Maharashtra Civil Judge (Prelims) 2020

Maharashtra Public Service Commission · Civil Judge (Junior Division) & JMFC Preliminary Examination 2020, held 18.11.2020 · 100 questions

Preliminary Examination

1. Property is designated as "Stolen property".

(A) Property, the possession whereof has been transferred by theft
(B) Property, which has been criminally misappropriated
(C) Property in respect of which criminal breach of trust has been committed
(D) All of the above

2. A competent Authority within the meaning of provisions of Maharashtra Rent Control Act is a person :

(A) Who is holding an office not lower in rank than that of a Deputy Collector
(B) Who is holding a post of a Civil Judge, Junior division
(C) Who has been for not less than five years an Advocate
(D) All of the above

3. A search-warrant for persons wrongfully confined may be issued by :

(A) District Magistrate
(B) Sub-Divisional Magistrate
(C) Magistrate of the First class
(D) All of the above

4. All citizens shall have the rights under Article 19 (1) of Constitution of India :

(A) To uphold and protect the sovereignty, unity and integrity of India
(B) To value and preserve the rich heritage of our composite culture
(C) To safeguard public property and to abjure violence
(D) None of the above

5. For compensation for wrongful seizure of movable property under legal process, the period of limitation as per provisions of Limitation Act 1963, to file suit is :

(A) One year
(B) Three years
(C) Two years
(D) Six months

6. Consider the following statements :
Statement (I) : The court may appoint a receiver before decree
Statement (II) : The court cannot appoint a receiver after decree

(A) Statement (I) is correct, (II) is incorrect
(B) Statement (II) is correct, (I) is incorrect
(C) Both statements are correct
(D) Both statements are incorrect

7. The period for acquisition of right of easement to use of light or air, way or other easement by prescription under Section 25 (1) of Limitation Act is :

(A) Thirty years
(B) Twenty years
(C) Twelve years
(D) Twenty five years

8. The transfer of an actionable claim shall be effected :

(A) Only by oral
(B) Only by the execution of an instrument in writing signed by the transferor
(C) By partly oral and partly by execution of an instrument in writing
(D) None of the above

9. Consider the following statements in relation to the definition of "Public nuisance".
Statement (I) : A common nuisance is not excused on the ground that it causes some convenience or advantage
Statement (II) : A common nuisance is excused on the ground that it causes some convenience or advantage

(A) Statement (I) is correct, (II) is incorrect
(B) Statement (II) is correct, (I) is incorrect
(C) Both statements are correct
(D) Both statements are incorrect

10. Limitation to file suit under Section 6 of the Specific Relief Act 1963, is :

(A) 12 years from the date of dispossession
(B) 3 years from the date of dispossession
(C) 6 months from the date of dispossession
(D) 9 months from the date of dispossession

11. To redeem or recover possession of immovable property mortgaged, the period of limitation to file suit is :

(A) Thirty years
(B) Twelve years
(C) Three years
(D) One year

12. Sufficient cause within the meaning of Section 5 of Limitation Act, 1963 in computing the prescribed period may be :

(A) The appellant or applicant was misled by any order
(B) The appellant or applicant was misled by practice
(C) The appellant or applicant was misled by judgement of the High Court
(D) All of the above

13. In executing a sentence of solitary confinement, such confinement shall in no case exceed :

(A) Ten days at a time
(B) Fourteen days at a time
(C) Fifteen days at a time
(D) Twenty days at a time

14. Which confession can be proved as against a person accused of any offence ?

(A) A confession made to a police officer.
(B) A confession made in the immediate presence of a magistrate.
(C) A confession made to Police Inspector.
(D) All of the above

15. Irregularities which vitiate proceedings :

(A) To make over a case under sub-section (2) of Section 192
(B) To tender a pardon under Section 306
(C) To sell property under Section 458 or Section 459
(D) None of the above

16. An instrument, which has been registered under the Indian Registration Act 1908, is cancelled by the court, the court shall send a copy of its decree to :

(A) The Collector
(B) The Revenue Commissioner
(C) The officer in whose office the instrument has been so registered
(D) All of the above authorities

