Karnataka Civil Judge (Preliminary) 2019 (February)

High Court of Karnataka · Civil Judge Preliminary Examination (CJR 24/2018, held 10 February 2019) · 100 questions

Preliminary Examination

1. "Every confession is an admission, but every admission is not a confession". This statement is _____

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

2. 'Sale' under Section 54 of the Transfer of Property Act, 1882, is a transfer of ownership in exchange for

(A) a price paid only
(B) a price promised only
(C) a price partly paid and partly promised only
(D) all the above

3. Under Section 73 of the Indian Penal Code, 1860, if an offender has been sentenced to imprisonment not exceeding six months, the solitary confinement

(A) shall not exceed one month
(B) shall not exceed two months
(C) shall not exceed three months
(D) shall not exceed four months

4. Anything, state of things, or relation of things, capable of being perceived by the senses means and includes

(A) evidence
(B) fact
(C) facts in issue
(D) none of the above

5. Which of the following sections of the Indian Evidence Act, 1872, deals with the relevancy of statements by persons who cannot be called as witness?

(A) Sections 6 to 16
(B) Sections 17 to 31
(C) Sections 32 and 33
(D) Sections 34 to 39

6. A guarantee obtained by misrepresentation is _____ as per Section 142 of the Indian Contract Act

(A) illegal
(B) invalid
(C) void
(D) voidable

7. Proceedings under Section 258 of the Code of Criminal Procedure, 1973, can be stopped

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

8. Under Section 84(4) of the Code of Criminal Procedure, 1973, any person whose claim or objection has been disallowed in whole or in part by an order under Sub-Section (1) may, institute a suit to establish the right which he claims in respect of the property in dispute

(A) within a period of one year from the date of such order
(B) within a period of three years from the date of such order
(C) within a period of two years from the date of such order
(D) within a period of one year from the date of such attachment

9. As per Article 16(2) of the Constitution of India, no citizen shall, on grounds only of _____, be ineligible for, or discrimination against in respect of, any employment or office under the State.

(A) religion, race, caste, sex or any of them
(B) religion, race, caste, sex, descent or any of them
(C) religion, race, caste, sex, descent, place of birth, residence or any of them
(D) religion, race, caste, sex, descent, place of birth or any of them

10. A proposal when accepted, becomes
(A) a promise under Section 2(b) of the Indian Contract Act, 1872
(B) an agreement under Section 2(e) of the Indian Contract Act, 1872
(C) a contract under Section 2(h) of the Indian Contract Act, 1872
(D) none of the above

11. Article 39A of the Constitution of India pertains to
(A) Equality before law
(B) Equal opportunity in matters of public employment
(C) Equal Justice and free legal aid
(D) Right of minorities to establish and administer educational institutions

12. The section dealing with the Medical examination of the victim of rape as inserted by the Code of Criminal Procedure (Amendment) Act, 2005 is
(A) Section 166-A
(B) Section 164-A
(C) Section 166-B
(D) Section 53A

13. Under which of the following Section of the Indian Penal Code, 1860, the provision relating to sexual intercourse by a person in authority is provided?
(A) Section 376A
(B) Section 376B
(C) Section 376C
(D) Section 376

14. An order of the Court rejecting an application for review under Order XLVII Rule 7 of the Code of Civil Procedure, 1908 is
(A) appealable
(B) appealable by opposite party
(C) not appealable
(D) appealable with the permission of the Court

15. The claim that one was elsewhere when an alleged act took place is called
(A) estoppel
(B) alibi
(C) res gestae
(D) none of the above

16. Within the meaning of Section 311A of the Code of Criminal Procedure, 1973, who among the following authority has power to order the person to give specimen signatures or handwriting?
(A) Magistrate of the First Class only
(B) Magistrate of the Second Class only
(C) Sessions Judge only
(D) Any Magistrate or Sessions Judge

17. An acceptance may be revoked in terms of Section 5 of the Indian Contract Act, 1872.
(A) At any time at the option of the acceptor
(B) After the acceptance comes to the knowledge of the promisee
(C) At any time before the communication of the acceptance is complete as against the acceptor, but not afterwards
(D) All the above

