Kerala Judicial Service (Prelims) 2007

High Court of Kerala · Preliminary Examination · 100 questions

Part A

1. A relief claimed in the plaint, was not expressly granted by the decree, the relief is deemed to have

A. granted
B. refused
C. impliedly granted.
D. did not arise

2. Which of the following statements is true?

A. An order dismissing a suit for default is a decree.
B. An order allowing the suit when the defendant remained absent is a decree.
C. An order allowing the suit in part when the defendant remained absent is not a decree.
D. An order dismissing a suit for default if with cost is a decree.

3. An application to send a decree for execution to another court is to be filed by the decree holder to -

A. The court where the execution petition is pending.
B. The court to which the decree is to be sent.
C. The court where the execution of that decree ordinarily lies.
D. The court which passed the decree.

4. An execution petition for an order of arrest or detention of a woman in execution of a decree for payment of money.

A. is maintainable
B. is not maintainable
C. is maintainable if the money decree is for realisation of more than Rs 5,000/-
D. is maintainable if filed by a woman decree holder.

5. A plaint could be rejected under Rule 11 of Order VII of the Code of Civil Procedure

A. Where it does not disclose a cause of action
B. Where relief claimed is over valued.
C. Where the suit appears from the statement in the plaint to be barred by any law.
D. Where it is not filed in duplicate.

6. Res judicata is

A. Estoppel by judgment
B. Estoppel by conduct
C. Rule of evidence
D. Not a bar to a suit but a rule of equity

7. A suit under Section 92 of the Code of Civil Procedure is being instituted. Which of the following statements is true?

A. Suit may be instituted by the Advocate General with the previous assent - of the Government.
B. Suit may be instituted by two or more persons having an interest in the Trust with the permission of the Advocate General.
C. Suit may be instituted by two or more persons having an interest in the Trust with the leave of the court.
D. Suit may be instituted by the Advocate General only with the leave of the court.

8. Review petition is filed under the following provision.

A. Rule 1 Order XLVII C.P.C.
B. Rule 1 Order XLI C.P.C.
C. Rule 1 Order XL C.P.C.
D. Rule 1 Order XLII C.P.C.

9. Right to appeal is a -

A. Statutory right
B. Natural right
C. Inherent right
D. None of these

10. Which one of the following Sections in the Negotiable Instruments Act provides for drawing a presumption that the holder of a cheque received it, for the discharge, in whole or in part of any debt or other liability

A. Section 138
B. Section 139
C. Section 142
D. Section 118

11. Which of the following statements in respect of an offence under Section 138 of the Negotiable Instruments Act is incorrect?

A. An offence U/s 138 of the Act shall be tried summarily.
B. The evidence of the complainant (if in a complaint under Section 138 read with Sec. 142 of the Act) may be given by him on affidavit.
C. An offence under Section 138 of the Act is compoundable.
D. It shall be a defence in a prosecution for an offence under Section 138 that the drawer had no reason to believe when he issued the cheque that the cheque may be dishonoured on presentment.

12. Cheque is a specie of -

A. Bill of exchange
B. Promissory Note
C. Draft
D. None of these

13. -A mortgagor binds himself to repay the mortgage money on a certain date and transfers the mortgaged property-absolutely to the mortgagee but subject to a proviso that he will retransfer it to the mortgagor upon payment of mortgage money as agreed. Transaction is called -

A. Mortgage by conditional sale.
B. English mortgage
C. Simple mortgage
D. Anomalous mortgage

14. Law of gift applies to -

A. Movable properties only
B. Immovable properties only
C. Both A and B
D. None of these

15. A gift made in favour of an idol is -

A. A valid gift
B. A void gift
C. Voidable gift
D. None of these

16. Which is not correct? .

A. A gift to operate must be accepted during the life time of the donor.
B. Gift can be revoked even after acceptance.
C. Gift cannot be revoked on the ground of absence of consideration.
D. If the donee dies before acceptance, gift is invalid.

17. Bill of exchange drawn by the banker is known as -

A. Promissory note
B. Cheque
C. Draft
D. None of the above '

18. Section 10 of the Indian Contract Act reads thus - All agreements are contracts if they are made by ..... of parties competent to contract for a lawful consideration and with a lawful object, and are not expressly declared to be void". Which of the following is correct one to fill up the gap?

A. Promise
B. Proposal
C. Free consent
D. Acceptance

19. “When at the desire of the promisor the promisee or any other person has done or abstained from doing, or does or abstains from doing or promises to do or to abstain from doing something such act or abstinence or promise is called.....". Under the Indian Contract Act the above quoted definition pertains to which expression?

