Karnataka Civil Judge (Preliminary) 2017

High Court of Karnataka · Civil Judge Preliminary Examination (CJR 1/2017, held 04.05.2017) · 100 questions

Preliminary Examination

1. A fact forming part of the same transaction is relevant under Section 6 of Evidence Act

(A) If it is in issue and have occurred at the same time and place
(B) If it is in issue and may have occurred at different times and places
(C) Though not in issue and may have occured at the same time and place or at different times and places
(D) Though not in issue, must have occured at the same time and place

2. The ratio of width of our National Flag to its length is

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

3. Which of the following Articles of the Constitution of India recognizes the 'Right to Education'?

(A) Article 22A
(B) Article 21A
(C) Article 20A
(D) None of the above

4. Who administer the oath of office to the President of India?

(A) The Prime Minister
(B) The Vice President
(C) The Chief Election Commissioner
(D) The Chief Justice of India

5. Alibi is governed by

(A) Section 9 of Evidence Act
(B) Section 10 of Evidence Act
(C) Section 12 of Evidence Act
(D) Section 11 of Evidence Act

6. Under Section 146 of Contract Act, the co-sureties are liable to contribute

(A) Equally
(B) Unequally
(C) According to the capacity
(D) Either (a) or (b) or (c)

7. Which of the following Promissory notes may be considered as valid promissory notes

(A) I promise to pay Ram Rs.5,000/- or Rs.7,000/-
(B) I promise to pay to Mohan Rs.2,000/- if he secures 60% marks in the examination
(C) I promise to pay to Raju Rs.3,000/- after 15 days of the death of A
(D) None of the above

8. A lease of immovable property can be determined by

(A) Express Surrender
(B) Implied Surrender
(C) Lapse of time
(D) All of the above

9. If a witness makes a statement in Court, knowing it to be false, he commits the offence of

(A) Forgery
(B) Mischief
(C) Perjury
(D) Breach of Trust

10. Section 73 of Indian Penal Code provides for the maximum limit of solitary confinement to be

(A) 1 year
(B) 2 years
(C) 3 months
(D) 6 months

11. To an answer to a Court question, the adverse party

(A) has a right to cross examination as a matter of right
(B) has right to cross examine only with the permission of the Court
(C) has no right to cross examine the witness
(D) Either (a) or (c)

12. During the scuffle between A and B, A gave a blow on the face of B and consequently, two teeth of B were broken. In these circumstances, A has committed an offence of causing

(A) Simple hurt
(B) Attempt to cause culpable homicide not amounting to murder
(C) Grevious hurt
(D) No offence at all

13. Fundamental Duties were added to the Constitution of India by

(A) The Original Constitution itself
(B) The 42nd Amendment Act 1976
(C) The 44th Amendment Act 1978
(D) The 25th Amendment Act 1973

14. Maintenance of a case dairy by an investigating officer is mandatory under

(A) Section 162 of Cr.P.C.
(B) Section 167 of Cr.P.C.
(C) Section 174 of Cr.P.C.
(D) Section 172 of Cr.P.C.

15. Judgment in a declaratory suit is a

(A) Judgment in rem
(B) Judgment in personam
(C) Both A and B
(D) None of the above

16. Under the Specific Relief Act 1963, a suit for recovery of possession can be filed

(A) Only in respect of movable property
(B) Only in respect of immovable property
(C) In respect of both movable and immovable property
(D) Neither the movable nor immovable property

17. As per the Indian Contract Act, a proposal when accepted becomes

(A) Promise under Section 2(b)
(B) Agreement under Section 2(e)
(C) Contract under Section 2(h)
(D) None of the above

18. Where mortgagor takes loan by deposit of title deeds is called

(A) English Mortgage
(B) Usufructuary Mortgage
(C) Anomolous Mortgage
(D) Equitable Mortgage

19. The Rule against perpetuity is provided in Section _____ of the Transfer of Property ACT 1882

(A) Section 14
(B) Section 15
(C) Section 13
(D) Section 17

20. On the trial of an offence under Section 138 of the Negotiable Instrument Act, the provision of Sections 262 to 265 of the code of Criminal Procedure

