D) All of the above

57. "Yatho Dharmasthatho Jaya" is the motto of -

(A) C.B.I.
(B) Supreme Court of India
(C) Delhi Police
(D) None of the above

58. The expression "dying intestate" refers to -

(A) Dying without making a will
(B) Dying without legal heirs
(C) Dying without any property
(D) None of the above

59. A lawyer appointed by a court to assist it, is called -

(A) Amicus Curiae
(B) Court Assistant
(C) Public Prosecutor
(D) Defence Counsel

60. A confession statement under Section 164 Cr.P.C., can be recorded by a -

(A) Magistrate
(B) Sessions Judge.
(C) Police officer.
(D) Any of the above.

61. Voluntarily causing grievous hurt, which is an offence punishable under Section 325 Indian Penal Code can be -

(A) compounded by the person to whom hurt is caused
(B) compounded by the Public Prosecutor
(C) compounded with the permission of the Court
(D) Both (a) and (c)

62. A public document can be proved -

(A) by production of the original document
(B) by examining the officer in custody of the public document
(C) by producing a certified copy of the public document
(D) by any of the above modes

63. Which one of the following is not a transfer of property -
(A) Gift
(B) Sale
(C) Will
(D) Exchange

64. In the event of death of a tenant, the right of tenancy devolves upon the -
(A) Class-I heirs
(B) legal representatives
(C) assignees
(D) Successors who were depending on the deceased tenant at the time of his death

65. Compounding of offence under the Negotiable Instruments Act 1881 is controlled by -
(A) the scheme under Section 320 Cr.P.C.
(B) Section 147 of the Negotiable Instruments Act
(C) the scheme under Section 320 Cr.P.C., read with Section 147 of the Negotiable Instruments Act
(D) Section 145 of the Negotiable Instruments Act

66. Whoever, being legally bound by an oath or by an express provision of law to state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, is said to have committed -
(A) contempt of court
(B) an offence of giving false evidence
(C) an offence of fabricating false evidence
(D) None of the above

67. A Magistrate finds an accused guilty of commission of an offence punishable under Section 324 Indian Penal Code. The sentence which the Magistrate can impose is -
(A) imprisonment for a minimum term of 3 years
(B) imprisonment which may extent to 3 years
(C) imprisonment which may extent to 3 years or fine or with both
(D) imprisonment for a term not less than 2 years and not exceeding 3 years

68. A agrees to sell to B 100 tons of oil. For what reason this agreement is void?
(A) Contingent
(B) Ages of A and B are not mentioned
(C) Uncertainty
(D) All the above

69. An agreement made without consideration is void, unless -
(A) it is an oral promise to the creditor to pay a time-barred debt
(B) it is a promise to gift
(C) it is for creation of an agency
(D) it is a promise in writing and registered between the parties who are not related

70. The power of the Court to put questions or order production of documents is found in -
(A) Section 148 of Evidence Act
(B) Section 150 of Evidence Act
(C) Section 165 of Evidence Act
(D) No such power is vested in the Court

71. At present right to property is a -
(A) Constitutional Right
(B) Fundamental Right
(C) Human Right
(D) Natural Right

72. Voyeurism as an offence means -
(A) A man watching or capturing the image of a woman in private act
(B) Eve teasing
(C) Sexual harassment
(D) Molestation

73. Generally before granting an order of temporary injunction, the court must be satisfied about which of the following aspects -
(A) prima facie case
(B) irreparable injury
(C) balance of convenience
(D) all of the above

74. "The question of title is irrelevant in a suit under Section 6 of the Specific Relief Act, 1963". This statement is -
(A) True
(B) false
(C) partly true
(D) None of the above

75. An agency is terminated -
(A) by the principal revoking the authority
(B) by the agent renouncing the business of the agency
(C) by either the principal or agent dying or becoming of unsound mind
(D) all the above

76. Causing death by rash or negligent act is
(A) a bailable offence
(B) non-bailable offence
(C) non-cognizable offence
(D) cognizable and non-bailable offence

77. The guidelines regarding the arrest of judicial officers by the police were issued by the Supreme Court in -
(A) Joginder Kumar Vs. State of Uttar Pradesh
(B) M.C. Abraham Vs. State of Maharashtra
(C) D.K. Basu Vs. State of West Bengal
(D) Delhi Judicial Service Association Vs. State of Gujarat

78. A sentence of death by Sessions Court -
(A) must be confirmed by High Court
(B) must be confirmed by Supreme Court
(C) must be confirmed by President
(D) must be confirmed by Governor

79. Every person who is arrested or detained is required to be produced before the nearest Magistrate within a period of -
(A) 24 hours
(B) 48 hours
(C) 72 hours
(D) None of these

