Kerala Judicial Service (Prelims) 2011 (NCA)

High Court of Kerala · Preliminary Examination, held 29.05.2011 · 100 questions

PART-A

1. 'A' institutes a suit against 'B' for recovery of 2 lakhs and files an application for attachment of B's property. Before the attachment B transfers his property to 'C'. The transfer is

(A) valid
(B) invalid
(C) hit by lis pendens
(D) irregular

2. Which of the following contracts is void?

(A) A creditor agrees with his debtor not to sue him for one year.
(B) An accused prosecuted for the offence u/s. 323 IPC agrees with the victim to pay him Rs.1,000/- as compensation for withdrawing the complaint.
(C) X' finds 'B's watch and gives it to him. 'Z' promises to give 'X' Rs.100/-
(D) 'A' agrees to sell to B 5 cents at Kochi or Kottayam

3. 'M' lends Rs. 1,00,000/- to 'N'. 'P' is the surety. The contract provides that the liability of 'P' shall be limited to Rs. 50,000/-. The contract is

(A) void
(B) voidable
(C) irregular
(D) valid

4. A gift comprising both existing and future property

(A) is irregular
(B) is void as to both properties
(C) is voidable as to the future property
(D) is void as to the future property

5. Partition of immovable property is

(A) an exchange
(B) a transfer
(C) a gift
(D) none of the above

6. The mortgage which involves absolute transfer of the mortgaged property with a provision for re-transfer is

(A) Mortgage by conditional sale
(B) Equitable mortgage
(C) English mortgage
(D) Anomalous mortgage

7. The chapters and sections of the Transfer of Property Act which relate to contracts shall be taken as part of Contract Act and supplemental to

(A) The Specific Relief Act
(B) The Registration Act
(C) The Sale of Goods Act
(D) The Partition Act

8. In a contract for sale of immovable property where the buyer has already paid a part of the purchase price he is

(A) entitled to a charge on the property
(B) not entitled to a charge on the property
(C) not entitled to charge till the court creates a charge on the property
(D) entitled to a charge only if he has not improperly declined to accept delivery of the property.

9. Which of the following statements is true? To claim the benefit of part performance

(A) the contract need not be in writing
(B) the contract should be registered
(C) the transferee should not have taken possession of the property
(D) the transferee should not have performed his part of the contract

10. During the pendency of a suit for recovery of an immovable property if the defendant transfers the property

(A) the decree can be executed against the transferee
(B) the decree cannot be executed against the transferee
(C) the plaintiff should file a fresh suit against the transferee
(D) the plaintiff has no remedy

11. In a case in which a decree for specific performance of a contract for sale of immovable property has been passed, the plaintiff buyer could not deposit the balance sale consideration in time. For extension of time

(A) the plaintiff is not at all entitled to file an application.
(B) the plaintiff is entitled to file an application on the trial side.
(C) the plaintiff can file an application only on the execution side.
(D) consent of defendant is necessary.

12. Which of the following statements is wrong? Perpetual Injunction

(A) is granted by a decree.
(B) can be granted without notice to and hearing the defendant.
(C) can never be granted without notice to and hearing the defendant.
(D) can be granted on merits only.

13. In a suit for specific performance of contract for sale, the plaintiff should allege that .....

(A) he has been ready and willing to perform his part of the contract
(B) he had been ready and willing to perform his part of the contract
(C) he was ready and willing to perform his part of the contract
(D) he is ready and willing to perform his part of the contract

14. Choose the wrong statement. Until the contrary is proved the presumption is that

(A) a cheque was made for consideration.
(B) a cheque was drawn on the date it bears
(C) a lost promissory note was not duly stamped
(D) that a cheque was transferred before its maturity.

15. The presumption regarding dishonour of a cheque on production of a bank slip is

(A) rebuttable
(B) irrebuttable
(C) conclusive proof
(D) none of the above

16. Choose the wrong statement.

(A) where a cheque is uncrossed the holder may cross it generally
(B) where a cheque is uncrossed the holder may cross it specially
(C) where a cheque is crossed generally the holder shall not cross it specially
(D) where a cheque is crossed generally the holder may add the words 'not negotiable'.