18. Where a suit is instituted by or on behalf of a minor without a next friend, the defendant may apply
(A) for rejection of a plaint
(B) to have the plaint taken off the file
(C) for dismissal of the suit
(D) for getting a next friend appointed

19. Under Order XXXII Rule 7(2) of the Code of Civil Procedure, 1908, any agreement or compromise entered into without the leave of the Court so recorded
(A) shall be void
(B) shall be valid
(C) shall be voidable against all parties other than the minor
(D) shall be voidable against all parties including the minor

20. Under which one of the following section of the Code of Criminal Procedure, 1973, an accused person can himself be a competent witness?
(A) Section 315
(B) Section 313
(C) Section 300
(D) Section 317

21. As per Section 123 of the Transfer of Property Act, 1882, a gift of immovable property can be effected
(A) by delivery of possession only
(B) by an unregistered document only
(C) even orally
(D) by a registered instrument only

22. Article 20(2) of the Constitution of India provides that no person _____ for the same offence more than once.

(A) shall be convicted
(B) shall be prosecuted
(C) shall be prosecuted and punished
(D) investigated

23. Under Section 67 of the Indian Penal Code, 1860, in case of an offence punishable with fine only, an offender who is sentenced to pay a fine not exceeding Rs. 100, but exceeding Rs.50, the imprisonment in default of payment of fine shall not exceed

(A) two months
(B) three months
(C) four months
(D) six months

24. Court can release the convicted person on bail under Section 389(3) of the Code of Criminal Procedure, 1973

(A) When the accused is on bail and sentenced to imprisonment for a term not exceeding three years
(B) When the accused is on bail and sentenced to imprisonment for a term not exceeding five years
(C) When the accused is on bail and sentenced to imprisonment for a term not exceeding seven years
(D) When offence is exclusively bailable whether accused is on bail or not

25. Provisions to Financial Bill is provided under

(A) Article 110
(B) Article 115
(C) Article 117
(D) Article 119

26. Which provision under the Karnataka Rent Act, 1999, empowers the Court to bring about a negotiated settlement of disputes between the parties?

(A) Section 43
(B) Section 45
(C) Section 44
(D) Section 46

27. A lease of immoveable property from year to year or for any term exceeding one year or reserving a yearly rent, can be made

(A) only by an ordinary instrument
(B) only by an unregistered instrument
(C) only by a registered instrument
(D) only by a written instrument

28. Which Section in the Indian Evidence Act, 1872 confers power on the trial Court to put any questions to any witness?

(A) Section 166
(B) Section 167
(C) Section 163
(D) Section 165

29. The distinctive features of riot and unlawful assembly are an activity which is accompanied by

(A) use of force and violence
(B) causing alarm
(C) violence on a common purpose
(D) all the above

30. Under Section 102 of the Code of Civil Procedure, 1908, no second appeal shall lie from any decree, when the subject matter of the original suit is for recovery of money

(A) not exceeding twenty five thousand rupees
(B) not exceeding fifty thousand rupees
(C) not exceeding one lakh rupees
(D) not exceeding five lakhs rupees

31. Which of the following section of the Specific Relief Act, 1963, mandates that specific relief can be granted only for the purpose of enforcing individual civil rights and not for the mere purpose of enforcing a penal law?

(A) Section 3
(B) Section 4
(C) Section 5
(D) Section 6

32. As per Section 97 of the Indian Penal Code, 1860, which one of the following is the correct group of offences against which right of private defence relating to property can be exercised?

(A) theft, extortion, robbery, mischief or which is an attempt to commit theft, extortion, robbery, mischief
(B) theft, extortion, mischief, criminal trespass or which is an attempt to commit theft, extortion, mischief, criminal trespass
(C) robbery, mischief, criminal trespass, extortion or which is an attempt to commit robbery, mischief, criminal trespass, extortion
(D) theft, robbery, mischief or criminal trespass, or which is an attempt to commit theft, robbery, mischief or criminal trespass.