A. Agreement
B. Proposal
C. Contract
D. Consideration

20. Which one of the following statement is incorrect?

A. Consideration is necessary to create agency. -
B. The authority of an agent may be expressed or implied.
C. Any person who is of the age of majority according to the law to which he is subject, and who is of sound mind, may employ an agent.
D. An agent, having an authority to do an act, has authority to do every lawful thing which is necessary in order to do such act.

21. Examine with reference to Section 53 of the Transfer of Property Act and answer which of the following is untrue?

A. The Section applies to goods as well as to land.
B. The provision does not impair the right of a transferee in good faith.
C. The transfer must be with intention to defeat or delay the creditor of the transferor
D. Such transfers are voidable but not void

22. Which one of the following statements is untrue?

A. Injunction is granted at the discretion of the court.

B. Temporary injunction shall continue until a specific time, or until further order of the court.

C. The C.P.C will apply in the matter of granting temporary injunction.

D. A perpetual injunction can be granted at any stage of the suit.

23. Which one of the following statements is incorrect in respect of a suit for possession filed under Section 6 of the Specific Relief Act?

A. Suit is based on previous possession and not on title.

B. No suit under Section 6 shall be brought after the expiry of three months from the date of dispossession.

C. No appeal shall lie from any order or decree passed in any suit under Sec. 6 .

D. Nothing in the Section 6 shall bar any person from suing to establish his title to such property and to recover possession thereof.

24. Landlord without just or sufficient cause cuts off the amenities enjoyed by the tenant. What is the remedy of the tenant?

A. File an application before the Accommodation Controller under Section 13 of the Kerala Buildings (Lease and Rent Control) Act.

B. File an application before the Accommodation Controller under Section 17 of the Kerala Buildings (Lease and Rent Control) Act.

C. File an application before the Rent Control Court.

D. File an application before the District Collector under Section 13 of the Kerala Buildings (Lease and Rent Control) Act.

25. Which of the following statements is incorrect? A building within the meaning of the Kerala Buildings (Lease and Rent Control) Act includes -

A. Furniture supplied by the landlord for use in the building.

B. Garden and structures appurtenant to the building.

C. Well appurtenant to the building

D. Room in a boarding house.

26. Which of the following statements is untrue in respect of - application under Section 11 (3) of the Kerala Buildings (Lease and Rent Control) Act.

A. Need must be a dire need

B. Need must be a bonafide need

C. Need may be for the own occupation of the landlord

D. Need may be for the occupation of any member of the family of the landlord dependent on him.

27. Which of the following statements is untrue in respect of Section 11 (4)(iv) of the Kerala Buildings (Lease and Rent Control) Act?

A. The building is in such a condition that it needs reconstruction

B. The building proposed to be constructed shall have the same plinth area as that of the building.

C. The landlord requires bonafide to reconstruct the building.

D. The proposal to reconstruct is not made as a pretext for eviction.

28. Which of the following is wrong?

A. The word "tenant" includes a person who has been continuing even after the termination of tenancy.

B. Tenant includes a heir or heirs of the deceased tenant.

C. Tenant includes a kudikidapukaran as defined in the Kerala Land Reforms Act.

D. Tenant is a person by whom the rent is payable.

29. The doctrine of Lis pendens is dealt with in Section ..... of the Transfer of Property Act.

A. Section 50

B. Section 51

C. Section 52

D. Section 25

30. A minor's contract is -

A. void ab initio a

B. valid

C. voidable

D. None of these

31. Which of the following statements is not true in an application for eviction under Section 11(8) of the Kerala Buildings (Lease and Rent Control) Act.

A. The landlord must be in occupation of a part of the building.
B. The tenant must be in occupation of the whole or any portion of the remaining part of the building
C. The landlord requires additional accommodation for his personal use.
D. The need of the landlord must be to conduct/expand the same business as is being conducted by him in the building

32. An offence under Section 138 of the Negotiable Instruments

A. Cognizable offence
B. An offence that the court can take cognizance of on police filing charge sheet
C. An offence that can only be investigated by the Circle Inspector of Police
D. An offence that the court can take cognizance of only upon a complaint in writing by the payee or the holder in due course.