17. An offence u/s. 138 N.I. Act was tried summarily. But the court imposed on the accused a sentence of imprisonment for one year. The sentence is

(A) legal
(B) only irregular
(C) only improper
(D) irregular

18. For the purposes of S. 141 N.I. Act a company does not mean or include

(A) a body corporate
(B) a firm
(C) a proprietary concern
(D) an association of individuals

19. Res judicata is

(A) a question of law
(B) a fact which should be pleaded
(C) a fact which need not be pleaded
(D) a matter which can be taken judicial notice of

20. In a non commercial transaction a Munsiff awarded interest at 10% per annum for post decretal period. The decree to that extent is

(A) legal
(B) nullity
(C) illegal but not a nullity
(D) none of the above

21. A salary of a government employee who was residing and working outside the jurisdiction of a court was attached by it in execution of a decree for money. The order is

(A) improper
(B) irregular
(C) illegal
(D) legal

22. In a suit filed by A against B the suit was dismissed. 'A' instituted a second suit with regard to the same subject matter. The Munsiff rejected the contention of the defendant that the second suit is barred by the principle of res judicata on the ground that the nature of the interest of the defendant changed after the dismissal of the first suit. The finding of the Munsiff is

(A) legal
(B) illegal
(C) a nullity
(D) only irregular

23. Which is the case in which notice to all the persons interested in a representative suit need not be given?

(A) abandonment of the suit
(B) withdrawal of the suit
(C) recording of compromise in a suit
(D) addition of a new defendant in a suit

24. A suit for recovery of money was filed on 1-1-2008. An application for adding a new defendant was filed on 1-6-2008. It was allowed on 1-9-2008. Summons was issued to the additional defendant on 1-10-2008. It was served on the additional defendant on 1-11-2008. Under the CPC the proceedings against the additional defendant shall be deemed to have begun on

(A) 1-1-2008
(B) 1-6-2008
(C) 1-9-2008
(D) 1-11-2008

25. Where a defendant was avoiding service deliberately, the court ordered service by advertisement in a newspaper, but it did not order to affix the summons in the court house or at the defendant's house also. The procedure adopted by the court is

(A) regular
(B) irregular
(C) improper
(D) unjustified

26. Of the five defendants in a suit only one defendant verified the joint written statement though all of them signed it. The court ordered to cure the defect. The order is

(A) improper
(B) regular
(C) legal
(D) justified

27. In a suit for partition 3 defendants were set ex parte. Preliminary decree was passed. On the application of one of the 3 defendants the court set aside the decree as against all the defendants. The order of the court is

(A) legal
(B) irregular
(C) unjustified
(D) illegal

28. A suit on a promissory note was decreed. On the plaintiff's application, the court returned the promissory note. The action of the court is

(A) legal
(B) proper
(C) valid
(D) illegal

29. After the trial of the suit the court found that the suit was barred by the principle of res judicata and did not discuss and answer the other issues. The procedure adopted by the court is

(A) legal
(B) justified
(C) proper
(D) illegal

30. After a decree for money is passed

(A) the court may direct payment of the amount by installments on the application of the J.D. even in the absence of the consent of the decree holder.
(B) the court may suo motu pass an order for payment of the amount by installments.
(C) the court may on the application of the J.D. and with the consent of the decree holder pass an order for payment of the amount by installments.
(D) the court has no power to direct payment of the amount by installments under any circumstance.

31. When a court desires that its decree shall be executed by another court, it shall send to the other court.

(A) a decree and certificate of non satisfaction.
(B) judgment and decree.
(C) judgment and execution petition.
(D) execution petition and certificate of non satisfaction.

