Karnataka Civil Judge (Preliminary) 2021

High Court of Karnataka · Civil Judge Preliminary Examination (CJR 1/2021, held 10 August 2021) · 100 questions

Preliminary Examination

1. As written in the Preamble of the Constitution of India, one of the following is in correct order:

(A) Secular, Socialist, Sovereign, Republic, Democratic.
(B) Sovereign, Socialist, Secular, Democratic, Republic.
(C) Soveriegn, Republic, Secular, Socialist, Democratic.
(D) Republic, Sovereign, Secular, Democratic, Socialist.

2. Causing death by rash and negligent act, an offence punishable under Sec.304A of Indian Penal Code, is

(A) Non-cognizable and Non-bailable.
(B) Non-cognizable and Bailable.
(C) Cognizable and Non-bailable.
(D) Cognizable and Bailable.

3. Order XXI Rule 72 of Code of Civil Procedure, 1908 relates to the following subject:

(A) Staying the Court sale.
(B) Permitting the decree holder to bid or buy property in Court sale.
(C) Bid of co-sharer to have preference.
(D) set-aside the Court sale on the ground of fraud.

4. Which one of the following is incorrect combination regarding defination of offences as per the Indian Penal Code?

(A) Sec.320- Grievous hurt.
(B) Sec.340- Wrongful restraint.
(C) Sec.350- Criminal Force.
(D) Sec.351- Assault.

5. "Once a mortgage, always a mortgage" means:

(A) Mortgagee has no right to assign the mortgage debt to any other person.
(B) Mortgage can not be redeemed after the expiry of fixed period.
(C) Mortgage is always redeemable.
(D) Mortgager has no right to assign right of redemption to any person.

6. What does "ab initio" refer to?

(A) Towards the end.
(B) From the beginning.
(C) Initial Burden.
(D) None of the above.

7. "Registration of First Information Report is mandatory under Section 154 of the Code of Criminal Procedure, if the Information discloses commission of a cognizable offence and no preliminary enquiry is permissible in such a situation." This guideline was issued by the Constitution Bench of the Hon'ble Supreme Court in the following decision:

(A) Smt. Selvi vs State of Karnataka.
(B) D.K.Basu vs State of West Bengal.
(C) Arnesh Kumar vs State of Bihar.
(D) Lalita Kumari vs Governement of Uttar Pradesh

8. Which provision of the Code of Civil Procedure, 1908 relates to permitting the plaintiff to withdraw the suit with a liberty to file fresh suit in respect of same subject matter?

(A) Order 23 Rule 1(3) of the Code of Civil Procedure, 1908
(B) Order 23 Rule 2 of the Code of Civil Procedure, 1908
(C) Order 23 Rule 3 of the Code of Civil Procedure, 1908
(D) Order 23 Rule 3A of the Code of Civil Procedure, 1908

9. If the requisite court fee is not paid on the plaint, inspite of an order by the Court,

(A) plaint shall be returned to the plaintiff.
(B) plaint shall be rejected.
(C) suit shall be dismissed.
(D) plaintiff shall be permitted to withdraw the suit.

10. Who is the present Chairperson of Rajya Sabha?

(A) Smt. Nazma Hepthullah.
(B) Sri Om Birla.
(C) Sri Venkaiah Naidu.
(D) None of the above.

11. How many States and Union Territories are there in India at present?

(A) 28 States and 9 Union Territories.
(B) 28 States and 8 Union Territories.
(C) 29 States and 7 Union Territories.
(D) 29 States and 9 Union Territories.

12. "To the best of my memory" is the autobiography of:

(A) Justice V R Krishna Iyer
(B) Justice P B Gajendragadkar
(C) Justice P N Bhagawathi
(D) Justice J S Verma

13. The expression "died intestate" means:

(A) died by making a Will
(B) died without legal heirs.
(C) died without any property
(D) died without making a Will

14. For hearing which case, largest-ever bench was constituted at the Supreme Court of India?

(A) Golaknath case.
(B) Aadhar case.
(C) Keshavananda Bharati case.
(D) None of the Above.