33. Which of the following statements is correct?

A. A director of a company in all cases can be proceeded against for the offence under Section 138 of the Negotiable Instruments Act.
B. A sleeping partner of a firm in his capacity as partner can be proceeded against for the offence under Section 138 of the Negotiable Instruments Act.
C. In the absence of other Directors as accused, the Managing Director of a company who issued the cheque alone cannot be proceeded against for the offence under Section 138 of the Negotiable Instruments Act.
D. A director of a Company who was in charge of and was responsible for the conduct of business can be proceeded against for offence under Section 138 of the Negotiable Instruments Act.

34. Section 62 of the Indian Contract Act, 1882 deals with

A. Devolution of joint liability .
B. Contract of indemnity
C. Novation
D. Contract of guarantee

35. A sub tenant shall be made a party to a rent control proceedings under Section 11 (4) of the Kerala Buildings (Lease and Rent Control) Act -

A. When the subletting was without the consent of the landlord
B. Subletting was allowed under the original agreement of tenancy.
C. Sub tenant starts business not in the nature for which the premises was leased
D. On consideration the sub tenant was inducted by the tenant.

36. A subsequent petition under Section 11(3) of the Kerala Buildings (Lease and Rent Control) Act for the bonafide need of the landlord is maintainable after the dismissal of the earlier petition on merits -

A. On a subsequent cause of action by the same petitioner.
B. For the same cause of action by the legal heirs
C. For the same cause of action if the tenant continues business by forming a partnership firm
D. None of the above

37. Delivery of possession of the property is sine qua non in the following

A. Mortgage by deposit of title deeds
B. Simple mortgage
C. Anomalous mortgage
D. Usufructory mortgage

38. Ex parte decree was passed against a defendant. Out of the remedies mentioned one is not available to the defendant, which is that?

A. File petition under Order IX Rule 13
B. File appeal challenging the decree
C. File fresh suit for the same cause of action
D. Seek remedies mentioned in A and B simultaneously

39. Which is the court empowered to stay the suit under Section 10 of the Code of Civil Procedure?

A. Appellate court
B. Court in which the suit subsequently instituted is pending.
C. Court in which previously instituted suit is pending
D. Court in which revision is pending.

40. Mention the decree in which mode of enforcement is limited to attachment of property.

A. Decree of money
B. Decree for recovery of immovable property
C. Decree for restitution of conjugal rights.
D. Decree for specific performance of contract.

Part B

1. Under Section 327 (2) of the Code of Criminal Procedure, in camera proceedings should be conducted in the trial of -

A. Offence under Section 302 IPC
B. Offence under Section 376A IPC
C. Offence under Section 500 IPC
D. If the proceeding is against a juvenile

2. During the course of enquiry/trial if the accused is found to be of unsound mind, the court shall -

A. Stop further proceedings and acquit the accused.
B. Release him on sufficient security for his appearance.
C. Issue notice to the aggrieved party to appear for settling the matter.
D. Explore the possibilities of plea bargaining

3. Condition for tendering pardon to an accused person under Section 306 Cr.P.C is -

A. That such person is making a full and true disclosure of the whole circumstances within his knowledge.
B. That he shall not abscond and will be available for tendering evidence.
C. Prepared to execute bond for keeping peace and good behaviour in future.
D. That he will not turn hostile to the prosecution.

4. Power under Section 133 Cr. P.C to remove unlawful obstruction or nuisance from any public place or from any way river or channel used by the public is vested with -

A. Judicial First Class Magistrate
B. Chief Judicial Magistrate
C. District Magistrate or Sub Divisional Magistrate
D. Metropolitan Magistrate

5. Any court may alter or add to any charge at any time .....

A. Before charge is framed
B. After pronouncement of judgment
C. Before judgment is pronounced
D. After closing the evidence of both sides.

6. Accused in a murder case was arrested and remanded to judicial custody. How many days a Magistrate may authorise the detention of the accused person in custody if the accused furnishes bail?

A. 60 days
B. 40 days
C. 90 days
D. 120 days

7. How can the arrest of a person be made ? .

A. By putting handcuff
B. By actually confining him in a room
C. By actually touching or confining the body of the person to be arrested
D. None of the above

8. Chapter relating to the plea bargaining has no application in the following offence.

A. Offences involving moral turpitude
B. Offence affecting socio economic condition of the country or committed against a woman or a child below 14 years of age
C. Offences against senior citizens .
D. None of the above.

9. Application for plea bargaining under Chapter XXI-A Cr.P.C. has to be moved by -

A. Prosecutor
B. Accused
C. Victim
D. Victim on the direction of the court.

10. Court can exercise the power under Section 313 Cr. P.C in questioning the accused -

A. At any stage during the course of enquiry or trial
B. Only after closing the evidence of the prosecution
C. Only after calling upon the accused to enter on his defence
D. Before concluding the arguments.