17. Where a judgement-debtor has, by fraud or force, prevented the execution of a decree or order within the period of limitation, the court may, on the application of judgement-creditor extend the period for execution of the decree or order as per provisions of Section 17 (2) of Limitation Act 1963, provided that such application is made :

(A) Within six months from the date of the discovery of the fraud
(B) Within one year from the date of the discovery of the fraud
(C) Within two years from the date of the discovery of the fraud
(D) Within three years from the date of the discovery of the fraud

18. The Maharashtra Rent Control Act 1999 shall apply :

(A) To any premises let or sub-let to banks
(B) To any premises belonging to a local authority
(C) To any Public Sector Undertaking
(D) None of the above

19. When a party refuses to produce a document which he has had notice to produce,

(A) he can afterwards use the document as evidence without the consent of the other party.
(B) he cannot afterwards use the document as evidence without the consent of the other party.
(C) he can afterwards use the document as evidence without the order of the court.
(D) None of the above

20. Whose opinion as to electronic signature is a relevant fact :

(A) Of a person whose electronic signature is questioned
(B) Of the Certifying Authority which has issued the Electronic Signature Certificate
(C) Of Expert
(D) All of the above

21. Every appeal under Section 34 (1) of the Maharashtra Rent Control Act shall be made within :

(A) Sixty days
(B) Thirty days
(C) Ninety days
(D) Fifteen days

22. An appeal may not lie from :

(A) An original decree passed exparte
(B) A decree passed by the court with the consent of parties
(C) A preliminary decree
(D) None of the above

23. In the case of a contract for sale by sample there is an implied condition :

(A) that it is not necessary that the bulk shall correspond with the sample in quality
(B) that it is not necessary that the goods shall be free from any defect
(C) that the buyer shall have a reasonable opportunity of comparing the bulk with the sample
(D) None of the above

24. Consider the following statements :
Statement (I) : A threat to injure the reputation of any deceased person in whom the person threatened is interested, amounts to criminal intimidation.
Statement (II) : A threat to injure the reputation of any deceased person in whom the person threatened is interested, does not amount to criminal intimidation.

(A) Statement (II) is correct, (I) is incorrect
(B) Statement (I) is correct, (II) is incorrect
(C) Both statements are correct
(D) Both statements are incorrect

25. The transaction will not be hit by doctrine of lis pendens if the suit is pending in the court :

(A) within the limits of Maharashtra
(B) within the limits of India
(C) beyond the limits of India
(D) All of the above

26. The authority of a partner to bind the firm conferred by Section 19 of the Act is called :

(A) his express authority
(B) his implied authority
(C) representative of the firm
(D) statutory authority

27. High Court shall have powers to issue to any person, or authority, including in appropriate cases, any Government directions, orders or writs under :

(A) Article 32
(B) Article 232
(C) Article 226
(D) Article 228

28. "Complaint" means :

(A) A police report
(B) A report made by a police officer in a case which discloses, after investigation, the commission of a non-cognizable offence
(C) A complaint made to an officer-in-charge of a police station
(D) None of the above

29. A man is said to commit "rape" if he :

(A) has sexual intercourse or sexual acts with his own wife, the wife not being under fifteen years of age
(B) has sexual intercourse with his own wife during separation, without her consent
(C) has sexual intercourse with his own wife during separation with her consent
(D) All of the above

30. Where both the parties to an agreement are under a mistake as to a matter of fact essential to the agreement :

(A) the agreement is void
(B) the agreement is voidable at the option of the party
(C) the agreement is valid
(D) None of the above

31. Where goods are delivered to the buyer and he refuses to accept them,

(A) buyer is bound to return them to the seller
(B) buyer is not bound to return them to the seller
(C) seller can compel the buyer to return them to him
(D) seller cannot compel buyer to return them to him