32. The amount claimed in an E.P. did not appear to the court to be correct. The court provisionally decided the amount and allowed the decree holder to execute the decree. The action of the court is

(A) illegal
(B) legal
(C) irregular
(D) improper

33. Proclamation for sale of immovable property was published in the property on 29-3-2010 and in the Grama Panchayat on 30-3-2010 and in the court house on 31-3-2010. It was sold on 29-4-2010. The sale is

(A) illegal
(B) legal
(C) a nullity
(D) irregular

34. In execution of a decree for money the decree holder purchased the property of the J.D. Decree holders in some other cases filed an application for rateable distribution. The court directed the Decree Holder to deposit the amount of purchase money. The order of the court is

(A) illegal
(B) irregular
(C) improper
(D) legal

35. Sale certificate is issued on

(A) general stamp paper
(B) court fee stamp paper
(C) plain paper
(D) printed forms

36. A suit was instituted by a firm with only one partner on the party array. The Munsiff directed to return the plaint to cure the defect. The direction is

(A) legal
(B) illegal
(C) regular
(D) proper

37. An application was filed by the plaintiff to withdraw the suit with permission to file a fresh suit on the same cause of action. The Munsiff refused permission and dismissed the suit. The order is

(A) legal
(B) improper
(C) regular
(D) illegal

38. Choose the wrong statement. Under the KBLR Act

(A) The right u/s. 11 (17) is available not only to the tenant but also his successor.
(B) In a petition u/s. 11 (3) the court should not take into consideration the plea of the tenant that though a suitable building is available, he has to pay rent at the current rate, which he cannot afford.
(C) The profession of Advocates is a trade or business for the purpose of S. 11 (3) 2nd proviso.
(D) A tenant who took the building on rent for residential purpose but conducts a shop also in it is not entitled to the benefit of S. 11 (3) 2nd proviso.

39. Which of the following statements is wrong? Under the KBLR Act

(A) The landlord cannot disprove that the entries in the register of Accommodation Controller are wrong.
(B) The two ingredients in the 2nd proviso to S. 11 (3) as to the dependence of tenant for his livelihood and non-availability of other suitable building are conjunctive.
(C) The burden is on the tenant u/s. 11 (3) 2nd proviso to prove that his main income is derived from the business in the petition scheduled building.
(D) U/s. 11 (3) 2nd proviso the tenant's contention that for the other available suitable building its landlord demands exorbitant amount as security should be ignored.

40. Choose the wrong statement.
Under the KBLR Act

(A) The sublease of a portion only of the tenanted building entitles the landlord to evict the tenant u/s. 11 (4).
(B) Even if subletting is not expressly prohibited in the lease deed landlord can seek eviction on the ground of sub lease.
(C) Delay in filing petition for eviction is fatal if the ground is subletting.
(D) Landlord need not positively prove that the transfer of lease was for valuable consideration.

PART-B

41. Under the Cr.P.C., the authority empowered to issue summons to produce a thing is

(A) Court only
(B) S.H.O. only
(C) Both (A) & (B)
(D) Sessions Court only

42. Which of the following statements is wrong?

(A) Further investigation can be ordered on the application of a victim.
(B) Further investigation can be ordered on the application of an accused.
(C) Police can conduct further investigation even after charge is framed.
(D) Court can suo motu order further investigation even after charge is framed

43. Which of the following statements is correct?
U/s. 161 Cr.P.C. the statement of

(A) an accused cannot be recorded
(B) the first informant cannot be recorded
(C) an expert may be recorded
(D) a person under the age of 15 years cannot be recorded

44. The confession of an accused recorded by a Magistrate U/S 164 Cr.P.C.

(A) Shall be signed by him
(B) Shall not be signed by him
(C) Shall not be signed by the Magistrate
(D) Shall be attested by a witness

45. Which of the following statements is wrong?

(A) When a complaint is dismissed, the court shall record the reasons
(B) When an accused is discharged, the court need not record the reasons
(C) When a charge is framed, the court need not record the reasons
(D) When cognizance is taken of an offence, the court need not record the reasons

46. A Magistrate may conduct a local inspection

(A) to decide whether a charge should be framed
(B) to ascertain whether the mahazar prepared by the police is correct
(C) to appreciate the evidence
(D) to verify a thing

