Karnataka Civil Judge (Preliminary) 2018

High Court of Karnataka · Civil Judge Preliminary Examination (CJR 1/2018, held 21 April 2018) · 100 questions

Preliminary Examination

1. Under Section 118(a) of the Negotiable Instruments Act, 1881, it shall be presumed until the contrary is proved that every transfer of a negotiable instrument was made

(A) before its maturity
(B) after its maturity
(C) at its maturity
(D) none of the above

2. The Court may refuse to rescind the contract under Section 27(2) of the Specific Relief Act, 1963,

(A) where the plaintiff has expressly or impliedly ratified the contract
(B) where the contract is void
(C) where the contract is voidable
(D) none of the above

3. A, a surgeon, in good faith, communicates to a patient his opinion that he cannot live. The patient dies in consequence of the shock. As per Section 93 of the Indian Penal Code, 1860,

(A) A has committed an offence of culpable homicide
(B) A has committed an offence of murder
(C) A has committed no offence
(D) none of the above

4. As per Order XXI Rule 32 of the Code of Civil Procedure, 1908, a decree for restitution of conjugal rights may be enforced

(A) by the detention of judgment debtor in the civil prison only
(B) by both attachment of the property and detention in the civil prison
(C) by arresting the judgment debtor and taking him/her to the house of the decree holder
(D) by the attachment of the property of the judgment debtor

5. As per Section 5 of the Negotiable Instruments Act, 1881 "Bill of exchange" is an instrument in writing

(A) containing an unconditional undertaking
(B) containing a conditional order
(C) containing an unconditional order
(D) containing a conditional undertaking

6. An order or decree 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

7. A, a soldier, fires on a mob by the order of his superior officer, in conformity with the commands of the law. As per Section 76 of the Indian Penal Code, 1860,

(A) A has committed an offence
(B) A has committed an offence under Arms Act
(C) A has committed no offence
(D) none of the above

8. As per Article 310 of the Constitution of India, every person who is a member of a Civil Service of a State or holds a civil post under a State holds office during the pleasure of

(A) his immediate superior officer
(B) the Chief Secretary
(C) the Chief Minister of the State
(D) the Governor of the State

9. As per Section 50 of the Karnataka Rent Act, 1999, no Civil Court shall entertain any suit or proceeding in so far as it relates to the

(A) dispute regarding the relationship of landlord and tenant
(B) fixation of standard rent
(C) refund of rent
(D) none of the above

10. The Ex-officio Chairman of the Council of States as per Article 64 of the Constitution of India is

(A) the President of India
(B) Speaker of Lok Sabha
(C) Vice-President of India
(D) none of the above

11. Under Section 446(3) of the Code of Criminal Procedure, 1973, penalty mentioned in the surety bond

(A) cannot be remitted
(B) can be remitted in full
(C) can remit and enforce payment in part only
(D) none of the above

12. The National Motto of India, 'Satyameva Jayate' inscribed below the Emblem of India is taken from

(A) Katha Upanishad
(B) Chandogya Upanishad
(C) Aitareya Upanishad
(D) Mundaka Upanishad

13. Who among the following landlords is entitled to recover immediate possession of premises under Section 31 of the Karnataka Rent Act, 1999?

(A) Members of the Armed forces
(B) Employee of State or Central Government
(C) Widow
(D) none of the above

14. Under Section 151 of the Indian Contract Act, 1872, Bailee is bound to take as much care of the goods bailed to him

(A) as an expert
(B) as a lay man
(C) as a man of ordinary prudence
(D) none of the above

15. Magistrate has the power under Section 259 of the Code of Criminal Procedure to convert a summons trial case in to a warrant trial case

(A) relating to any offence irrespective of the punishment prescribed
(B) relating to an offence punishable for a term exceeding six months
(C) relating to an offence punishable for a term exceeding three months
(D) relating to an offence punishable for a term exceeding two months

16. The Government of India has established NITI Aayog to replace

(A) the Human Rights Commission
(B) the Finance Commission
(C) the Law Commission
(D) the Planning Commission