15. If the prosecution withdraws the prosecution against the accused in case where a charge has already been framed,

(A) accused shall be discharged.
(B) accused shall be acquitted.
(C) further proceedings shall be stopped.
(D) any one of the above.

16. Which Section of the Code of Criminal Procedure, 1973 empowers a police officer to release an accused, who has been arrested with an allegation of committing non-bailable offence?

(A) Sec.437(1).
(B) Sec.437(2)
(C) Sec.437(3)
(D) Not empowered.

17. Which one of the following is incorrect combination as per the Code of Criminal Procedure, 1973?

(A) Sec.70(2)- Cancellation of Warrant.
(B) Sec.82 - Proclamation for person absconding.
(C) Sec.93- Search-warrant.
(D) Sec.358- Victim compensation.

18. Which one of the following is incorrect combination as per the Transfer of Property Act, 1882?

(A) Sec.41- Transfer by obstensible owner.
(B) Sec.53- Fraudulent transfer.
(C) Sec.100- Charges.
(D) Sec.52A- Part Performance

19. Which Section of the Code of Criminal Procedure, 1973 deals with releasing of convicted person on probation of good conduct or after admonition?

(A) Sec.354.
(B) Sec.356.
(C) Sec.358.
(D) Sec.360

20. Order 1 Rule 8 of the Code of Civil Procedure, 1908 relates to:

(A) Adding or striking out parties to the suit.
(B) Filing of represenatative suit.
(C) Mis-joinder and non-joinder of parties.
(D) suit in the name of wrong plaintiff.

21. If the Court permits amendment of pleadings without stipulating the time limit to carryout the amendment, as per Order VI Rule 18 of the Code of Civil Procedure, 1908, amendment has to be carried out within _____ from the date of order.

(A) 30 days.
(B) 14 days.
(C) 07 days.
(D) no time limit.

22. Which is the smallest state (area wise) in India?

(A) Goa.
(B) Sikkim.
(C) Tripura.
(D) Nagaland.

23. Which section of the Transfer of Property Act 1882 deals with "Rule against Perpetuity"

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

24. Which right has been deleted from the list of Fundamental Rights but, has been retained as Constitutional Right in the Constitution of India?

(A) Right to education.
(B) Equality of opportunity in matters of public employment.
(C) Right to property.
(D) Right to assemble peaceably and without arms.

25. Under which provisions of the Code of Civil Procedure, 1908, a Court, which passed the decree, can stay the execution of an appealable decree?

(A) Order XLI Rule 5 (1).
(B) Order XLI Rule 6 (1).
(C) Order XLI Rule 5 (2).
(D) Order XLI Rule 6 (2).

26. A places men with firearms at the outlets of a building and tells Z that they will fire at Z if Z attempts to leave the building. A committed

(A) Wrongful restraint.
(B) Wrongful confinement.
(C) Abduction
(D) No offence.

27. A residential premises, within the limits of Mangalore Municipal Corporation, was let out to a tenant on monthly rent of Rs.4,000/-. To evict the tenant from said premises, which Act is applicable?

(A) The Karnataka Rent Act, 1999.
(B) The Transfer of Property Act 1882.
(C) Both A and B
(D) Either A or B

28. Which Article of the Constitution of India says that the Law declared by the Supreme Court shall be binding on all Courts within the territory of India?

(A) Article 140.
(B) Article 141.
(C) Article 142.
(D) Article 143.

29. When any Court dismissed the suit under under Order IX Rule 2 of the Code of Civil Procedure for non-service of summons in consequence of plaintiffs failure to pay the postal charges, an application to set the dismissal aside before the same court has to be filed under

(A) Order IX Rule 3 of the Code of Civil Procedure, 1908.
(B) Order IX Rule 4 of the Code of Civil Procedure, 1908.
(C) Order IX Rule 9 of the Code of Civil Procedure, 1908.
(D) Order IX Rule 13 of the Code of Civil Procedure, 1908.