(A) Shall apply (Section 143)
(B) Shall not apply (Section 143)
(C) Decided by Court
(D) None of the above

21. A bill of exchange is defined under

(A) Section 3 of Negotiable Instrument Act
(B) Section 5 of Negotiable Instrument Act
(C) Section 6 of Negotiable Instrument Act
(D) Section 2 of Negotiable Instrument Act

22. The Court may at any stage of a suit inspect any property or thing concerning which any question may arise, as provided in

(A) Order 18 Rule 14 of CPC
(B) Order 18 Rule 10 of CPC
(C) Order 18 Rule 16 of CPC
(D) Order 18 Rule 18 of CPC

23. Compensatory Costs in respect of false or vexatious claim is imposed under

(A) Section 35 of CPC
(B) Section 35A of CPC
(C) Section 35B of CPC
(D) Section 36 of CPC

24. X residing in Delhi beats Y in Bengaluru

(A) Y may sue X in Delhi only for compensation
(B) Y may sue X in Bengaluru only for compensation
(C) Y may sue X either in Delhi or in Bengaluru for compensation
(D) Y may sue X anywhere in India for compensation

25. The Code of Civil Procedure 1908 extends to the
(A) Whole of India
(B) Whole of India except the state of Jammu and Kashmir
(C) Whole of India except the scheduled areas and state of Jammu and Kashmir
(D) Whole of India except the state of Jammu and Kashmir and State of Nagaland and Tribal areas

26. At the first instance, the President can issue a proclamation of financial emergency in terms of Article 360 of Constitution of India for a period of
(A) Fifteen days
(B) Two months
(C) One Month
(D) Six Months

27. Which of the following admissions is no evidence
(A) An admission by one of several defendants in a suit against another defendant
(B) An admission by a guardian ad-litem against a minor
(C) An admission by one of the partners of a firm against the firm or other partners
(D) Only (a) and (b)

28. A co-defendant in a case
(A) Cannot be cross examined by another co-defendant under any circumstances
(B) Can be cross examined by another co-defendant if their interests are identical
(C) Can be cross examined by another co-defendant as a matter of right
(D) Can be cross examined by another co-defendant when their interest are adverse to each other

29. A disputed hand writing can be proved
(A) By calling an Expert
(B) By examining a person acquainted with the hand writing of the writer of the questioned document
(C) By the comparison of the admitted and disputed handwriting
(D) All the above

30. The world Sparrow day (WSD) is observed on which date
(A) March 21
(B) March 23
(C) March 25
(D) March 20

31. Do or Die is the famous slogan given by
(A) Mahatma Gandhi
(B) Vallabhbhai Patel
(C) Jawaharlal Nehru
(D) Rajiv Gandhi

32. Who is the present Chief Election Commissioner of India?
(A) H.S.Brahma
(B) V.S.Sampath
(C) Nasim Ahmad Zaidi
(D) Achal Kumar Joti

33. Which of the following Article of the Constitution of India provides for instruction in mother tongue at primary stage?
(A) Article 352
(B) Article 352A
(C) Article 351A
(D) Article 350A

34. Which of the following section of the Indian Penal Code provides the punishment for voluntarily throwing or attempting to throw acid?
(A) Section 326 of IPC
(B) Section 326A of IPC
(C) Section 326B of IPC
(D) Section 325A of IPC

35. Which of the following sections of the Indian Penal Code deals with gang rape?
(A) Section 376A
(B) Section 376B
(C) Section 376C
(D) Section 376D

36. The attesting witness in the memorandum of arrest must be
(A) A member of the family of the person arrested
(B) A respectable member of the locality where the arrest is made
(C) Either (a) or (b)
(D) None of the above

37. Karnataka Rent Act 1999 is not applicable to a non-residential premises when
(A) Plinth area measuring more than 15 square meters
(B) Plinth area measuring more than 16 square meters
(C) Plinth area measuring more than 20 square meters
(D) None of the above