17. "Premises" as defined under Section 3(i) of the Karnataka Rent Act, 1999,

(A) a building as defined in clause(a) and any land not used for agricultural purpose
(B) a building as defined in clause(a) and any land used for agricultural purpose
(C) a building as defined in clause(a) and any land used for commercial purpose
(D) none of the above

18. "Bailee" in terms of Section 148 of the Indian Contract Act, 1872, is a person

(A) who delivers the goods
(B) to whom the goods are delivered
(C) through whom the goods are delivered
(D) none of the above

19. Under Section 446 of the Code of Criminal Procedure, 1973, surety can be sentenced to civil imprisonment in default of payment of penalty under the surety bond for a maximum period of

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

20. Which Article of the Constitution of India confers power on the Governor of a state to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the state extends?

(A) Article 172
(B) Article 272
(C) Article 72
(D) Article 161

21. As per Section 3(k) of the Karnataka Rent Act, 1999, the definition "residential purpose", "residential user" or "purpose of residence" include letting out

(A) for running a public institution
(B) for running a private institution only
(C) for running a religious institution only
(D) none of the above

22. The defendant shall present a written statement of his defence under Order VIII Rule 1 of the Code of Civil Procedure, 1908

(A) within 30 days from the date of service of summons on him
(B) within 90 days from the date of appearance before the Court
(C) within 60 days from the date of service of summons on him
(D) within 30 days from the date of appearance before the Court

23. Proviso to Section 315 of the Code of Criminal Procedure, 1973 says that

(A) an accused cannot be a witness
(B) an accused can be compelled to give his evidence
(C) the accused shall not be called as a witness except on his own request in writing
(D) he shall be called as a witness in all circumstances

24. The Legal Services Authority Act, 1987, came into force on

(A) 9th November, 1987
(B) 9th November, 1990
(C) 9th November, 1995
(D) 9th November, 1988

25. Under Order XLV Rule 1 of the Code of Civil Procedure, 1908, the expression "decree" shall include

(A) the formal expression of an adjudication
(B) a final order
(C) rejection of plaint
(D) none of the above

26. Under Section 131 of the Indian Contract Act, 1872, the death of the surety operates, in the absence of any contract to the contrary, as a revocation of a continuing guarantee, so far as regards

(A) past transactions
(B) all transactions
(C) future transactions
(D) none of the above

27. For an offence punishable with fine only, the period of limitation prescribed under Section 468 of the Code of Criminal Procedure, 1973, is

(A) three months
(B) two months
(C) one year
(D) six months

28. How many types of Writs can be issued by the High Court under Article 226 of the Constitution of India?

(A) three
(B) four
(C) five
(D) six

29. Under Order XX Rule 5 of the Code of Civil Procedure, 1908, the Court shall state its finding or decision with the reasons therefor

(A) only upon the issues of law
(B) only upon the issues of facts
(C) upon each separate issue
(D) none of the above

30. A and B sue C for Rs. 1,000. Can C set off a debt due to him by A alone as per Order VIII Rule 6 of the Code of Civil Procedure, 1908?

(A) C cannot set off a debt due to him by A alone
(B) C can set off a debt due to him by A alone
(C) C can set off a debt due to him with the permission of the Court only
(D) none of the above

31. The amount of fine which can be imposed by a Magistrate of the Second Class in terms of Section 29(3) of the Code of Criminal Procedure, 1973 has been enhanced by Criminal Procedure (Amendment) Act, 2005 from Rs. 1,000/- to

(A) Rs. 25,000/-
(B) Rs. 6,000/-
(C) Rs. 10,000/-
(D) Rs. 5,000/-

32. Who is the present Chief Justice of India?

(A) Justice Dipak Misra
(B) Justice Jagdish Singh Khehar
(C) Justice T.S. Thakur
(D) None of the above

33. Period of detention in the civil prison under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908

(A) shall not exceed five months
(B) shall not exceed four months
(C) shall not exceed six months
(D) shall not exceed three months

34. A and B contract to marry each other. Before the time fixed for the marriage, A goes mad. As per Section 56 of the Indian Contract Act, 1872, the contract becomes