32. The relation of Partnership arises from :

(A) Status
(B) Contract
(C) Family business
(D) All of the above

33. A Magistrate of the First class may try in a summary way any of the following offences :

(A) Theft, under Section 379, where the value of the property exceeds two thousand rupees
(B) Offences not punishable with imprisonment for a term exceeding two years
(C) Offences under Sections 454 and 456 of the Indian Penal Code
(D) Receiving stolen property under Section 411 of the Indian Penal Code where the value of the property exceeds two thousand rupees

34. The specific performance of a contract may not be obtained by :

(A) Any party thereto
(B) The representative in interest or the principal of any party thereto
(C) A person who is not party thereto
(D) The new company which arises out of amalgamation

35. To set aside a sale by a Civil or Revenue Court the period of limitation as per provisions of Limitation Act 1963 to file suit is :

(A) Three years
(B) One year
(C) Six months
(D) Nine months

36. The word "illegal" is applicable to everything :

(A) Which is an offence
(B) Which is prohibited by law
(C) Which furnishes ground for a civil action
(D) All of the above

37. No order for detention of the judgement debtor in civil prison in execution of a decree for the payment of money shall be made, where the total amount of the decree does not exceed.

(A) Ten thousand rupees
(B) Five thousand rupees
(C) Three thousand rupees
(D) Two thousand rupees

38. No offence under Section 320 of Code of Criminal Procedure 1973 shall be compounded.

(A) When the person who would otherwise be competent to compound an offence U/S 320 is under the age of eighteen years
(B) When the person who would otherwise be competent to compound an offence U/S 320 is an idiot
(C) When the person who would otherwise be competent to compound an offence U/S 320 is a lunatic
(D) If the accused, by reason of a previous conviction, is liable to enhanced punishment

39. Any fact is relevant which shows or constitutes :

(A) A motive
(B) Preparation for any fact in issue
(C) Relevant fact
(D) All of the above

40. Leading question means :

(A) Question which does not suggest the answer
(B) Question which suggests the answer
(C) Question which leads to discovery of any fact
(D) All of the above

41. An appeal shall lie from a decree or order made by the court of small causes Mumbai :

(A) To City Civil Court Mumbai
(B) To a bench of two judges of the Court of small causes, Mumbai
(C) To Chief Metropolitan Magistrate
(D) To High Court Mumbai

42. Where a person delivers to a creditor documents of title to immovable property, with intent to create a security, the transaction is called :

(A) English Mortgage
(B) Charge
(C) Mortgage by deposit of title-deeds
(D) Anomalous mortgage

43. When rescission may be adjudged by the court ?

(A) Where the plaintiff has expressly or impliedly ratified the contract
(B) Where third parties have, during the subsistance of contract acquired rights in good faith without notice and value
(C) Where the contract is voidable or terminable by the plaintiff
(D) In all of the above cases

44. The endorsement made on the document admitted in evidence shall be signed or initialled by :

(A) The party who has tendered the document in evidence
(B) An advocate of the party who has tendered the document in evidence
(C) The Judge
(D) The clerk of the court

45. The Governor of each state shall appoint a person to be Advocate-General for the state who is qualified to be appointed :

(A) Attorney General
(B) District Judge
(C) A Judge of a High Court
(D) None of the above

46. Who cannot acquire the right of subrogation ?

(A) Any person who has interest in the property mortgaged
(B) Any surety for payment of the mortgage-debt
(C) Any creditor of the mortgagor who has obtained a decree for sale of the mortgaged property
(D) The mortgagor

47. Where a suit is for the recovery of possession of immovable property and for mesne profits, the court may pass a decree directing an inquiry as to mesne profits from :

(A) The date of dispossession of the property until the delivery of possession to the decree-holder
(B) The institution of the suit until the delivery of possession to the decree-holder
(C) The date of decree until the delivery of possession to the decree-holder
(D) The date of judgement until the delivery of possession to the decree-holder

48. The period of limitation as per provisions of Limitation Act 1963 to file suit by a person excluded from a joint family property to enforce a right to share therein is :

(A) Thirty years
(B) Three years
(C) Twelve years
(D) Twenty years

49. The Magistrate may award compensation to persons groundlessly arrested not exceeding :

(A) One thousand rupees
(B) Three thousand rupees
(C) Five thousand rupees
(D) Ten thousand rupees

