Maharashtra Civil Judge (Prelims) 2014

Maharashtra Public Service Commission · Civil Judge (Junior Division) & JMFC Preliminary Examination 2014, held 07.06.2014 · 100 questions

Preliminary Examination

1. In an offence of criminal breach of trust by public servant, the period of limitation for taking cognizance can be condoned by
   (A) Supreme Court
   (B) High Court
   (C) Court of Session
   (D) None of the above

2. Stolen property seized by police can be returned by
   (A) Police officer who had seized it
   (B) Senior police officer
   (C) Commissioner of Police
   (D) None of the above

3. If a convicted person is sentenced again, general rule is that both the sentences will run
   (A) one after other
   (B) together
   (C) after appeal is decided
   (D) None of the above

4. If the Court of JMFC has imposed sentence of fine of ₹ 75 only, an appeal may lie with the permission of
   (A) Court of Session
   (B) High Court
   (C) Supreme Court
   (D) None of the above

5. If a woman sentenced to death is found pregnant, the execution of the sentence can be postponed by
   (A) Governor of the State
   (B) JMFC
   (C) Court of Session
   (D) High Court

6. Offence under Section 498 A of IPC is compoundable
   (A) with permission of Court
   (B) without permission of Court
   (C) with permission of the lady
   (D) None of the above

7. After the transfer of Magistrate, trial of an offence under Section 138 of NI Act,
   (A) is to be conducted afresh by the new Magistrate
   (B) is to be conducted from the stage left by earlier Magistrate
   (C) the complaint has to be dismissed
   (D) None of the above

8. Prior to issuance of summons to accused
   (A) notice is required to be issued to the accused
   (B) notice is not required to be issued to the accused
   (C) it is discretion of the Magistrate whether to issue notice or not
   (D) None of the above

9. Police can investigate non-cognizable offence
   (A) with permission of Commissioner of Police
   (B) with permission of Court
   (C) with permission of Superintendent of Police
   (D) None of the above

10. Cognizable offence means
   (A) where police may arrest the accused without warrant
   (B) permission of Court is necessary for arrest
   (C) police cannot investigate without permission of Court
   (D) None of the above

11. In a money decree
   (A) judgement debtor can create fresh bank A/c and deposit in it
   (B) can take a bank loan
   (C) the amount is sent to decree holder by moneyorder
   (D) None of the above

12. If the suit is dismissed due to default of the plaintiff and if there is subsequent suit between same parties, then decision in the first suit
   (A) amounts to res judicata
   (B) does not amount to res judicata
   (C) amounts to stay of subsequent suit
   (D) None of the above

13. In a money suit, the Court can award
(A) interest during pendency of suit
(B) interest from the date of decision of suit till realization
(C) interest prior to institution of the suit
(D) All of the above

14. When the Court which passes the decree, transfers it to another Court, it is called as
(A) request letter
(B) subrogation
(C) precept
(D) appropriation

15. Issue is required to be framed for
(A) every fact pleaded by the plaintiff
(B) every fact denied by the defendant
(C) every material fact affirmed and denied by the parties
(D) None of the above

16. Defendant has got right to begin as and when
(A) the plaintiff wants
(B) it is convenient to the defendant
(C) the defendant has taken any special defence
(D) None of the above

17. Decree for restitution of decree may be executed by
(A) detention of judgement debtor in civil prison
(B) attachment of property of judgement debtor
(C) both the ways
(D) None of the above

18. Commissioner may be appointed for
(A) examination of witnesses
(B) local inspection
(C) taking accounts
(D) Any of the above

19. Subsistence allowance is an amount which
(A) husband pays to the wife
(B) employer pays to suspended employee
(C) is deposited by the decree holder in the Court if judgement debtor is to be sent to civil prison
(D) None of the above

20. Filing of an appeal
(A) automatically amounts to stay of original proceeding
(B) will amount to stay only when it is granted by appellate Court
(C) amounts to reversal of judgement
(D) None of the above