47. The provision in the Cr.P.C. which may be invoked by a civil court is section

(A) 349
(B) 350
(C) 345
(D) 250

48. An offence under IPC for which fine is a mandatory punishment is the offence under

(A) S. 324
(B) S. 325
(C) S. 354
(D) S. 341

49. A Magistrate acquitted accused 2 to 5 and refiled the case against the absconding 1st accused. On his appearance the 1st accused was discharged by the Magistrate on the basis of the judgment pronounced in the case of accused 2 to 5. The order of the Magistrate is

(A) illegal
(B) legal
(C) valid
(D) regular

50. Sri. Kumaran had in his possession without lawful excuse an implement of house breaking. He was arrested and produced before a Magistrate, who rejected the bail application and remanded him to jail. The order of remand is

(A) illegal
(B) legal
(C) only improper
(D) only irregular.

51. Which of the following statements is true?

(A) A Magistrate can order to stop the investigation.
(B) A Magistrate can order investigation u/s. 156 (3) Cr.P.C. even if the offence is exclusively triable by a sessions court.
(C) A Magistrate can order investigation u/s. 202 Cr.P.C. even if the offence is exclusively triable by a sessions court.
(D) A Magistrate can recall an order passed for investigation u/s. 156 (3) Cr.P.C.

52. Which of the following statements is true?

(A) U/s. 125 Cr.P.C. only a lawful wife is entitled to maintenance.
(B) Imprisonment for non payment of maintenance is a punishment.
(C) A compromise entered into by the parties after the court has passed an order for maintenance u/s. 125 Cr.P.C. cannot be taken notice of by the court.
(D) A parent can file a petition u/s. 425 Cr.P.C. in a court within whose jurisdiction he resides though the son resides beyond the jurisdiction of that court.

53. An arrest warrant in a criminal case shall be signed by

(A) Chief Ministerial Officer.
(B) Head of Office
(C) Presiding Officer of the Court
(D) Authorized Officer

54. When information regarding commission of a non-cognizable offence is given to an officer in-charge of a police station, he shall

(A) record the information, register a case and forward a report to the Magistrate
(B) record the information and forward it to the Magistrate
(C) refer him to the Magistrate
(D) none of the above

55. Which of the following statements is correct? A police officer has

(A) no power to take the signature of an informant in the First Information Statement.
(B) power to take the signature of the informant in the First information Statement.
(C) power to take the signature of the witness in the statement recorded under S. 161 Cr.P.C.
(D) power to take the signature of the accused in the statement recorded u/s. 161 Cr.P.C.

56. A charge is framed by the Magistrate on the basis of

(A) police report
(B) statements recorded u/s. 161 Cr.P.C.
(C) police report and documents sent with it
(D) documents produced by the prosecution as well as the accused

57. Any error in a judgment pronounced by a criminal court

(A) can be corrected by it
(B) cannot be corrected by it
(C) can be corrected on application
(D) can be corrected by it invoking inherent power

58. Which of the following orders is legal?

(A) A person who was accused of the offence u/s. 302 IPC was released on bail by the S.H.O.
(B) A Magistrate cancelled the bail granted by the Sessions Court.
(C) A Magistrate directed surrender of passport when a person accused of an offence u/s. 354 IPC was released on bail.
(D) In a committal order the Magistrate remanded the accused during and until the conclusion of the trial.

59. A witness in a criminal case was contradicted u/s. 145 Evidence Act with the statement of another witness made in the course of the investigation. The procedure is

(A) regular
(B) proper
(C) legal
(D) illegal

60. A proceedings u/s. 125 Cr.P.C. is essentially a

(A) civil proceedings
(B) quasi criminal proceedings
(C) quasi civil proceedings
(D) criminal proceedings

61. Choose the wrong statement.

(A) Remand of an accused after the investigation is over is u/s. 167 Cr.P.C.
(B) U/s. 309 Cr.P.C, the Magistrate can remand an accused for a maximum period of 15 days.
(C) U/s. 309 Cr.P.C. even prosecution may be directed to pay costs for adjournment.
(D) At the request of the accused the court shall not grant adjournment to enable him to show cause against the sentence.