50. Landlord to intimate to tenant the date of completion of the new building or floor, or floors, within the period not less than :

(A) Six months before the date on which the erection of the new building
(B) Three months before the date on which the erection of the new building
(C) One month before the date on which the erection of the new building
(D) Nine months before the date on which the erection of the new building

51. "Decree" includes :

(A) Any adjudication from which an appeal lies as an appeal from an order
(B) The determination of any question within Section 144
(C) Any order of dismissal for default
(D) All of the above

52. Sale of tangible immovable property may be made by delivery of the property if the value of the property is :

(A) One hundred rupees
(B) Two hundred rupees
(C) One thousand rupees
(D) Less than one hundred rupees

53. If the complaint is made to a Magistrate who is not competent to take cognizance of the offence, he shall :

(A) Dismiss the complaint
(B) Return it for presentation to the proper court
(C) Hold the inquiry or trial
(D) None of the above

54. The rights regarding freedom of speech, etc conferred by Article 19 (1) of Constitution of India are available to :

(A) The citizens of Bhutan
(B) The citizens of Lakshadweep
(C) The citizens of Burma
(D) None of the above

55. No suit under Section 6 of the Specific Relief Act, 1963 shall be brought :

(A) Against the owner of the property
(B) Against the landlord
(C) Against the purchaser of the property
(D) Against the Government

56. Court shall fix the standard rent of any premises in any of the following cases :

(A) Plea that rent or increases are excessive
(B) If the permitted increase in respect of the same premises has been duly fixed by a competent court on the merits of the case
(C) Where any premises have been or are let rent-free or at a nominal rent
(D) All of the above

57. A transfer of property in completion of an exchange can be made only in the manner provided for the transfer of such property :

(A) by mortgage
(B) by gift
(C) by sale
(D) by lease

58. Consider the following statements :
Statement (I) : In criminal proceedings, the fact that the person accused is of a good character, is relevant.
Statement (II) : In criminal proceedings, the fact that the accused person has a bad character, is relevant.

(A) Statement (I) is correct, (II) is incorrect
(B) Statement (II) is correct, (I) is incorrect
(C) Both statements are incorrect
(D) Both statements are correct

59. When a witness is cross-examined, he may be asked questions which tend :

(A) To test his veracity
(B) To discover who he is and what is his position in life
(C) To shake his credit
(D) All of the above

60. For the purposes of clause (g) of sub-section (1) of Section 16 of Maharashtra Rent Control Act, the expression "Landlord" does not include :

(A) A rent-farmer
(B) Rent-collector
(C) Estate-manager
(D) All of the above

61. A witness may refresh his memory :

(A) by referring to any writing made by himself at the time of transaction.
(B) by referring to any such writing made by any other person.
(C) by reference to any document, he may refer to a copy of such document.
(D) All of the above

62. The court may frame the issues from the materials :

(A) Allegations made on oath by the parties
(B) Allegations made by the pleaders of such parties
(C) The contents of the documents produced by either party
(D) All of the above

63. The expression "agent duly authorised in this behalf" in Sections 18 and 19 of Limitation Act, 1963 shall, in the case of a person under disability to sign the acknowledgement include :

(A) His lawful guardian
(B) Committee
(C) Manager
(D) All of the above

64. Where there is an agreement to sell goods on the terms that the price is to be fixed by the valuation of a third party and such third party cannot or does not make such valuation,

(A) the agreement is void
(B) the agreement is avoided
(C) the agreement is valid
(D) the agreement is voidable

65. The appropriate Legislature may, by law, provide for the adjudication or trial by Tribunals of any :

(A) disputes
(B) complaints
(C) offences
(D) All of the above

66. The plaint shall be rejected in the following case :

(A) Where plaint does not disclose effect of document
(B) Failure to amend the plaint after order
(C) Where plaint is not filed in duplicate
(D) All of the above

67. Article 20 of Constitution of India speaks about :
(A) the principle of natural justice
(B) the principle of double jeopardy
(C) the principle of estoppel
(D) None of the above