21. Wife can be compelled to disclose communication with her husband
(A) in a suit between landlady/wife and her tenant
(B) in a case between employee/wife and her employer
(C) in a case between mother and son
(D) in a case between husband and wife

22. 'A', found in possession of stolen car after the theft, Court may presume that
(A) 'A' is owner of car
(B) 'A' is driver of car
(C) 'A' is passenger in that car
(D) 'A' is a thief

23. When sword used for murder is produced in the Court, it is
(A) documentary evidence
(B) oral evidence as to existence/condition of sword
(C) material evidence
(D) None of the above

24. If a girl is begotten during seven months and after dissolution of marriage wife remains unmarried, it is a conclusive proof that
(A) there was a valid marriage
(B) there was a valid dissolution of marriage
(C) the girl is legitimate daughter of that man
(D) None of the above

25. Registered Will may be proved by examining
(A) testator
(B) beneficiary
(C) attesting witness
(D) a person from the office of sub-registrar

26. Primary evidence means
(A) certified copy
(B) photocopy
(C) counterparts of documents
(D) document itself

27. Hearsay evidence is
(A) always admissible
(B) not at all admissible
(C) admissible in certain contingencies
(D) None of the above

28. 'A' saw 'B' running away alongwith blood stained knife is
(A) admissible as a direct evidence that 'B' committed murder
(B) admissible as an evidence of conduct against 'B'
(C) admissible as an evidence that 'B' with knife is chasing the real murderer
(D) inadmissible as hearsay evidence

29. Raju sues Kiran for ₹ 38,000 entry in books of accounts of Raju amounts to
(A) admission of liability
(B) inadmissible
(C) relevant
(D) None of the above

30. Court may presume abetment of suicide, if married woman commits suicide within
(A) 10 years of marriage
(B) 3 years of marriage
(C) 8 years of marriage
(D) 7 years of marriage

31. The following property can be transferred
(A) chance of heir apparent
(B) easement
(C) right to sue
(D) land valuing less than ₹ 100

32. Raju transfers land to Pravin on a condition that Pravin shall marry with the consent of Usha and Pramila. Pravin is deemed to fulfil the condition when
(A) Pravin asked for consent but both refused
(B) Pravin asked for consent Usha consented but Pramila refused
(C) Pramila consented but Usha refused
(D) Pramila died and Usha consented

33. 'A' lets 'B' land at rent to ₹ 500 and then transfers the land to 'C'. 'B' not having notice of transfer, in good faith pays the rent to 'A'. Then
(A) 'B' has to pay the rent to 'C'
(B) 'B' has to pay rent to 'C' and to 'A' again
(C) 'B' denies the title of 'C'
(D) Rent is not recoverable from 'B'

34. Specific performance suit is pending between purchaser Shridhar and vendor Gunesh. Gunesh sold the property to Rajesh. This transaction is hit by the principle of
(A) res judicata
(B) estoppel
(C) damdupatt
(D) lis pendens

35. Kaushik agreed to repay and transferred mortgaged land in favour of Vinayak. Vinayak assures to reconvey land in case Kaushik repays the entire amount to Vinayak. This mortgage is called as
(A) mortgage by deposit of title deeds
(B) usufructary mortgage
(C) anomalous mortgage
(D) english mortgage

36. The right of the mortgagor who repays entire amount after the principal money has become due is called as right of
(A) foreclosure
(B) redemption
(C) reconveyance
(D) None of the above

37. Difference between charge and mortgage is that
(A) charge is not transfer of interest whereas mortgage is transfer of interest
(B) charge is over movable property but mortgage is of immovable property
(C) charge is governed as per Sale of Goods Act but mortgage is governed as per transfer of Property Act
(D) mortgage is always for consideration but charge is not supported by consideration

38. Lease of immovable property for manufacturing purposes is determinable by giving notice of
(A) 15 days
(B) one month
(C) three months
(D) six months