30. Who played for only one team in all the 14 editions of the Indian Premier League (IPL)?

(A) M.S.Dhoni for Chennai Super Kings.
(B) Virat Kohli for Royal Challengers Bengaluru.
(C) Rohith Sharma for Mumbai Indians.
(D) None

31. Who administers oath to the Governer of a State?

(A) President of India.
(B) Prime Minister of India.
(C) Chief Justice of the High Court of that state.
(D) Chief Minister of that state.

32. As per Sec.5 of the Karnataka Rent Act, 1999, in the event of death of a tenant, right of tenancy shall devolve for a period of _____ from the date of the death of said tenant, to his successors.

(A) one year.
(B) three years.
(C) five years.
(D) seven years.

33. Habitually dealing in stolen property, an offence punishable under Sec.413 of the Indian Penal Code is traible by:

(A) Court of Sessions.
(B) Court of Chief Judicial Magistrate.
(C) Court of Judicial Magistrate First class.
(D) Court of Any magistrate.

34. A sells, by auction, to B, a horse which A knows to be unsound. A says nothing to B about horse's unsoundness. A

(A) committed no fraud.
(B) committed fraud.
(C) committed misrepresentation.
(D) committed undue influence.

35. Which Section of the Indian Evidence Act, 1872 states that "Admitted facts need not be proved"

(A) Section 58.
(B) Section 57.
(C) Section 56.
(D) Section 55.

36. Under the Transfer of Property Act, 1882, a lessee of an immovable property continuing in possession of the leased property on determination of lease period, with the consent of the lessor, is called as

(A) tenant by holding over.
(B) tenant at sufferance.
(C) protected tenant.
(D) None of the above.

37. The landmark Judgment of the Hon'ble Supreme Court in respect of triple talaq is in following case:

(A) Mohammed Ahmad Khan vs Shah Bano Begam.
(B) Indra Sawhney and Union of India.
(C) Shayara Bano vs Union of India.
(D) I.R.Coelho vs State of Tarnilnadu.

38. Which Section of the Karnataka Rent Act, 1999 says that, to contest the eviction petition filed under Sec.27 of the said Act, tenant shall pay or deposit all arrears of rent?

(A) Section 45
(B) Section 44
(C) Section 43
(D) Section 42

39. Which one of the following is incorrect combination regarding directive principles of state policy, as per the Constitution of India?

(A) Article 39A- Equal justice and free legal aid.
(B) Article 44- Uniform Civil Code of the citizens
(C) Article 48A- Protection and improvement of environment.
(D) Article 50- Promotion of International peace and security.

40. Which of the following orders does not amount to a decree under Section 2(2) of Code of Civil Procedure, 1908?

(A) An order rejecting plaint under Order 7 Rule 11 Code of Civil Procedure, 1908.
(B) An order under Section 144 Code of Civil Procedure, 1908
(C) An order for dismissal of the suit for default.
(D) None of the above.

41. Under Sec.428 of Code of Criminal Procedure, 1973, the period of detention undergone by a convict during _____ shall be set off against the term of imprisonment imposed on him.

(A) investigation of the case.
(B) trial of the case.
(C) enquiry of the case.
(D) All the above.

42. The recent landmark decision of Hon'ble Supreme Court in "Vineeta Sharma vs Rakesh Sharma and others" is relating to the following subject:

(A) Reservation in promotions.
(B) Ayodhya dispute.
(C) Validity of new Land Acquisition Act.
(D) Daughters coparcenery right.

43. As per Section 58 of the Indian Contract Act, 1872, in the case of an alternative promise, one branch of which is legal and the other illegal,

(A) both the branches will be enforceable.
(B) both the branches will be unenforceable.
(C) the legal branch alone can be enforceable.
(D) None of the above.

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

(A) Breach of Trust.
(B) Mischief.
(C) Perjury.
(D) No offence.

45. "When any person is arrested and interrogated by the police, he shall be entitled to meet an Advocate of his choice during interrogation, though not throughout interrogation". As per Sec.41D of the Code of Criminal Procedure, 1973, above statement is:

(A) True
(B) False
(C) partially true
(D) None of the above.