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

(A) is reciprocal promise
(B) is a contract
(C) is an agreement
(D) none of the above

34. Test identification parade is relevant under _____ of the Indian Evidence Act, 1872

(A) Section 6
(B) Section 7
(C) Section 8
(D) Section 9

35. Section 34 of the Specific Relief Act, 1963 sanctions?

(A) every type of declaration reliefs
(B) only a declaration of a legal character or of a right to property
(C) both (A) and (B)
(D) neither (A) nor (B)

36. The Indian Constitution was adopted by the Constituent Assembly on?

(A) 25.08.1949
(B) 26.01.1950
(C) 15.08.1947
(D) 26.11.1949

37. As per Section 321 of the Code of Criminal Procedure 1973, the withdrawal from the prosecution by the Public Prosecutor, in a case where a charge is required to be framed, before a charge has been framed, shall have the effect of _____ of the accused

(A) acquittal
(B) discharge
(C) release
(D) composition with

38. Which of the following issues in the judgment of D.K.Basu Vs State of West Bengal deal with?

(A) safeguards against sexual exploitation
(B) safeguards for children
(C) safeguards for unorganised workers
(D) safeguards for arrested persons

39. The Judges of the International Court of Justice are elected by the

(A) United Nations Security Council only
(B) United Nations General Assembly only
(C) United Nations General Assembly upon recommendation of the Security Council
(D) United Nations General Assembly and the Security Council independantly of one another

40. As per Section 22 of the Negotiable Instrument Act, the maturity of a promissory note or bill of exchange is the

(A) the date mentioned in the instrument
(B) date at which it falls due
(C) date of signing the instrument
(D) none of the above

41. Conspiracy to wage war against Government of India has been dealt with

(A) Section 120 of the Indian Penal Code, 1860
(B) Section 120A of the Indian Penal Code, 1860
(C) Section 120B of the Indian Penal Code, 1860
(D) Section 121A of the Indian Penal Code, 1860

42. Facts admitted need not be proved. This is provided in Section _____ of the Indian Evidence Act, 1872.

(A) Section 56
(B) Section 57
(C) Section 59
(D) Section 58

43. 'A' residing in Delhi, publishes in Calcutta statements defamatory of 'B'. 'B' may sue 'A' under Section 19 of the Code of Civil Procedure, 1908

(A) only in Delhi
(B) only in Calcutta
(C) any where in India
(D) either in Delhi or in Calcutta

44. Executing Court has to determine under Section 47 of the Code of Civil Procedure, 1908,

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

45. Section 112 of the Indian Evidence Act, 1872 provides for conclusive proof of

(A) life
(B) marriage
(C) legitimacy
(D) death

46. Under Order XXXII Rule 14(1) of the Code of Civil Procedure, 1908, a minor on attaining majority may, if a sole plaintiff, apply that a suit instituted in his name by his next friend be dismissed on the ground that

(A) it was frivolous or vexatious
(B) it was unreasonable or improper
(C) the interest of the next friend is adverse to him
(D) the next friend has not protected his interest in the suit

47. According to Section 10 of the Indian Penal Code, 1860, the word "woman" denotes a female human being

(A) above the age of 7 years
(B) above the age of 16 years
(C) above the age of 18 years
(D) of any age

48. Under Section 306 of the Code of Criminal Procedure, 1973, the Magistrate of the First class may tender a pardon to accomplice

(A) at any stage of the investigation or inquiry into, or the trial of, the offence
(B) at any stage of the inquiry or trial only
(C) investigation only
(D) trial only

49. As per Article 50 of the Constitution of India, the state shall take steps to separate the judiciary from the executive

(A) in the public services of the State
(B) in the military services of the State
(C) in the judicial services of the State
(D) None of the above

50. "Obligation" as defined under Section 2(a) of the Specific Relief Act, 1963 includes every _____ enforceable by law

(A) duty
(B) right
(C) legal right
(D) none of the above

51. Under Order XLI Rule 3 of the Code of Civil Procedure, 1908, where the memorandum of appeal is not drawn up in the manner prescribed under Order XLI of the Code of Civil Procedure, 1908,

(A) it shall be rejected by recording reasons for such rejections
(B) the Court shall dismiss the appeal
(C) it may be rejected, or be returned to the appellant for the purpose of being amended
(D) none of the above

52. Under Sec.256 of the Code of Criminal Procedure Code, 1973, in a summons trial case instituted on a complaint wherein the summons have been issued to the accused, the non-appearance or death of the complainant shall entail

(A) discharge of the accused
(B) an acquittal of the accused
(C) discharge or an acquittal depending on the facts and circumstances of the case
(D) none of the above

53. Under Section 468 of the Code of Criminal Procedure, 1973, what is the period of limitation for an offence punishable with imprisonment for a term not exceeding one year?