38. A dumb person is a competent witness as provided under

(A) Section 118 of Evidence Act
(B) Section 119 of Evidence Act
(C) Section 120 of Evidence Act
(D) Section 121 of Evidence Act

39. Which important human right is protected in Article 21 of the Constitution of India?

(A) Right to Equality
(B) Right to freedom of religion
(C) Right to freedom of speech and expression
(D) Right to life and liberty

40. Offence under Section 500 of Indian Penal Code is

(A) Cognizable and bailable
(B) Non-cognizable and Non-bailable
(C) Non-cognizable and bailable
(D) None of the above

41. A puts B into fear of hurt and dishonestly induces B to sign a blank cheque and deliver it to A. B signs the cheque and delivers it to A. A is guilty of

(A) Theft
(B) Extortion
(C) Robbery
(D) Attempt to commit extortion

42. As per contract Act, an agreement without consideration is

(A) Void
(B) Voidable at the option of parties
(C) Valid
(D) Illegal

43. Which one of the following sections of the Code of Criminal Procedure 1973 states that no appeal lies in petty cases?

(A) Section 376
(B) Section 377
(C) Section 375
(D) Section 378

44. Section 53A of Transfer of Property Act deals with

(A) Doctrine of election
(B) Specific Performance
(C) Part performance of Contract
(D) Fradulent Transfer

45. The Right of party to initiate an action and be heard before a Court of law is called

(A) Right in rem
(B) Right in personam
(C) Fundamental Right
(D) Locus Standi

46. The term 'a cheque in the electronic form' is defined in the Negotiable Instrument Act 1881 under

(A) Section 6 (a)
(B) Section 6(2) (a)
(C) Explanation 1(a) of Section 6
(D) Explanation 1(b) of Section 6

47. Where a suit on behalf of minor is instituted without next friend, plaint as provided in Order XXXII Rule 2 CPC is

(A) To be rejected
(B) To be taken off the file
(C) To be stayed
(D) To be dismissed

48. A suit for possession of an immovable property under Section 6 of the Specific Relief Act 1963 can be filed within

(A) 1 year of dispossession
(B) 6 months of dispossession
(C) 3 years of dispossession
(D) 12 years of dispossession

49. A right relating to set off is provided under

(A) Order VIII Rule 6 of CPC
(B) Order VIII Rule 6A of CPC
(C) Order VIII Rule 8 of CPC
(D) Order VIII Rule 8A of CPC

50. Which of the following is not an essential element of a decree in terms of Section 2(2)(a) of Code of Civil Procedure

(A) A formal expression of adjudication
(B) Exclusive determination of the rights of the parties
(C) An adjudication from which an appeal lies as an appeal from an order
(D) Adjudication may be passed in the suit

51. Which one of the following articles of the Constitution authorises the President of India to suspend the Fundamental Rights?

(A) Article 359
(B) Article 369
(C) Article 379
(D) Article 370

52. When can a Trial Court release an accused on bail under Section 389(3) of Cr.P.C. after conviction

(A) When the accused is on bail and imprisonment is not exceeding 5 years
(B) When the accused is on bail and imprisonment is not exceeding 7 years
(C) When the accused is on bail and imprisonment is not exceeding 3 years
(D) When offence is exclusively bailable whether an accused is on bail or not

53. Section 112 of Evidence Act applies when there is a dispute regarding

(A) Maternity of a child
(B) Paternity of a child
(C) Both (a) and (b)
(D) Either (a) or (b)