(A) voidable
(B) valid
(C) void
(D) none of the above

35. On completion of investigation, the officer in charge of the police station shall forward the police report under Section 173(2) of the Code of Criminal Procedure, 1973, to a

(A) Sessions Court
(B) Chief Judicial Magistrate
(C) Magistrate empowered to take cognizance of the offence
(D) Executive Magistrate

36. The famous Bengali Novel "Anandamath" was authored by

(A) Sarojini Naidu
(B) Bankim Chandra Chattopadhyay
(C) Sri Aurobindo
(D) Rabindranath Tagore

37. Under Order XXXVIII Rule 9 of the Code of Civil Procedure, 1908, where an order is made for attachment before the Judgment, the Court shall order the attachment to be withdrawn

(A) only when the defendant furnishes the security required
(B) only when the suit is dismissed
(C) when the defendant furnishes the security required or when the suit is dismissed
(D) none of the above

38. As per Section 2(a) of the Specific Relief Act, 1963, the term "obligation" includes

(A) an act to which a person is morally bound
(B) every duty enforceable by law
(C) a course of action to which a person is not legally bound
(D) None of the above

39. A is tried for causing grievous hurt and convicted. The person injured afterwards dies. As per Section 300 of the Code of Criminal Procedure, 1973,

(A) A shall not be tried again for culpable homicide
(B) A may be tried again for culpable homicide
(C) A shall be tried under Section 307 of Indian Penal Code
(D) none of the above

40. Which of the following is not an example of computer operating system?

(A) Microsoft Office
(B) Windows Vista
(C) Unix
(D) Ubuntu Linux

41. Under Order XXIII Rule 3B of the Code of Civil Procedure, 1908, an agreement or compromise entered into in a representative suit, without the leave of the Court

(A) shall be valid
(B) shall be voidable
(C) shall be either valid or voidable
(D) shall be void

42. Under Section 143 of the Indian Contract Act, 1872, any guarantee which the creditor has obtained by means of keeping silence as to a material circumstance, is

(A) invalid
(B) valid
(C) enforceable in exceptional circumstances
(D) voidable

43. As per Section 204(2) of the Code of Criminal Procedure, 1973, no summons or warrant shall be issued against the accused under sub-Section (1)

(A) until a list of documents has been filed
(B) until the copy of complaint has been filed
(C) until a list of the prosecution witnesses has been filed
(D) until the process fee has been paid

44. Full form of URL on a computer network is

(A) Uniform Resource Locator
(B) Uniform Resource Link
(C) Uniform Registered Link
(D) Unified Resource Link

45. Under Section 143(3) of the Negotiable Instruments Act, 1881, an endeavour shall be made to conclude the trial within _____ months from the date of filing of the complaint

(A) nine
(B) ten
(C) twelve
(D) six

46. Article 19(1)(a) of the Constitution of India guarantees freedom of speech and expression to

(A) foreign nationals
(B) all citizens of India
(C) only persons above 21 years of age
(D) none of the above

47. Under Section 201 of the Code of Criminal Procedure, 1973, if the complaint is made to a magistrate who is not competent to take cognizance of the offence, he shall, if the complaint is in writing,

(A) reject it by an order
(B) send it directly to the proper Court through office
(C) return it for presentation to the proper Court with an endorsement to that effect
(D) return it after taking cognizance

48. Who wrote the famous book "We the People"?

(A) T.N. Kaul
(B) J.R.D. Tata
(C) Khushwant Singh
(D) Nani Palkhivala

49. Under Order XX Rule 6A of the Code of Civil Procedure, 1908, decree is to be drawn up in any case within _____ from the date on which the judgment is pronounced.