62. A Magistrate who released on bail an accused in a sessions case directed him to bind himself to appear before the Magistrate Court as well as the Sessions Court. The direction is

(A) only improper
(B) only irregular
(C) legal
(D) illegal

63. Which of the following statements is wrong?

(A) Even when the power u/s. 357 Cr.P.C. can be invoked to award compensation the jurisdiction of the civil court is not ousted.
(B) When two courts have jurisdiction, the parties can oust the jurisdiction of one court by an agreement.
(C) Even when the entire cause of action arose within the jurisdiction of a court a suit against a Company may be instituted in another court if its registered office is within the jurisdiction of the latter court.
(D) An objection regarding territorial jurisdiction of a court shall be ' taken up at least at the settlement of issues.

64. The genuineness of the document is not presumed if it is

(A) Evidence recorded by a Munsiff in a suit.
(B) Confession of an accused recorded by a Judicial Magistrate.
(C) Statement of a witness recorded by a Judicial Magistrate u/s. 164 Cr.P.C.
(D) A part of the evidence recorded by a Munsiff in a suit.

65. Which of the questions is not lawful in cross-examination?

(A) A question to test the veracity of the witness
(B) A question to discover what the position in life of the witness is
(C) A question the answer of which amounts to hearsay
(D) A question to injure the character of the witness

66. in which of the following cases a statement need not be in writing

(A) For contradicting a witness u/s. 145 Evidence Act.
(B) A dying declaration
(C) A statement used to refresh the memory of a witness
(D) A statement which can be used u/s. 162 Cr.P.C.

67. Which of the statements is true? Admission of a party

(A) is conclusive proof
(B) is irrelevant
(C) may operate as estoppel.
(D) has no probative value

68. An item of evidence which is not a secondary evidence is

(A) copies made from the original
(B) copies compared with the original
(C) oral accounts of the contents of a document given by a person who himself has seen it.
(D) Counter part of a document as against the person who executed it.

69. A matter before the court, which is not an evidence in the case.

(A) Confession of a co-accused
(B) entries in books of accounts regularly kept in the course of business
(C) statement of the accused made u/s. 313 Cr.P.C.
(D) testimony of an expert

70. An item of evidence which is not a substantive is
(A) Dying Declaration
(B) First Information Statement
(C) Admission of the party
(D) Admission of authorised agent of the party

71. For an offence u/s. 326 IPC police arrested an accused. He gave an interview to the media confessing his guilt on the way to his police station. The court held that it is extra judicial confession and the court acted upon it. The action of the Magistrate is
(A) legal
(B) illegal
(C) only improper
(D) only irregular

72. An offence under IPC which requires a complaint in writing by an aggrieved person for taking cognizance is the offence u/s .....
(A) 471
(B) 475
(C) 498A
(D) 211

73. An offence under IPC which requires a complaint in writing of the public servant concerned is the offence u/s
(A) 172
(B) 190
(C) 191
(D) 192

74. An offence u/s. 471 IPC can be taken cognizance of only on a complaint in writing by the court, if the document is
(A) produced in court after it is forged
(B) forged any time while it is in the custody of a court
(C) forged after the evidence is recorded
(D) produced before the trial starts

75. The offence of criminal trespass is complete when a person enters upon the property in the possession of another with intent to commit
(A) a bailable offence
(B) any offence
(C) a non bailable offence
(D) a cognizable offence

76. A hurt which is not grievous u/s. 320 IPC is
(A) permanent privation of the sight of an eye
(B) privation of a member
(C) privation of a joint
(D) injury to head

77. Uttering obscene words near a public place
(A) is not an offence
(B) is an offence u/s 294 (b) IPC
(C) is an offence u/s 290 IPC
(D) is an offence u/s. 292 (2) (b) IPC

78. The offence under IPC which has been struck down by the Supreme Court is the offence u/s
(A) 303
(B) 335
(C) 404
(D) 496

79. An investigating officer is not empowered to require the attendance of a person before him if .....
(A) that person is a woman
(B) that person is under the age of 15 years ..
(C) both (A) & (B)
(D) that person resides beyond 20 kms.