68. A landlord cannot file suit against the tenant on the ground of non-payment of the standard rent due until the expiration of :
(A) 120 days next after notice in writing of the demand of the standard rent
(B) 90 days next after notice in writing of the demand of the standard rent
(C) 60 days next after notice in writing of the demand of the standard rent
(D) None of the above

69. Any harm whatever illegally caused to any person, in body, mind, reputation or property is called :
(A) hurt
(B) injury
(C) grievous hurt
(D) All of the above

70. Every High Court shall have superintendance over :
(A) any court constituted by the Armed Forces
(B) any tribunal constituted by the Armed Forces
(C) all courts and tribunals throughout the territories in relation to which it exercises jurisdiction
(D) All of the above

71. Public documents mean and include :
(A) Books of accounts of partnership firm.
(B) Books of accounts of proprietary firm.
(C) Statement of loan account of borrower of Finance Institution.
(D) Public records kept (in any state) of private documents.

72. A landlord is entitled to make increase in the rent of the premises let for any of the purposes referred to in sub-section (1) of section 2 of Maharashtra Rent Control Act, of :
(A) 2 percent per annum
(B) 4 percent per annum
(C) 6 percent per annum
(D) 8 percent per annum

73. All the provisions apply to charge which apply to a :
(A) Mortgage by deposit of title-deeds
(B) Simple mortgage
(C) Anomalous mortgage
(D) Usufructuary mortgage

74. Consider the following statements :
Statement (I) : Consideration is necessary to create an agency.
Statement (II) : No consideration is necessary to create an agency.
(A) Statement (I) is correct, (II) is incorrect
(B) Statement (II) is correct, (I) is incorrect
(C) Both statements are incorrect
(D) Both statements are correct

75. In a suit preventive relief is granted :
(a) by temporary injunction
(b) by perpetual injunction
(c) by declaration of right
(d) All of the above
Answer Options :
(A) Only (d) is correct
(B) Only (a) is correct
(C) Only (b) and (c) are correct
(D) Only (a) and (b) are correct

76. Section 306 Tender of Pardon to Accomplice applies to :
(A) Any offence triable exclusively by the Court of session
(B) Any offence triable exclusively by the Court of a Special Judge appointed under the Criminal Law Amendment Act 1952
(C) Any offence punishable with imprisonment which may extend to seven years
(D) All of the above

77. "Warrant case" means a case relating to an offence punishable with imprisonment for a term :
(A) One year
(B) Two years
(C) Exceeding two years
(D) None of the above

78. Mode of communicating or revoking rescission of voidable contract :

(A) in the same manner, as apply to revocation of acceptances
(B) in the same manner, as apply to revocation of proposals
(C) in the same manner, as apply to revocation of agency
(D) by any other mode

79. Temporary injunctions are to continue :
(a) Until a specified time
(b) Until the further order of the court
(c) Until death of one of the plaintiffs
(d) Until death of one of the dependants
Answer Options :

(A) All of the above
(B) Only (a) is correct
(C) Only (c) and (d) are correct
(D) Only (a) and (b) are correct

80. The period of limitation to file an application for leave to appear and defend a suit under summary procedure is :

(A) Ninety days
(B) Ten days
(C) Thirty days
(D) Sixty days

81. An injunction can be granted :

(A) to restrain any person from applying to any legislative body
(B) to prevent the breach of an obligation
(C) to prevent a continuing breach in which the plaintiff has acquiesced
(D) to prevent the breach of a contract the performance of which would not be specifically enforced

82. Secondary evidence means and includes :

(A) Where a document is executed in several parts, each part of the document
(B) Where a document is executed in counterpart, each counterpart executed by one or some of the parties only
(C) Counterparts of documents as against the parties who did not execute them
(D) Where a number of documents are all made by one uniform process

83. The protection of Article 300-A "persons not to be deprived of property save by authority of law" is available to :

(A) any person
(B) legal person
(C) juristic person
(D) All of the above

84. A person entitled to the possession of specific moveable property may recover it in the manner provided by :

(A) Transfer of Property Act, 1882
(B) Sale of Goods Act, 1930
(C) The code of Criminal Procedure, 1973
(D) The code of Civil Procedure, 1908