39. Pankaj gave his flat to Mukund and Mukund gave his flat to Pankaj it is called as
(A) settlement
(B) barter
(C) exchange
(D) None of the above

40. The transfer of movable property is governed by which provisions of Transfer of Property Act?
(A) barter
(B) exchange
(C) sale
(D) gift

41. Temporary injunction is granted
(A) during pendency of the suit
(B) at the conclusion of the trial
(C) is regulated by provisions of the Specific Relief Act
(D) None of the above

42. If the suit for specific performance is dismissed then
(A) plaintiff can institute new suit for compensation
(B) plaintiff cannot file suit for recovery of possession
(C) can file new suit for specific performance
(D) All are incorrect

43. After the trial of suit for specific performance has started
(A) amendment of plaint incorporating prayer for compensation cannot be allowed
(B) amendment of plaint incorporating prayer for compensation can be allowed
(C) separate suit for compensation has to be filed
(D) None of the above

44. A, not the owner of car, agrees to sell the same to B. B fails to pay the amount. Suit for specific performance of the agreement will be governed by
(A) Motor Vehicles Act
(B) Sale of Goods Act
(C) Specific Relief Act
(D) Transfer of Property Act

45. What is the period of limitation for filing suit for recovery of possession of immovable property if there is dispossession not as per law?
(A) 3 years
(B) 18 months
(C) 2 years
(D) 6 months

46. For construction of public hospital
(A) suit for specific performance can be filed
(B) suit for specific performance cannot be filed
(C) suit for mandatory injunction can be filed
(D) None of the above

47. In a suit for specific performance of contract
(A) possession cannot be asked
(B) partition cannot be claimed
(C) compensation cannot be claimed
(D) All are incorrect

48. Specific performance against transferor with notice of earlier transaction pending suit
(A) can be granted
(B) cannot be granted
(C) new suit is required to be filed
(D) None of the above

49. Suit for specific performance to construct theatre
(A) can be decreed
(B) cannot be decreed
(C) compensation can be awarded
(D) None of the above

50. For the business of the firm, partner is
(A) servant of the firm
(B) owner of the firm
(C) agent of the firm
(D) trustee of the firm

51. Landlord cannot claim possession of business premises
(A) for occupation by himself
(B) on account of subletting
(C) for arrears of rent
(D) for non-user

52. No decree of eviction on the ground of arrears of rent can be passed, if the tenant pays or tenders in court arrears
(A) on the date of giving of evidence by him
(B) on the date of judgement
(C) on the date when the plaintiff closes his evidence
(D) within 90 days from the date of service of summons

53. Provisions of the Maharashtra Rent Control Act are not applicable to premises belonging to
(A) Hindu undivided family
(B) Partnership firm
(C) Sole proprietor
(D) Government

54. Monthly rent/yearly rent is recovered as per
(A) Hindu calendar
(B) Shalivahan shak
(C) International calendar
(D) British calendar

55. Tenant can undergo tenantable repairs by giving landlord
(A) not less than one month notice
(B) 15 days notice
(C) not less than three weeks notice
(D) not less than 7 days notice

56. If the landlord cuts the water without just cause, he is liable for punishment for
(A) 3 months or fine of ₹ 1,000 or both
(B) 6 months or fine or both
(C) 3 years or fine or both
(D) 1 year or fine or both

57. If the decree is passed by Court of Small Causes Bombay, appeal lies with
(A) City Civil Court
(B) High Court
(C) Bench of two judges of Court of Small Causes Bombay
(D) None of the above

58. If business premises are given on licence basis, jurisdiction lies with
(A) Civil Court
(B) Competent authority under Section 13 A-2
(C) District Court
(D) High Court

59. Landlord cannot increase the rent
(A) on account of increase in taxes
(B) on account of improvements
(C) heavy repairs made by him
(D) as per his own choice

60. An appeal against the decision of appellate decree in eviction decrees lies with
(A) High Court
(B) Division Bench of High Court
(C) Competent Authority
(D) None of the above