80. U/s. 319 Cr.P.C., a person may be added as an additional accused on the basis of the
(A) documents relied on by the prosecution
(B) supplementary report of the investigating officer
(C) evidence adduced in the case
(D) subsequent developments

PART-C

81. The language which may be used in a representation for the redress of any grievance submitted to an officer of a State is
(A) English
(B) Hindi
(C) official language
(D) any of the languages used in the state

82. A High Court considered the validity of a proceedings in parliament on the ground of irregularity of procedure. The action is
(A) legal
(B) illegal
(C) irregular
(D) none of the above

83. The parliament consists of the
(A) Two houses
(B) President and the two houses
(C) Vice President and the two houses
(D) President and the House of the People

84. In India right to education is a
(A) constitutional right
(B) statutory right
(C) fundamental right
(D) common law right

85. No child below the age of ..... years shall be employed to work in any factory.
(A) 14
(B) 15
(C) 18
(D) 12

86. The basic-structure of the Constitution of India is contained in
(A) Article 21
(B) Article 32
(C) Preamble
(D) Article 14

87. The exclusive power to make any law with respect to any matter not enumerated in the concurrent list or state list is vested in the
(A) State legislature
(B) Parliament
(C) President
(D) Governor

88. Fair trial in a criminal case is guaranteed in the constitution of India by Article
(A) 14
(B) 20
(C) 21
(D) 32

89. Which of the following statements is true?
(A) The constitutional validity of a central law can be considered by a High Court
(B) The constitutional validity of a central law cannot be considered by a High Court.
(C) The constitutional validity of a central law can be considered by a District Judge
(D) The constitutional validity of a central law can be considered by any court.

90. The fundamental right available only to a citizen of India is the right under Article
(A) 14
(B) 15
(C) 20
(D) 22

91. International Court of Justice is situated at
(A) Stockholm
(B) Vienna
(C) New York
(D) Hauge

92. sine qua non means
(A) that which is necessary
(B) that which is not necessary
(C) that which can be dispensed with
(D) that which cannot be taken notice of

93. The author of the book 'A Judge's Miscellany' is .....
(A) Justice M.C. Chagla
(B) Justice M. Hidayathulla
(C) Justice Y.B. Chandrachud
(D) Justice J.S. Verma

94. Who said that the legal profession is a noble profession?
(A) Plato
(B) Bentham
(C) Aristotle
(D) Cicero

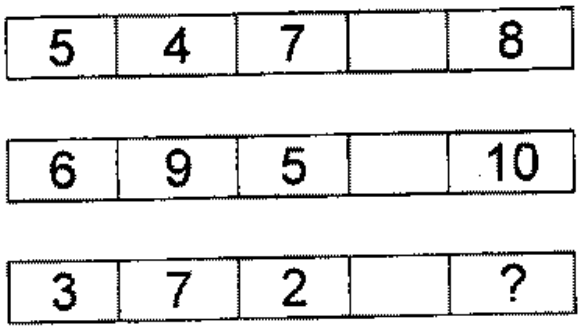
95. As the word 'laudable' is related to despicable, so the word 'laudation' is related to .....
(A) eulogy
(B) praise
(C) criticism
(D) commendation

96. 'A' is the son of 'C'. 'C' and 'Q' are sisters. 'Z' is the mother of 'Q'. 'P' is the son of 'Z'. Which of the following statements is true?
(A) 'P' and 'A' are cousins.
(B) 'P' is the maternal uncle of 'A'.
(C) 'Q' is the maternal grandfather of 'A'.
(D) 'C' and 'P' are sisters

97. Introducing Suseela, Balakrishnan says: "she is the wife of the only nephew of the only brother of my mother". How is Suseela related to Balakrishnan?

(A) Wife
(B) Sister
(C) Sister in-Law
(D) Data is inadequate

98. Replace the question mark with the correct answer.



(A) 1
(B) 4
(C) 3
(D) 6

99. Factum Probans means

(A) Fact which has already been proved
(B) Fact alleged in the pleadings
(C) Fact which will only make probable the facts in issue
(D) Evidentiary fact

100. Respondeat superior means

(A) The respondent is liable
(B) The liability of respondent is superior
(C) The principal is responsible
(D) The principal's liability is superior