80. To establish Section 34 of Indian Penal Code -
(A) common intention and overt act, both are to be proved
(B) common intention to be proved but overt act need not be proved
(C) common intention need not be proved but overt act to be proved
(D) all the above

81. Objections as to the admissibility of a document in evidence can be -
(A) made at the first opportunity when the document is tendered in evidence
(B) can be made at any stage during the trial
(C) raised for the first time in appeal
(D) all the above

82. The first Indian woman to climb Mt. Everest was
(A) Hillary
(B) Tenzing
(C) Junko Tabei
(D) Bachhendri Pal

83. "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood". This statement is contained in Article I of -
(A) Bill of Rights
(B) Universal Declaration of Human Rights
(C) US Constitution
(D) None of the above

84. 'Corroborative evidence' means -
(A) Main evidence in a case
(B) Evidence which supports other evidence
(C) Evidence that proves the guilt of an accused person
(D) Evidence of a person who supports the accused

85. Interpretation of Statute means -
(A) Finding legislative intent and true meaning of words used by legislators
(B) Finding of substitute words in legislation;
(C) Comparative words in the legislation;
(D) Re-writing the statute by the Court

86. Section 114 of the Evidence Act provides for certain -
(A) presumption of fact
(B) rebuttable presumptions of law
(C) irrebuttable presumptions of law
(D) none of the above

87. The Court may frame issues based on the following -
(A) The allegations made on oath by the parties, or by any person present on their behalf, or made by the pleaders of such parties
(B) The allegations made in the pleadings or any answers to interrogatories delivered in the suit
(C) The contents of the documents produced by either party
(D) From all or any of the above materials

88. Cause of action to lodge a complaint for an offence punishable under Section 138 of Negotiable Instruments Act arises -
(A) when notice is issued intimating the dishonour of cheque to the drawer
(B) when the drawer fails to pay the cheque amount within fifteen days from the date of receipt of notice
(C) soon after the dishonour of the cheque by the drawer bank.
(D) all the above conditions are to be satisfied

89. In the 10th Standard public examination B goes to the examination centre and starts answering on behalf of A. B is said to have committed

(A) an offence of fraud
(B) cheating
(C) cheating by personation
(D) None of the above

90. The concept of "proof beyond reasonable doubt" in criminal cases finds a place in -

(A) Section 3 of Evidence Act
(B) In Criminal Procedure Code
(C) Indian Penal Code
(D) Evolved in judicial decisions over a period of time

91. World 'Yoga Day' falls on -

(A) May 25th
(B) June 21st
(C) June 25th
(D) June 30th

92. For application of the doctrine of lis-pendens, which of the following is not necessary -

(A) The purchaser must have acted bonafide without notice of the pendency of the proceedings
(B) The suit or proceeding must not be collusive
(C) Any right of immovable property is directly and specifically in question
(D) The proceedings must be pending in a Court of competent jurisdiction

93. The expression 'tenant holding over' is used to denote -

(A) Continuance of the existing tenant by renewing the tenancy
(B) Continuance of a tenant in possession without the consent of the landlord after the determination of lease
(C) A tenant continuing in possession after the determination of lease with the landlord's consent
(D) Continuance of the tenant in the premises against the will of the landlord but before the determination of lease

94. Which of the following professional communication by a client to his Advocate is protected from disclosure?

(A) I have committed forgery and I want you to defend me
(B) I want to obtain possession of property by using a forged deed on which I request you to sue
(C) I have killed 'B' and want your help to dispose of the body and the weapon
(D) I will pay you whatever fees you want if you can silence the eye witness and make him not to depose against me

95. Doing of an act which would bring the Government establishment by law in India into hatred or contempt is called as -

(A) Conspiracy
(B) Waging war against the Government
(C) Sedition
(D) Abetment

96. Spes succession is -

(A) Lawful succession
(B) Assured inheritance
(C) Promised inheritance
(D) Expectation of succession

97. 'Legacy' means -

(A) Devolving of property by settlement
(B) Expectancy of property by will
(C) Devolving of property after the death of the testator
(D) None of the above

98. The Karnataka Rent Act, 1999 does not apply to -

(A) any premises belonging to a Muzarai or religious or charitable institution
(B) to any building belonging to a Market Committee established under the Karnataka Agricultural Produce Marketing Regulation, 1966
(C) to any premises belonging to a Wakf
(D) all of the above

99. By Act 13 of 2013, the following offences have been added to the IPC as offences -

(A) Sexual Harassment
(B) Stalking
(C) Voyeurism
(D) All of the above

100. Which Article abolishes untouchability?

(A) Article 15
(B) Article 16
(C) Article 17
(D) Article 18

De Facto IAS