61. In an ordinary course, suit is deemed to be instituted
(A) when court fee stamp is affixed to the plaint
(B) when the plaintiff has signed on the plaint
(C) when the presiding officer issues summons
(D) when the plaint is presented to the proper officer

62. Period of limitation for filing cross objection is prescribed under
(A) Article-109
(B) Article-99
(C) Article-105
(D) None of the above

63. For computing the period of limitation for preferring an appeal, the following periods are not excluded
(A) when the prescribed period expires on the day when the court is closed
(B) the day on which judgement is pronounced
(C) time required for obtaining certified copy
(D) the period in between date of judgement and date of applying certified copy

64. The period of limitation for filing suit can be condoned by
(A) the Trial Court
(B) Appellate Court
(C) High Court in inherent powers
(D) None of the above

65. Once the period of limitation has started to run, it can be stopped due to
(A) death of plaintiff
(B) sickness of plaintiff
(C) plaintiff going abroad
(D) None of the above

66. If borrower acknowledges the liability before expiry of period of limitation of suit it amounts to
(A) judgement on admission
(B) extending the period of limitation for suit
(C) accepting the liability by the borrower for double amount
(D) None of the above

67. Period of limitation for filing suit for recovery of possession on the basis of previous possession is
(A) 6 months
(B) 3 years
(C) 12 years
(D) 7 years

68. Period of limitation for filing an execution application for decree for mandatory injunction is
(A) 12 years
(B) 6 years
(C) 1 year
(D) 3 years

69. Period of limitation for filing criminal revision is
(A) 3 years
(B) 1 year
(C) 90 days
(D) None of the above

70. Period of limitation for filing writ petition in High Court is
(A) 3 years
(B) 2 years
(C) 1 year
(D) None of the above

71. Inserting Section 228 A (disclosure of identity of rape victim) in IPC is in conformity with the provisions of
(A) Article-14
(B) Article-15
(C) Article-16
(D) Article-19

72. In a criminal trial, when the accused gives evidence on oath, it is in violation of
(A) Article-22
(B) Article-21
(C) Article-19
(D) None of the above

73. Powers conferred on Supreme Court as per clause 1 and 2 to Article-32 can be bestowed on the court of civil judge junior division by
(A) Supreme Court
(B) High Court
(C) International Court
(D) Parliament

74. Denying free legal aid is
(A) violation of fundamental right
(B) violation of directive principles
(C) contempt of Court
(D) None of the above

75. Election of President is by way of
(A) direct election
(B) indirect election
(C) partly direct and partly indirect
(D) None of the above

76. Original jurisdiction of Supreme Court includes
(A) deciding civil appeals against the judgement of High Court
(B) deciding bail applications
(C) supervision over High Courts
(D) None of the above

77. Normal duration of the Legislative Assembly is
(A) 2 years
(B) 7 years
(C) 5 years
(D) 10 years

78. Judge of High Court is appointed by
(A) Chief Justice of India
(B) Parliament
(C) State Legislature
(D) President

79. Emergency may be proclaimed by
(A) Supreme Court of India
(B) Parliament
(C) All High Courts taking unanimous decision
(D) President of India

80. Appointment of a district judge is made by the Governor in consultation with
(A) State Public Service Commission
(B) State Government
(C) Supreme Court of India
(D) High Court

81. Raju says that - Pravin is an honest man, he never steals t-shirts from mall, intending to cause to believe that Pravin always steals from the mall. What offence Raju has committed?
(A) Theft
(B) Criminal intimidation
(C) Extortion
(D) Defamation

82. 'A' had a sexual intercourse with 'B' (who is a wife of 'C' a male) without consent of 'C' but with the consent of 'B', what offence 'A' had committed?

(A) Rape
(B) Sodomy
(C) Adultery
(D) Bigamy

83. A and B are joint owners of bullock-cart, B takes the bullock-cart out of possession of A. What offence B has committed?