11. Power to commute sentence is vested with -

A. Appropriate Government
B. Court which passed the sentence
C. First appellate court
D. Revisional court

12. Offence under Section 354 IPC is -

A. Bailable
B. Non bailable
C. Non cognizable
D. Warrant trial

13. Offence of dowry death is -

A. Bailable
B. Non cognizable
C. Punishable with imprisonment for not less than five years and fine
D. Non bailable

14. A person voluntarily consumes alcohol and in an inebriated mood commits an offence, whether he is entitled to claim benefit of Section 85 IPC

A. Yes
B. No
C. He can claim leniency in punishment -
D. He shall be released on probation

15. An unlawful assembly is an assembly formed by ..... person with the common object of committing an offence.

A. Ten or more persons
B. Three or more persons
C. Two or more persons
D. Five or more persons

16. Culpable homicide is not a murder, -

A. if it falls in the cases excepted in Section 300 IPC
B. if it is done by a person below 18 years of age
C. if it is done by a person of unsound mind
D. if it is done by a woman

17. What kind of a property can be involved in an offence of theft?

A. Movable property
B. Immovable property
C. Both
D. Intellectual property

18. For the purpose of criminal law, standing trees are -

A. Movable property
B. Immovable property
C. Both A and B
D. None of the above .

19. Mc. Naughten's principles are well known for

A. Mens rea
B. Non compos mentis (insanity)
C. Doli incapax
D. Minority

20. Right of private defence is available for the protection of the following

A. For his own body, the body of any other person, the property whether movable or immovable of himself or of any other person.
B. Only for his body
C. Only for the body of any other person.
D. Only for the property whether movable or immovable of himself or of any other person.

21. Ingredients of Section 378 IPC includes -

A. Taking away movable property out of the possession of its owner
B. Dishonestly taking away movable property out of the possession of a person
C. Keeping any movable property secretly without returning it to its original owner
D. None of the above.

22. — Anticipatory bail can be granted by -

A. Judicial Magistrate of First Class
B. Only by High Court
C. Only by Sessions Judge
D. By the High Court or by the Court of Sessions.

23. Offence of outraging modesty of a woman has been dealt with under Section -

A. Section 375 IPC
B. Section 354 IPC
C. Section 376 IPC
D. Section 292 IPC

24. A person lawfully entered into or upon property in the possession of another and unlawfully remained there with intent to intimidate or insult or annoy the other person. The offence that has been committed by the first person IS -

A. Mischief
B. Criminal trespass
C. Theft
D. Cheating

25. Which Section of the Indian Penal Code deals with dacoity?

A. Section 391
B. Section 390
C. Section 378
D. Section 389

26. Which Section imposes punishment for culpable homicide not amounting murder?

A. Section 301 IPC
B. Section 302 IPC
C. Section 303 IPC
D. Section 304 IPC

27. A intentionally pulls up a woman's veil without her consent. What offence is committed by A?

A. Force
B. Criminal force
C. Assault
D. Intimidation

28. A, a carrier is entrusted by Z with property to be carried by land or by water. A dishonestly misappropriates the - property. What is the offence committed by A?

A. Extortion
B. Criminal misappropriation of property
C. Cheating
D. Criminal breach of trust

29. Marrying again during lifetime of the other spouse is called -

A. Monogamy .
B. Bigamy
C. Polygamy
D. None of the above

30. "A dying declaration always requires corroboration". The above statement of law is -

A. Correct
B. Partly correct
C. Incorrect
D. None of the above

31. Judgment of a civil court will always be binding on a criminal court. This statement is -

A. Correct
B. Incorrect
C. Partly correct
D. None of the above

32. Which of the following is a compulsorily attestable document?

A. Sale deed
B. Will
C. Exchange Deed
D. Agreement

33. Sec. 165 of the Evidence Act gives power to put questions to the witness by -

A. Prosecutor
B. Defence Counsel
C. Judge
D. By both Prosecutor and Defence Counsel

34. Which provision in the Evidence Act deals with admissibility of electronic records?

A. Section 65
B. Section 65A
C. Section 65B
D. None of the above

35. Under Section 116 of the Evidence Act, tenant is estopped from denying -

A. Title to the property of the actual owner
B. Title to the property of the landlord
C. Both A and B
D. None of these

36. Doctrine of estoppel is a -

A. Rule of evidence
B. Law of pleadings
C. Rule of criminal law
D. Substantive law

37. Investigation as to the commission of a non-cognizable offence can be done by a police officer -

A. Upon the order of a Magistrate
B. Upon the order of District Superintendent of Police
C. With the permission of Sessions Judge
D. Upon the order of Chief Judicial Magistrate