46. As per Sec.320(9) of the Code of Criminal Procedure, 1973, offences, other than those provided by Sec.320 of the said Code

(A) cannot be compounded.
(B) can be compounded with the permission of the Court.
(C) can be compounded.
(D) None of the Above.

47. "Evidence before charge" shall be recorded in following cases:

(A) In all warrant triable cases.
(B) In all summons triable cases
(C) In warrant triable cases instituted on police report
(D) In warrant triable cases instituted otherwise than on police report.

48. As per Sec.320 of the Code of Criminal Procedure, 1973, an offence punishable under Sec.506 of the Indian Penal Code

(A) can be compounded.
(B) cannot be compounded
(C) can be compounded only with the permission of the Court.
(D) None of the Above.

49. As per Section 29 of the Indian Contract Act, 1872, agreements, the meaning of which is not certain, or capable of being made certain, are

(A) Voidable.
(B) illegal.
(C) Void.
(D) enforceable.

50. The maker, acceptor or indorser respectively of a Negotiable Instrument is discharged from liability there on:

(A) By cancellation.
(B) By release.
(C) By payment.
(D) All the above.

51. Which Article of the Constitution of India describes the procedure to amend the Constitution?

(A) Article 368
(B) Article 367
(C) Article 366
(D) Article 365

52. As per Section 165 of the Indian Evidence Act, 1872, in respect of any answer given by a witness in reply to the questions asked by the Judge, parties

(A) are entitled to make any objections.
(B) have absolute right to cross-examine the witness.
(C) have right to cross-examine only with leave of the Court.
(D) are entitled to make objections only with leave of the Court.

53. Which Article of the Constitution of India was amended to provide reservation in promotions?

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

54. National Legal Services day is celeberated in India on

(A) 26th November.
(B) 21st June.
(C) 3rd December.
(D) 9th November.

55. 'A' leased out his immovable property to 'B' for manufacturing the spare parts of tractor. In the abense of any contract or local law or usage to the contrary, said lease is terminable by giving _____ notice.

(A) 15 days
(B) 30 days.
(C) six months.
(D) one year.

56. As per Order XXXIX Rule 3A of the Code of Civil Procedure, 1908, where an injunction has been granted without giving notice to the opposite party, the Court shall make an endevour to finally dispose of the application within _____ from the date on which injunction was granted?

(A) 7 days.
(B) 14 days.
(C) 30 days.
(D) 1 month.

57. A threatens to publish a defamatory libel concerning Z unless Z gives him money. A thus induces Z to give him money. A has committed the offence of

(A) Defamation.
(B) Robbery
(C) Criminal Intimidation.
(D) Extortion

58. Which of the following issue can be heard as the preliminary issue as per Order 14 Rule 2 of Code of Civil Procedure, 1908?

(A) Any issue.
(B) Issue of law only.
(C) Issue of fact only.
(D) Issue involving both question of law and fact.

59. What is the full form of ICMR?
(A) Indian Council for Medical Research.
(B) International Council for Medical Research.
(C) International Court for Monitoring Ragging.
(D) None of Above.

60. A mortgage by deposit of title deed is called
(A) Anomolous mortgage.
(B) English mortgage.
(C) Usefractuary mortgage
(D) Equitable mortgage

61. Who, among the following Supreme Court judges, has become Judge of the Supreme Court of India directly, without becoming a Judge of any High Court?
(A) Justice Uday U Lalit.
(B) Justice D.Y.Chandrachud.
(C) Justice K.M.Joseph.
(D) Justice B.R.Gavai.

62. As per Section 142 of the Indian Contract Act 1872, a guarantee obtained by misrepresentation made by the creditor, is
(A) void.
(B) voidable
(C) valid.
(D) invalid.

63. Which one of the following is correct combination as per the Indian Contract Act, 1872?
(A) Section 13- Consent.
(B) Section 14- Coercion.
(C) Section 15- Undue Influence.
(D) Section 16- Fraud.