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

54. Under Section 162 of the Indian Contract Act, 1872, a gratuitous bailment is terminated

(A) by the death either of the bailor or of the bailee
(B) by the death of bailor and bailee
(C) for non delivery of goods
(D) none of the above

55. Under Order XLVII Rule 7(2) of the Code of Civil Procedure, 1908, where the application for review has been rejected in consequence of the failure of the applicant to appear,

(A) he may apply for review afresh
(B) he may apply for an order to have the rejected application restored to the file
(C) he shall file an appeal against the order rejecting his application
(D) none of the above

56. Maximum sentence of imprisonment that can be awarded for the Offence of Affray

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

57. Offence under Section 138 of the Negotiable Instrument Act, 1881 is

(A) non compoundable
(B) compoundable
(C) compoundable with the permission of the Court only
(D) none of the above

58. A 'Contingent Contract' is a contract

(A) to do something, if some event, collateral to such contract, does happen
(B) to do something, if some event, does happen
(C) to do or not to do something, if some event, collateral to such contract, does or does not happen
(D) not to do something, if some event, collateral to such contract, does or does not happen

59. Relief of damages in a suit for injunction cannot be granted under Section 40(2) of the Specific Relief Act, 1963

(A) if the suit of the plaintiff is dismissed
(B) unless the plaintiff has claimed such relief in his plaint
(C) if the suit is frivolous
(D) can be granted irrespective of whether the plaintiff has claimed the same or not

60. As per Article 227 of the Constitution of India, every High Court shall have superintendence over _____ in relation to which it exercises jurisdiction.

(A) all Courts and tribunals throughout the territories
(B) all district Courts throughout the territories
(C) all civil Courts and tribunals throughout the territories
(D) all subordinate Courts throughout the territories

61. Under Section 19 of the Indian Contract Act, 1872, when consent to an agreement is caused by coercion, the agreement is

(A) Valid
(B) Voidable
(C) Void
(D) Illegal

62. Under Section 32 of the Code of Civil Procedure, 1908, the Court may compel the attendance of any person to whom a summons has been issued under Section 30 and for that purpose may impose a fine upon

(A) not exceeding ten thousand rupees
(B) not exceeding five thousand rupees
(C) not exceeding twenty five thousand rupees
(D) not exceeding six thousand rupees

63. As per Section 186 of the Indian Contract Act, 1872, the authority of an agent

(A) may be expressed or implied :
(B) may be expressed only
(C) shall be in writing
(D) none of the above

64. 'A' shakes his fist at 'Z', intending or knowing it to be likely that he may thereby cause 'Z' to believe that 'A' is about to strike 'Z'.

(A) A has not committed any offence
(B) A has attempted to commit an offence
(C) A has committed an assault
(D) A has attempted to use Criminal force

65. The rule against perpetuity is provided in Section _____ of the Transfer of Property Act, 1882

(A) 15
(B) 16
(C) 17
(D) 14

66. Under Section 6(c) of the Transfer of Property Act, 1882, an easement cannot be transferred apart from the dominant heritage.