54. If you write down all the numbers from 1 to 100, then how many times do you write 3?

(A) 11
(B) 18
(C) 20
(D) 21

55. Introducing a man, a woman says 'He is the only son of my mother's mother'. How is the man related to the woman

(A) Father
(B) Brother
(C) Maternal Uncle
(D) None of the above

56. What is the maximum punishment provided for the offence under Section 354 of IPC?

(A) 2 years
(B) 3 years
(C) 5 years
(D) 7 years

57. Which of the following sections under Karnataka Rent Act 1999 deals with protection of the tenants against eviction?

(A) Section 21
(B) Section 27
(C) Section 30
(D) None of the above

58. On the retirement, removal or death of a 'next friend' under Order 32 Rule 10 CPC, the suit is liable to be

(A) Stayed
(B) Dismissed
(C) Rejected
(D) Either (a) or (b) or (c)

59. Where is the National Judicial Academy Located?

(A) Kolkatta
(B) Bhopal
(C) Delhi
(D) Mumbai

60. Section 4 of Karnataka Rent Act says that tenancy shall be

(A) by an agreement in writing only
(B) by oral agreement
(C) by oral agreement or agreement in writing
(D) None of the above

61. Which one of the following is not a correct ingredient of the offence of theft?

(A) Dishonest intention of taking property
(B) Property must be movable
(C) Property must be taken without the consent of the person in whose possession it is
(D) Property must be taken without consent of the owner of the property

62. For an offence punishable with fine only, the period of limitation prescribed under Section 468 of Cr.P.C. for taking cognizance is

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

63. The Chapter on plea Bargaining in the Criminal Procedure Code does not apply

(A) When the offence is punishable with imprisonment for a term exceeding five years
(B) When the offence is punishable with imprisonment for a term exceeding Seven years
(C) When the offence is punishable with imprisonment for a term exceeding Ten years
(D) None of the above

64. Who was the First External Affairs Minister of India?

(A) Swaran Singh
(B) Krishna Menon
(C) Dr.B.R.Ambedkar
(D) Jawaharlal Nehru

65. Which of the following is not a Fundamental Right in India

(A) Right to form Association
(B) Freedom of Religion
(C) Right to property
(D) Right to move throughout the territory of India

66. Section 34 of Specific Relief Act 1963 sanctions

(A) Every type of declaration
(B) Only a declaration of a legal character or of a right to property
(C) Both A and B
(D) None of the above

67. In case of minor, an agreement in restraint of marriage of minor is

(A) Void
(B) Valid
(C) Voidable at the option of minor
(D) None of the above

68. What among the following is not required in Gift?

(A) Donor and Donee
(B) Consideration
(C) Movable and Immovable property
(D) Transfer and acceptance

69. 'Sale' defined in the Transfer of Property Act is in

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

70. Transfer of property Act shall be applicable

(A) Where the property transferred inter vivos
(B) To intestate succession
(C) Where property is transferred in execution of decree of the Court
(D) None of the above

71. Section 9 of the Negotiable Instrument Act defines

(A) Holder
(B) Holder in due course
(C) Negotiation
(D) Endorsement

72. The Negotiable Instrument Act, 1881 came into force on

(A) 1st March 1882
(B) 9th November 1881
(C) 21st July 1881
(D) None of the above

73. Precept as provided under Section 46 of CPC is

(A) A transfer of the Decree
(B) An execution of Decree
(C) An order to another Court to attach any property of the Judgment debtor
(D) All the above

74. Where on the date fixed for hearing of a suit, neither of the party appears, the dismissal of the suit shall be under

(A) Order IX Rule 3 CPC
(B) Order IX Rule 1 CPC
(C) Order IX Rule 8 CPC
(D) Order IX Rule 2 CPC

75. Mesne Profits has been defined in the Code of Civil Procedure under

(A) Section 2(10)
(B) Section 2(11)
(C) Section 2(12)
(D) Section 2(14)

76. The book 'Cricket is my Style' has been written by

(A) Sunil Gavaskar
(B) Mohinder Amarnath
(C) Imran Khan
(D) Kapil Dev

77. Which of the following new offences are introduced in the Indian Penal Code by the Criminal Law (Amendment) Act 2013?