64. When sole plaintiff in a suit dies, to make them as parties to the said suit, his legal representatives have to file application under _____ of the Code of Civil Procedure, 1908.
(A) Section 47
(B) Order 22 Rule 4
(C) Order 22 Rule 3
(D) Section 148

65. Maximum term of imprisonment, which may be passed by the Judicial Magistrate of First class, as a sentence, is:
(A) term not exceeding seven years.
(B) term not exceeding five years.
(C) term not exceeding three years.
(D) any term

66. A dumb witness gives evidence by writing in the open court. Such evidence shall be deemed to be
(A) Oral evidence.
(B) documentary evidence.
(C) written evidence.
(D) Any one of the above

67. Section 114 of the Code of Civil Procedure, 1908 should be read with:
(A) Order XLVII Rule 1
(B) Order XLVI Rule 1
(C) Order XLVIII Rule 1
(D) Order XLV Rule 1

68. As per Order XVIII Rule 3 of Code of Civil Procedure, 1908, in a suit where the party beginning to lead evidence, has right to reserve the production of rebuttal evidence,
(A) on all the issues.
(B) only on those issues burden of proving the same lies on him.
(C) only on those issues burden of proving the same lies on the other party.
(D) No right to reserve

69. One of the following relief can be granted under the Specific Relief Act, 1963:
(A) Recovery of Money.
(B) Ejectment of tenant.
(C) Redumption of mortgage.
(D) Perpetual Injunction

70. Sec.216 of the Code of Criminal Procedure, 1973 deals with the following subject:
(A) alteration of charge.
(B) effects of errors in framing charge.
(C) contents of charge.
(D) Recall of witness when charge is altered.

71. A voluntarily throws into a river a ring belonging to B with an intention thereby causing wrongful loss to B. A has committed
(A) Mischief
(B) Theft
(C) Extortion
(D) No offence.

72. Which one of the following is not correctly matched according to the Code of Civil Procedure, 1908?

(A) Order 26 Rule 9 - Commissions to make local investigations.
(B) Order 1 Rule 10(2) - Adding or striking out parties.
(C) Order 7 Rule 11 - Rejection of plaint.
(D) Order 9 Rule 9- Set aside the exparte decree.

73. In a suit for mandatory injunction, if the relief for damages is not claimed, the court can allow the plaintiff to amend the plaint to include a claim for the said relief

(A) Only before filing the written statement.
(B) Only before commencement of trial.
(C) At any stage of the proceedings
(D) Can not be allowed to amend the plaint.

74. As per Section 122 of the Transfer of Property Act, 1882, if the donee dies before the acceptance of the gift, said gift is

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

75. A gift comprising both existing and future property is:

(A) Valid
(B) Void.
(C) Voidable
(D) Void as to the latter

76. As per Section 147 of the Negotiable Instruments Act, 1881, every offence punishable under the said Act is

(A) compoundable.
(B) non compoundable
(C) compoundable with the permission of the Court.
(D) None of the above.

77. The claim that one was elsewhere when an alleged act took place is called as

(A) res gestae.
(B) alibi.
(C) estoppel.
(D) none of the above.

78. Mithakshara is a commentary on

(A) Narada Smrithi
(B) Manu Smrithi
(C) Yajnavalkya Smrithi
(D) Parashara Smrithi

79. Which Section of the Negotiable Instruments Act, 1881 deals with effect of material alteration of the Negotiable Instruments?

(A) Sec.85
(B) Sec.86
(C) Sec.87
(D) Sec.88

80. Which Indian City is called as Orange City?

(A) Nagpur.
(B) Hydarbad.
(C) Jaipur.
(D) Gwaliar.

81. A proposal, when accepted, becomes

(A) a contract.
(B) an agreement.
(C) a promise.
(D) None of the above.

82. Which one of the following is correct combination regarding country and its capital?

(A) Australia- Sydney.
(B) Pakistan- Karachi.
(C) Japan- Tokyo.
(D) United States of America- Newyork.