38. Provision relating to anticipatory bail is contained in -

A. Section 483 Cr. P.C.
B. Section 437 Cr.P.C.
C. Section 438 Cr. P.C.
D. Section 436 Cr. P.C.

39. Newly added Chapter XXI-A Cr.P.C relating to plea bargaining is applicable only in the case of offences, which are punishable with -

A. Death
B. Imprisonment for life
C. Imprisonment below 10 years, but above 7 years.
D. Imprisonment not exceeding 7 years

40. Alibi evidence is dealt with in -

A. Section 11 of the Evidence Act
B. Section 17 of the Evidence Act.
C. Section 15 of the Evidence Act.
D. Section 8 of the Evidence Act.

Part C

1. Who is the Governor of Reserve Bank of India?

A. R. Rangarajan
B. Dr Bilal Jalal
C. Y. Venugopal Reddy
D. R. Krishnamoorthy

2. Who is the Chief Minister of Goa?

A. S.C. Jamir
B. Digamber V. Kamath
C. Pratap Singh Rane
D. Micky Panchalo

3. Who is the Chairman of Law Commission of India?

A. M. Jagannadha Rao
B. Dr A.S. Anand
C. V.K. Bali
D. Dr AR Lakshmanan

4. Who is the Secretary General of United Nations?

A. Cofee Anan
B. Ban Ki Moon
C. Thabo Mvuyelwa Mveki
D. Stephen Hadly

5. Nehru Award for International Understanding for the year 2006 was awarded by the President of India to -

A. Bhairon Singh Shakawath
B. Luiz Inacio Da Silva
C. Natwarsingh
D. Arvind Kejriwal

6. Who is the President of France?

A. Angela Merkel
B. Nicolas Sarkozy
C. Vladimir Putin
D. Gregor John Mendal

7. "Satyameve Jayate" has been taken from -

A. Rig Veta
B. Mundak Upanishad
C. Bhagavat Gita
D. Mahabharath

8. Yahoo, Google, Infoseek are -

A. Search engines
B. New groups
C. Browsers
D. User names

9. Which writ is issued by the court in case of illegal detention of a person?

A. Certiorari
B. Quo warranto
C. Habeas Corpus
D. Mandamus

10. Supreme Court's advisory jurisdiction falls under Article... of the Constitution of India.

A. Article 123
B. Article 32
C. Article 143
D. Article 225

11. Constitution of India came into force on -

A. 26 November 1949
B. 26 January 1952
C. 16 August 1948
D. 26 January 1950

12. Who drafted the Indian Evidence Act 1872?

A. Denning
B. Dicey -
C. Macaulay
D. Friedman

13. An Amicus Curiae is a _____

A. Judge
B. Lawyer
C. Friend of a court
D. Public Prosecutor

14. Mona Lisa, the world famous painting was the creation of -

A. Plato
B. Aristotle
C. Leonardo Da Vinci
D. Michelangelo D)O

15. Who was the first Chief Justice of India?

A. AN. Ray
B. Chinnappa Reddy
C. Harilal J. Kania
D. RC. Pathak

16. You are required to study the given list of items and pick out the one that does not bear the same characteristics as the others in the list (odd man out)

A. Flew
B. Walked
C. Sailed
D. Travelled

17. Analogical coding with numbers. You have to correlate a letter with its numerical equivalent given in the question. If 1234567 1586 stand for "TERMINATION" what number does "3 7 15 8 6" stand for?

A. Motion
B. Nation
C. Ration
D. Notion

18. One of the items given in each of the following words does not belong to the same group. Which is that?

A. Perjury
B. Cheating
C. Fraud
D. Deception

19. If the word "SLIPCOVER" is rewritten by first writing the vowels in the word in the alphabetical order and then the consonants in the word in the alphabetical order, which of the following will be the third letter to the right of the 8th letter from the right end?

A. L
B. O
C. C
D. P

20. In a row of 40 boys facing North, A is 30th to the right of B who is 18th to the left of C. If A is 6th from the right end of the row, how far away is C from the right end of the row?

A. 18th
B. 20th
C. 22nd
D. None of these