(A) 30 days
(B) 15 days
(C) 20 days
(D) 25 days

50. A guarantee which extends to a series of transactions under Section 129 of the Indian Contract Act, 1872, is called

(A) an absolute guarantee
(B) a conditional guarantee
(C) an invalid guarantee
(D) a continuing guarantee

51. Under Section 173(1A) of the Code of Criminal Procedure, 1973, the investigation in relation to rape of a child may be completed within _____ from the date on which the information was recorded by the officer in charge of the police station

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

52. Saraswathi Samman is given annually for outstanding contribution to

(A) Classical music
(B) Education
(C) Literature
(D) Fine arts

53. Judgment on admissions can be given

(A) under Order XII Rule 8 of the Code of Civil Procedure, 1908
(B) under Order XII Rule 2 of the Code of Civil Procedure, 1908
(C) under Order XII Rule 4 of the Code of Civil Procedure, 1908
(D) under Order XII Rule 6 of the Code of Civil Procedure, 1908

54. Under Article 21A of the Constitution of India, the state shall provide free and compulsory education to all children of the age of

(A) six to fourteen years
(B) five to fifteen years
(C) six to eighteen years
(D) six to sixteen years

55. The power to direct investigation under section 156(3) of the Code of Criminal Procedure, 1973, can be exercised by

(A) any Magistrate empowered under Section 190 of Cr.P.C.
(B) a Session Judge
(C) Executive Magistrate
(D) none of the above

56. The largest solar park launched on 01.03.2018 is situated in which state of India?

(A) Odisha
(B) Madhya Pradesh
(C) Rajasthan
(D) Karnataka

57. The parties shall present in Court a list of witnesses under Order XVI Rule 1 of the Code of Civil Procedure, 1908

(A) not later than fifteen days after the date on which the issues are settled
(B) not later than twenty days after the date on which the issues are settled
(C) not later than thirty days after the date on which the issues are settled
(D) not later than ninety days after the date on which the issues are settled

58. A _____ is a contract to do or not to do something, if some event, collateral to such contract, does or does not happen as provided under Section 31 of the Indian Contract Act, 1872

(A) wagering contract
(B) contingent contract
(C) contract of Indemnity
(D) none of the above

59. Under Section 77 of the Code of Criminal Procedure, 1973, a warrant of arrest may be executed

(A) at any place in India
(B) only at any place within the jurisdiction of Court issued warrant
(C) only at any place within the jurisdiction of the concerned police station
(D) none of the above

60. Section 121 of the Indian Evidence Act, 1872, provides for privilege in respect of

(A) husband and wife
(B) official communication
(C) affairs of the state
(D) judges and magistrates

61. The Court may strike out any issues that appear to it to be wrongly framed or introduced under Order XIV Rule 5(2) of the Code of Civil Procedure, 1908

(A) at any time before evidence
(B) at any time before argument
(C) at any time before agreement
(D) at any time before passing a decree

62. Under Section 26 of the Indian Contract Act, 1872, every agreement in restraint of the marriage of any person, other than _____, is void

(A) insane
(B) an unsound person
(C) a minor
(D) none of the above

63. Section 2(x) of the Code of Criminal Procedure, 1973, defines "warrant case" means a case relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding

(A) six months
(B) two years
(C) one year
(D) none of the above

64. Presumption under Section 113A of the Indian Evidence Act, 1872, can be raised if the abetment of suicide by the married woman is committed

(A) within 7 years of marriage
(B) within 9 years of marriage
(C) within 12 years of marriage
(D) none of the above

65. Under Order IX Rule 3 of the Code of Civil Procedure, 1908, where neither party appears when the suit is called on for hearing, the Court may make an order that the

(A) plaint be rejected
(B) suit be decreed
(C) suit be adjourned for the next date
(D) suit be dismissed

66. Section 96(4) of the Code of Civil Procedure, 1908, says that no appeal shall lie, except on a question of law, from a decree in any suit of the nature cognizable by Courts of Small Causes, when the amount or value of the subject matter of the original suit

(A) does not exceed twenty thousand rupees
(B) does not exceed twenty five thousand rupees
(C) does not exceed fifty thousand rupees
(D) does not exceed ten thousand rupees

67. The Code of Civil Procedure, 1908 came into force on the

(A) First day of January, 1908
(B) Twelfth day of December, 1908
(C) Tenth day of October, 1908
(D) First day of January, 1909