83. As per Section 161 (2) of the Code Criminal Procedure, 1973, a person is not bound to answer any question put to him by the police officer making an investigation, if answer to the said question would have tendency to

(A) expose him to a criminal charge.
(B) expose him to a penalty.
(C) expose him to forfeiture.
(D) All the above.

84. Which one of the following is incorrect combination as per the Specific Relief Act, 1963?

(A) Sec.27- Rescession of contracts.
(B) Sec.30- cancellation of Instruments.
(C) Sec.34- Declaration of status or right
(D) Sec.39- Mandatory Injunction.

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

(A) duty.
(B) right.
(C) obligation.
(D) legal right.

86. When a suit, in which defendant raised counter claim, is dismissed for default of plaintiff:

(A) Counter claim also stands dismissed.
(B) Counter claim may be proceeded with.
(C) Counter claim is to be returned for its re-presentation as separate suit.
(D) Counter claim may be proceeded only when suit is restored

87. Who is the captain of Indian Womens Hockey team, which reached the semifinal of the recently held Tokyo Olympics 2020?

(A) Rani Rampal.
(B) Vandana Katariya.
(C) Navneet Kaur.
(D) Sunita Lakra.

88. Which Section of the Negotiable Instruments Act, 1881 states that the evidence of the complainant may be given by him on affidavit?

(A) Sec.145.
(B) Sec.146.
(C) Sec.147.
(D) Sec.148.

89. Which provision of the Code of Civil Procedure, 1908 says that, where a suit is instituted against a public officer for damages or other relief in respect of any act alleged to have been done by him in his official capacity, the Government shall be joined as a party to the suit?

(A) Order 1 Rule 10 (2).
(B) Order XXVII Rule 5A.
(C) Section 80.
(D) No such provision.

90. Where an immovable property is sold in execution of a decree, the sale of such property becomes absolute

(A) when the court makes an order confirming the sale.
(B) when the possession of the property sold is delivered to the purchaser.
(C) when document conveying title (Sale Deed) to such property is executed.
(D) on completion of 60 days after the execution of the Sale Deed.

91. Leading questions may be asked in

(A) chief examination.
(B) cross-examination.
(C) re-examination.
(D) all the above.

92. Which Section of the Indian Contract Act 1872 says that every agreement in restraint of the marriage of any person, other than a minor, is void?

(A) Sec.29.
(B) Sec.28.
(C) Sec.27.
(D) Sec.26.

93. Meaning of legal maxim "nemo dat quod non habet" is:

(A) Nobody is above law.
(B) No one should be condomned unheard.
(C) No one gives what he does not have.
(D) No man shall be a judge in his own cause.

94. Ossification test is conducted

(A) to determine sex of a person.
(B) to determine age of a person.
(C) to determine blood group of a person.
(D) to determine mental status of person

95. Who is the present Law minister in the Union Cabinet?

(A) Smt. Nirmala Seetharaman.
(B) Sri Kiren Rijiju.
(C) Sri Ravi Shankar Prasad.
(D) None of the Above.

96. A witness, who is interested in success of the party, who called him as a witness, is called as

(A) Hostile witness.
(B) Natural Witness.
(C) Expert witness.
(D) Interested witness.

97. The presumption under Sec.118 of the Negotiable Instruments Act, 1881 shall be made in respect of:

(A) consideration.
(B) date.
(C) time of acceptance.
(D) All the above.

98. Minimum number of persons required for committing an act of criminal conspiracy, an offence punishable under Sec.120B of the Indian Penal Code, are:

(A) Seven.
(B) five.
(C) three
(D) two.

99. In which one of the following landmark decision, Supreme Court of India declared that the fundamental rights granted under the Constitution of India are equally applicable to transgender people?

(A) Shreya Singhal vs Union of India.
(B) National Legal Services Authority vs Union of India.
(C) Lily Thomas vs Union of India.
(D) Naz Foundation vs Govt of Delhi.

100. Which Section of the Specific Relief Act, 1963 says that specific performance of a contract can not be enforced in favour of a person who failed to prove his readiness and willingness to perform his part of contract?

(A) Section 13.
(B) Section 14.
(C) Section 15.
(D) Section 16.