(A) Theft
(B) Cheating
(C) Dishonest misappropriation
(D) None of the above

84. While committing theft, A, B, C, D and E have committed murder of Z. Which offence have they committed?

(A) Theft
(B) Extortion
(C) Murder
(D) Dacoity with murder

85. If there is severe body pain for continuous 15 days to 'R' due to beating by 'P' with a stick, under which Section an offence under IPC, 'P' has committed?

(A) 323
(B) 307
(C) 302
(D) 324

86. 'A', owner of a Dairy, adulterates milk and sells to general public, which offence is committed by 'A'?

(A) Only under Prevention of Food Adulteration Act
(B) Only U/S 272 of IPC
(C) Under both the provisions
(D) None of the above

87. If a police officer commits rape of a female accused in his custody and journalist publishes the name of the rape victim, whether the journalist has committed any offence

(A) no offence because it is in the public interest
(B) under Registration of Newspaper Act
(C) U/S 228 A of IPC
(D) defamation

88. If judgement debtor knows that there is a decree for possession against him and he resists the bailiff in executing the decree, whether the judgement debtor has committed any offence

(A) no offence
(B) contempt of court
(C) U/S 183 of IPC
(D) civil wrong

89. When two persons are fighting in a room, what offence have both committed?

(A) Assault
(B) Rioting
(C) Unlawful assembly
(D) None of the above

90. The principle of vicarious liability is not applicable in a criminal trial

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

91. Raju agrees to pay ₹ 66,333 to Bhushan and Bhushan agrees to sell furniture of teak wood and brown sugar. Then

(A) entire agreement is legal
(B) entire agreement is void
(C) agreement to sell furniture is valid
(D) agreement to sell brown sugar is void

92. Famous coconut oil manufacturing company agrees to sell 5000 litres of coconut oil. Such an agreement is

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

93. Mohan owes an amount to Meenakshi. Mohan authorises to sell the land belonging to him and authorises her to appropriate her dues from the sale proceeds.

(A) Mohan can terminate authority to Meenakshi
(B) Authority stands automatically terminated on his death
(C) Authority stands automatically terminated on the insolvency of Mohan
(D) Authority cannot be terminated

94. Mandar borrows ₹ 17,000 from Suresh and gives a bond for ₹ 34,000 payable in 4 instalments of ₹ 8,500 each. There is stipulation that in case of default of payment of any instalment, whole amount shall become payable. Such an agreement is

(A) suffered by undue influence
(B) without free consent
(C) stipulation is by way of penalty
(D) in restraint of trade

95. Kanta sells tyres to Pankaj and tyres were despatched for delivery. Kanta came to know that Pankaj is declared insolvent by Hon'ble High Court. Kanta has not received payment. Kanta told the transporter not to give delivery.

(A) Kanta is liable for compensation
(B) Kanta is justified to do the same
(C) Kanta has committed criminal breach of trust
(D) None of the above

96. Stipulation as to payment

(A) is always an essence of contract
(B) is not always an essence of contract
(C) is essence only when stipulated in the contract
(D) None of the above

97. When Prafulla refuses to take delivery of Maruti car from Prashant Automobiles and car got burnt. Then

(A) Prashant Automobiles is responsible for the loss
(B) both have to share the loss
(C) Prafulla is responsible for the loss
(D) None of the above

98. Saheli Garment Exporter Firm is an unregistered firm having its office at Srinagar, State of J & K filed a suit for recovery of unpaid price. Such a suit is

(A) not maintainable
(B) maintainable
(C) court has to stay the suit till registration of firm
(D) plaint is to be returned

99. Licence to manufacture car granted in the name of Partnership Firm is cancelled. Dissolution of the firm is called as

(A) dissolution at will
(B) dissolution by mutual consent
(C) compulsory
(D) None of the above

100. The following contracts can be specifically enforced

(A) compensation is not adequate relief
(B) contract which runs into minute details
(C) require continuous provision
(D) None of the above