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

67. Who is the legal Advisor to the State Government?

(A) The Solicitor General
(B) The State Chief Legal Officer
(C) The High Court
(D) The Advocate General

68. Under Section 2(2) of the Code of Civil Procedure, 1908, "Decree" does not include

(A) the rejection of a plaint
(B) an order of restitution under Section 144 of the Code of Civil Procedure, 1908
(C) an order for restitution of conjugal rights
(D) return of a plaint

69. Mandatory Injunction under Section 39 of the Specific Relief Act, 1963, can be granted

(A) only to prevent the breach complained of
(B) only to compel performance of the requisite acts
(C) both (A) and (B) above
(D) none of the above

70. As per Article 53 of the Constitution of India, the Supreme command of the Defence forces of the union shall be vested

(A) in the President of India
(B) in the Prime Minister
(C) in the Defence Minister
(D) Chief of Army staff

71. Which of the following specific reliefs can be granted under the Specific Relief Act, 1963?

(A) Rescission of contracts only
(B) cancellation of instruments only
(C) both rescission of contract and cancellation of instruments
(D) none of the above

72. Under Sec.148 of the Code of Civil Procedure, 1908, where any period is fixed or granted by the Court for the doing of any act prescribed or allowed by the Code of Civil Procedure, 1908, the court may enlarge such period not exceeding

(A) 30 days in total
(B) 30 days at a time
(C) 60 days in total
(D) 60 days at a time

73. Section 121 of the Indian Evidence Act provides for privilege in respect of?

(A) Husband and Wife
(B) Affairs of the state
(C) Official Communication
(D) Judges and Magistrates

74. Section 210 of the Code of Criminal Procedure, 1973, provides for

(A) stay of police investigation
(B) stay the proceeding of enquiry or trial in complaint case
(C) both (A) and (B)
(D) neither (A) nor (B)

75. The expressions "At sight", "On presentment" and "After sight" are defined in Section _____ of the Negotiable Instrument Act, 1881.

(A) 19
(B) 20
(C) 21
(D) 22

76. Provisions of the Specific Relief (Amendment) Act, 2018, came into force

(A) 19th September 2018
(B) 11th August 2018
(C) 1st September 2018
(D) 1st October 2018

77. Presumption under Section 113A of the Indian Evidence Act, 1872, is available, if it is shown that a woman had committed suicide within a period of _____ years from the date of her marriage

(A) 5
(B) 3
(C) 7
(D) 10

78. The minimum punishment prescribed for the offence of Gang Rape in Section 376D of the Indian Penal Code, 1860, is

(A) rigorous imprisonment for a term which shall not be less than 10 years
(B) rigorous imprisonment for a term which shall not be less than 14 years
(C) rigorous imprisonment for a term which shall not be less than 20 years
(D) none of the above

79. At the first hearing of the suit, the Court shall examine orally the parties present in the Court under Order 10 Rule 2 of the Code of Civil Procedure, 1908

(A) with a view to deciding the matter in controversy
(B) with a view to elucidating the matters in controversy in the suit
(C) with a view to evaluating the rights of the parties
(D) with a view to verify the cause of action for the suit

80. Which of the following best describes the legal phrase 'amicus curiae'?

(A) let the buyer beware
(B) friend of the Court
(C) at one's own risk
(D) on what authority

81. Every person standing surety to an accused person for his release on bail, shall make a declaration before the Court as to the number of persons to whom he has stood surety including the Accused

(A) under Section 442A of the Code of Criminal Procedure, 1973
(B) under Section 442 of the Code of Criminal Procedure, 1973
(C) under Section 441A of the Code of Criminal Procedure, 1973
(D) under Section 441 of the Code of Criminal Procedure, 1973

82. As per Section 3 of the Transfer of Property Act, 1882, "immoveable property" does not include standing timber, growing crops or grass"

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

83. 'A', intending or knowing himself to be likely permanently to disfigure 'Z's face, gives 'Z' a blow which does not permanently disfigure 'Z's face, but which causes 'Z' to suffer severe bodily pain for the space of twenty days

(A) A has voluntarily caused grievous hurt
(B) A has voluntarily caused hurt
(C) A is guilty of Criminal force
(D) A has caused simple hurt

84. Under Section 20 of the Indian Contract Act, 1872, an agreement is void

(A) on account of mistake as to matter of fact by one party
(B) on account of mistake as to matter of fact by both the parties
(C) on account of mistake of foreign law
(D) both (A) and (B)

85. Who is recently appointed as 3rd woman Addl. Solicitor General in the Supreme Court?

(A) Indira Jaising
(B) Pinky Anand
(C) Vrinda Grover
(D) Madhavi Goradia Divan

86. Under Order XXXIII Rule 5 of the Code of Civil Procedure, 1908, the Court _____ an application for permission to sue as an indigent person where his allegation do not show a cause of action