85. Robbery :

(A) In all robbery there is only theft
(B) In all robbery there is only extortion
(C) In all robbery there is either theft or extortion
(D) None of the above

86. A Magistrate of the First class may, for the reasons to be recorded by him, stop the proceedings at any stage :

(A) In any warrant-case
(B) In any summons-case
(C) When the proceedings have been instituted upon complaint
(D) None of the above

87. Every transfer of immovable property made with intent to defeat or delay the creditors of the transferor shall be :

(A) Void
(B) Invalid
(C) Voidable at the option of any creditor so defeated
(D) Valid

88. Landlord may recover possession of premises if the tenant has created on the premises any permanent structure without consent of landlord, the permanent structure includes :

(A) Door
(B) Standing cooking platform in kitchen
(C) A false ceiling
(D) None of the above

89. Consider the following statements :
Statement (I) : Specific relief can be granted only for the purpose of enforcing individual civil rights.
Statement (II) : Specific relief cannot be granted for the mere purpose of enforcing a penal law.

(A) Statement (I) is correct, (II) is incorrect.
(B) Statement (II) is correct, (I) is incorrect
(C) Both statements are incorrect.
(D) Both statements are correct.

90. The Supreme Court may grant special leave to appeal from any judgement, decree, determination, sentence or order in any cause or matter passed or made by :

(A) any court constituted by or under any law relating to the Armed Forces
(B) any tribunal constituted by or under any law relating to the Armed Forces
(C) any court or tribunal in the territory of India
(D) All of the above

91. The expression "District Judge" includes :

(A) Judge of a City Civil Court
(B) Chief Judge of a Small Cause Court
(C) Chief Presidency Magistrate
(D) All of the above

92. The liability of the Universal donee is :

(A) to the extent of part of the property
(B) to the extent of the property comprised therein
(C) beyond the property acquired by him
(D) All of the above

93. Option to determine lease : Where the time so limited is expressed to be terminable before its expiration, and the lease omits to mention at whose option it is so terminable.

(A) Only the lessor shall have such option
(B) Only the lessee shall have such option
(C) The lessor and lessee have such option
(D) None of the above

94. By a landlord to recover possession from a tenant the period of limitation as per provisions of Limitation Act 1963 to file suit is :

(A) Thirty years
(B) Three years
(C) Twelve years
(D) One year

95. Where any period is fixed or granted by the court for doing of any act prescribed or allowed by the court, the court has discretion to enlarge such period not exceeding :

(A) One hundred days in total
(B) Ninety days in total
(C) Sixty days in total
(D) Thirty days in total

96. Consider the following statements :
Statement (I) : A promise made in writing to pay a debt barred by limitation is invalid.
Statement (II) : A promise to compensate for something done is valid.

(A) Statement (I) is correct, (II) is incorrect
(B) Statement (II) is correct, (I) is incorrect
(C) Both statements are correct
(D) Both statements are incorrect

97. The punishment to which offenders are liable under the provisions of the Indian Penal Code 1860 is :

(A) Compensation
(B) Penalty
(C) Forfeiture of property
(D) All of the above

98. To constitute "Bailment" :

(A) It is sufficient if bailee is in symbolic possession of the goods
(B) Actual delivery of the goods to bailee is essential
(C) Bailor need not deliver the goods to bailee
(D) None of the above

99. A person commits the offence of undue influence at an election, he voluntarily :

(A) made a declaration of public policy
(B) made a promise of public action
(C) exercised a legal right without intent to interfere with an electoral right
(D) Interferes with the free exercise of any electoral right

100. Consider the following statements :
Statement (I) : "Pleading" shall mean plaint
Statement (II) : "Pleading" shall mean written statement

(A) Statement (I) is correct, (II) is incorrect
(B) Statement (II) is correct, (I) is incorrect
(C) Both statements are correct
(D) Both statements are incorrect