68. The expression "At sight" under Section 21 of the Negotiable Instruments Act, 1881 means

(A) on presentation
(B) on acceptance
(C) on coming in to vision
(D) on demand

69. Under Order V Rule 9A of the Code of Civil Procedure, 1908, summons for serving on the defendant, can be delivered to

(A) the courier services
(B) the plaintiff for service
(C) the process server for service
(D) none of the above

70. According to Section 3 of the Transfer of Property Act, 1882, "Instrument" means a

(A) testamentary instrument
(B) non-testamentary instrument
(C) both testamentary and non-testamentary instrument
(D) none of the above

71. Which one of the following is not a fundamental right?

(A) Right to assemble peacefully
(B) Right to move freely throughout the country
(C) Right to property
(D) Right to constitutional remedies

72. A gives Rs. 500 to B on condition that he shall marry A's daughter C. At the date of the transfer C was dead. As per Section 25 of the Transfer of Property Act, 1882, the transfer is

(A) Valid
(B) Void
(C) Voidable
(D) none of the above

73. Attorney General for India is appointed by _____ as provided under Article 76 of the Constitution of India

(A) Chief Justice of India
(B) Prime Minister of India
(C) Vice-President of India
(D) President of India

74. According to Section 3 of the Transfer of Property Act, 1882, the term "attested" in relation to an instrument means

(A) attested by two or more witnesses
(B) attested by one witness only
(C) attested by Notary Public
(D) none of the above

75. Employment of children in factories or mine or engaged in any hazardous employment below the age of _____ years is prohibited as provided under Article 24 of the Constitution of India

(A) 18
(B) 16
(C) 15
(D) 14

76. Under the provision of Section 6(dd) of the Transfer of Property Act, 1882, a right to future maintenance

(A) can be transferred
(B) cannot be transferred
(C) can be transferred with the leave of the court
(D) none of the above

77. Section 96 of the Indian Penal Code, 1860, says that nothing is an offence which is done

(A) in good faith
(B) in the exercise of the right of private defence
(C) without criminal intention
(D) none of the above

78. A transfers property to B for life, and after his death to C and D, equally to be divided between them, or to the survivor of them. C dies during the life of B. D survives B. As per Section 24 of the Transfer of Property Act, 1882, at B's death the property,

(A) shall not pass to D
(B) passes to the legal heirs of A
(C) passes to D
(D) passes to the legal heirs of B

79. The State as a policy shall endeavour to provide early childhood care and education for all children until they complete the age of _____ as provided under Article 45 of the Constitution of India

(A) six years
(B) ten years
(C) twelve years
(D) fourteen years

80. A transfers Rs. 5,000 to B on condition that he shall marry with the consent of C, D and E. B marries without the consent of C, D and E, but obtains their consent after the marriage. As per Section 26 of the Transfer of Property Act, 1882, B has

(A) fulfilled the condition
(B) not fulfilled the condition
(C) partly fulfilled the condition
(D) None of the above

81. A instigates B to murder D. B in pursuance of the instigation stabs D. D recovers from the wound. As per Section 108 of the Indian Penal Code, 1860,

(A) A is guilty of instigating B to commit murder
(B) A is not guilty of instigating B to commit murder
(C) A is guilty of instigating B to commit an offence of causing grievous hurt
(D) none of the above

82. A mortgages a certain plot of building land to B and afterwards erects a house on the plot. As per Section 70 of the Transfer of Property Act, 1882, for the purpose of his security, B is entitled

(A) to the house only
(B) to the house as well as the plot
(C) to the plot only
(D) none of the above

83. As per Article 56 of the Constitution of India, the President may, by writing under his hand addressed to the _____, resign his office

(A) Chief Justice of India
(B) Prime Minister of India
(C) Vice-President
(D) Election Commission of India

84. Lease under Section 105 of the Transfer of Property Act, 1882, pertains to

(A) immovable property
(B) movable property
(C) both immovable and movable property
(D) none of the above

85. A instigates B to burn Z's house. B sets fire to the house and at the same time commits theft of property there. As per Section 111 of the Indian Penal Code, 1860,