(A) shall dismiss
(B) shall return
(C) shall reject
(D) permit the indigent person to amend the application

87. Essential supply or service as defined under Explanation 1 of Section 49(5) of the Karnataka Rent Act, 1999, includes

(A) supply of water, electricity, lights in passage and on staircase
(B) supply of water, electricity, lights
(C) supply of water, electricity, lights in passage and on staircase, road
(D) supply of water, electricity, lights in passage and on staircases, conservancy and sanitary services

88. In any proceeding before the Court, if a contention is raised denying the existence of relationship of landlord and tenant as between the parties, it shall be lawful for the Court to accept _____ as prima facie evidence of relationship under Section 43 of Karnataka Rent Act, 1999?

(A) the document of lease only
(B) a receipt of acknowledgement of payment of rent only
(C) the document of lease or a receipt of acknowledgement of payment of rent
(D) none of the above

89. A national leader, whose birthday is observed as the National Education Day on November 11, is

(A) J.B.Kriplani
(B) Rajiv Gandhi
(C) Sarojini Naidu
(D) Maulana Abdul Kalam Azad

90. Under Section 31 of the Specific Relief Act, 1963, the cancellation of instrument can be granted

(A) only if the instrument is valid
(B) only if the instrument is void
(C) only it the instrument is voidable
(D) if the instrument is void or voidable

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

(A) against a private individual only
(B) against the government only
(C) against both (A) and (B)
(D) neither (A) nor (B)

92. As per Article 54 of the Constitution of India, the President shall be elected by the members of an electoral college consisting of

(A) Ministers of Union Government and States
(B) Prime Minister
(C) Chief Justice of India
(D) None of the above

93. Sexual intercourse by husband upon his wife during separation

(A) is not an offence in India
(B) is punishable under Hindu Marriage Act, 1955
(C) is punishable under the Indian Penal Code, 1860
(D) both (B) and (C)

94. As per Article 76(3) of the Constitution of India, the Attorney General shall have right of audience

(A) in all High Courts of India
(B) in the Supreme Court only
(C) in all Courts in the territory of India
(D) none of the above

95. Under Section 65 of the Indian Penal Code, 1860, the sentence of imprisonment for non-payment of fee shall be limited to

(A) one-third of the maximum term of imprisonment fixed for the offence
(B) one-fourth of the maximum term of imprisonment fixed for the offence
(C) one-half of the maximum term of imprisonment fixed for the offence
(D) equal to the maximum term of imprisonment fixed for the offence

96. 'A' beats 'B' with an iron rod on his head and causes 'B' a fracture injury. 'A' committed an offence punishable

(A) under Section 324 of the Indian Penal Code, 1860
(B) under Section 326 of the Indian Penal Code, 1860
(C) under Section 325 of the Indian Penal Code, 1860
(D) under Section 323 of the Indian Penal Code, 1860

97. The person who is directed to pay a bill of exchange is called the

(A) Holder
(B) Drawer
(C) Drawee
(D) Payee

98. Under the Indian Contract Act, 1872, the correct sequence in the formation of contract is

(A) offer, acceptance, agreement, consideration
(B) agreement, consideration, offer, acceptance
(C) offer, consideration, acceptance, agreement
(D) offer, acceptance, consideration, agreement

99. In a family, there are six members 'A', 'B', 'C', 'D', 'E' and 'F'. 'A' and 'B' are a married couple, 'A' being the male member. 'D' is the only son of 'C', who is the brother of 'A'. 'E' is the sister of 'D'. 'B' is the daughter-in-law of 'F', whose husband is no more. How is 'E' related to 'C'?

(A) Sister
(B) Daughter
(C) Cousin
(D) Mother

100. Who is the present Chief Justice of India?

(A) Shri Justice S.A. Bobde
(B) Shri Justice Dipak Misra
(C) Shri Justice Jagdish Singh Khehar
(D) Shri Justice Ranjan Gogoi

De Facto IAS