(A) Stalking
(B) Voyeurism
(C) Acid attack
(D) All the above

78. Who among the following can be added as an accused by exercising the power under Section 319 of Cr.P.C.

(A) A person not named in the FIR
(B) A person though named in the FIR but has not been charge sheeted
(C) A person who has been discharged
(D) All the above

79. Presumption under the law of Evidence are

(A) Presumption of facts
(B) Presumption of law
(C) Both (a) and (b)
(D) Only (b) and not (a)

80. Under Section 62 of Contract Act, the original contract need not be performed if there is

(A) Novation of Contract
(B) Rescision of Contract
(C) Alteration of Contract
(D) All the above

81. Chief Justice of India can hold office up to the age of

(A) 68 years
(B) 62 years
(C) 60 years
(D) 65 years

82. As per Contract Act, Wagering Contract is void under

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

83. Which provision under Evidence Act provides for Question by party to his own witness

(A) Section 155
(B) Section 133
(C) Section 154
(D) Section 145

84. The term 'equal pay for equal work' is a

(A) Directive Principles of State Policy
(B) Statutory provision in Contract Law
(C) Fundamental Rights
(D) None of the above

85. Section 5 of Karnataka Rent Act says that in the event of death of tenant, the tenancy shall devolve for a period of

(A) 6 years
(B) 3 years
(C) 5 years
(D) None of the above

86. Unlawful assembly has been defined in the Indian Penal Code 1860 under

(A) Section 141
(B) Section 146
(C) Section 149
(D) Section 159

87. Proceedings under Section 258 of Cr.P.C. can be stopped

(A) in a summons case instituted upon a complaint
(B) in a summons case instituted otherwise than upon a complaint
(C) in a warrant case instituted upon a complaint
(D) in a warrant case instituted otherwise than upon a complaint

88. The investigating officer during the investigation records the statement of a witness under

(A) Section 160 of Cr.P.C.
(B) Section 162 of Cr.P.C.
(C) Section 164 of Cr.P.C.
(D) Section 161 of Cr.P.C.

89. Which one of the following Chief Justices of India acted as the President of India for the time being?

(A) Shri Justice H.Kania
(B) Shri Justice Bhagawathi
(C) Shri Justice M.Hidayatullah
(D) Shri Justice Gajendragadkar

90. Which of the following is not included in the preamble to the Constitution

(A) Morality
(B) Justice
(C) Sovereign
(D) Socialist

91. Jurisdiction of the Court to enforce Specific performance of a contract is

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

92. A Contract of Indemnity is
(A) Contingent Contract
(B) Wagering Contract
(C) Quasi Contract
(D) Void agreement

93. The gift of future property is _____ in terms of Section 124 of Transfer of Property Act
(A) Valid
(B) Void
(C) Voidable
(D) Conditionally Void

94. Which of the following is an essential element of a mortgage as provided under Section 58 of Transfer of Property Act
(A) There must be a transfer of interest in property
(B) Property must be immovable and specific
(C) There should be consideration
(D) All the above

95. A condition absolutely restraining the alienation
(A) Valid
(B) Void
(C) Voidable
(D) Irregular

96. In which of the following circumstances, the banker is justified to dishonour a cheque
(A) When cheque is beyond validity period
(B) When funds are insufficient
(C) When the customer's/account holder's signature does not tally
(D) All the above

97. The undertaking contained in a promissory note to pay a certain sum of money as defined under Section 4 of Negotiable Instrument Act is
(A) Conditional
(B) Unconditional
(C) Either (a) or (b) depends upon the circumstances
(D) None of the above

98. A Garnishee is
(A) The Judgment debtor
(B) Judgment debtors debtor
(C) Judgment debtors creditor
(D) The banker of the Judgment debtor

99. Attachment before Judgment under Order 38 Rule 5 of CPC can be in respect of
(A) Movable Property
(B) Immovable Property
(C) Both (a) and (b)
(D) Generally immovable property and under extreme cases, movable property subject to the satisfaction of the Court

100. Which Section of the Code of Civil Procedure enunciates the doctrine of res subjudice
(A) Section 11
(B) Section 10
(C) Section 12
(D) Section 09