(A) A is guilty of abetting the burning of the house and abetting the theft
(B) A is only guilty of abetting the burning of the house
(C) A is only guilty of abetting the theft
(D) none of the above

86. A lets a house to B for five years. B underlets the house to C at a monthly rent of Rs. 100. The five years expire, but C continues in possession of the house and pays the rent to A. As per Section 116 of the Transfer of Property Act, 1882, C's lease is renewed

(A) from year to year
(B) from month to month
(C) for six months
(D) none of the above

87. As per Article 58 of the Constitution of India, no person shall be eligible for election as President unless he has completed the age of

(A) forty five years
(B) fifty years
(C) forty years
(D) thirty five years

88. The property as subject matter of Section 122 of the Transfer of Property Act, 1882, is

(A) only movable property
(B) only immovable property
(C) both immovable and movable property
(D) none of the above

89. For criminal conspiracy as defined under Section 120A of the Indian Penal Code, 1860, the minimum number of persons required is

(A) one
(B) no minimum requirement
(C) two or more
(D) none of the above

90. The question is, whether a horse sold by A to B is sound. A says to B - "Go and ask C; C knows all about it". As per Section 20 of the Indian Evidence Act, 1872, C's statement

(A) is not an admission
(B) is an admission
(C) is binding on A
(D) none of the above

91. As per Section 2(e) of the Indian Contract Act, 1872, every promise and every set of promises, forming the consideration for each other, is

(A) a contract
(B) an offer
(C) an acceptance
(D) an agreement

92. For an unlawful assembly as defined under Section 141 of the Indian Penal Code, 1860, the minimum number of persons required is

(A) five
(B) three
(C) one with arms
(D) two

93. As per Section 3 of the Indian Evidence Act, 1872, that a man heard or saw something,

(A) is fact in issue
(B) is a fact
(C) is a relevant fact
(D) none of the above

94. A lets a house to B at a yearly rent of Rs. 1,200. The rent for the whole of the years 1905, 1906 and 1907 is due and unpaid. A sues B in 1908 only for the rent due for 1906. Can A afterwards sue B for the rent due for 1905 and 1907 as per Order II Rule 2(3) of the Code of Civil Procedure, 1908?

(A) A shall not sue for the rent due for 1905 or 1907
(B) A can sue for the rent due for 1905 only
(C) A can sue for the rent due for 1905 and 1907
(D) A can sue for the rent due for 1907 only

95. A, B and C enter into an agreement for the division among them of gains acquired or to be acquired, by them by fraud. As per Section 23 of the Indian Contract Act, 1872, the agreement is

(A) voidable
(B) void
(C) valid
(D) none of the above

96. As per Section 58(1A) of the Code of Civil Procedure, 1908, no order for detention of the Judgment debtor in civil prison in execution of a decree for the payment of money shall be made, where the total amount of the decree

(A) does not exceed three thousand rupees
(B) does not exceed two thousand rupees
(C) does not exceed five thousand rupees
(D) does not exceed ten thousand rupees

97. Section 326B of the Indian Penal Code, 1860, added by Criminal Law (Amendment) Act, 2013 refers to

(A) Grievous hurt
(B) Trafficking of a person
(C) Attempting to throw acid
(D) Sexual assault

98. According to Section 27 of the Code of Civil Procedure, 1908, a summons to the defendant may be served on such day

(A) not beyond 30 days from the date of the institution of the suit
(B) not beyond 60 days from the date of the institution of the suit
(C) not beyond 45 days from the date of the institution of the suit
(D) not beyond 90 days from the date of the institution of the suit

99. Admission as defined under Section 17 of the Indian Evidence Act, 1872 is a statement

(A) must be in writing only
(B) must be oral only
(C) either oral or documentary or contained in electronic form
(D) none of the above

100. A, residing in Delhi, publishes in Calcutta statements defamatory of B. B may sue A for compensation as per Section 19 of the Code of Civil Procedure, 1908

(A) either in Calcutta or in Delhi
(B) only in Calcutta
(C) only in Delhi
(D) none of the above