Maharashtra Civil Judge (Prelims) 2021

Maharashtra Public Service Commission · Civil Judge (Junior Division) & JMFC Preliminary Examination 2021, held 12.03.2022 · 100 questions

Preliminary Examination

1. As given in section 53 of the Maharashtra Rent Control Act, 1999 the offences under the following section is cognizable :
(A) Section 17
(B) Section 22
(C) Section 24
(D) Section 25

2. We, the people of India, having solemnly resolved to constitute India into a :
(A) Great country
(B) Country having religious value
(C) Sovereign Socialist Secular Democratic Republic
(D) All the above

3. Provision for default bail is made :
(A) as per section 173(8) of Cr.P.C., 1973.
(B) as per section 167(2) of Cr.P.C., 1973.
(C) as per section 174 of Cr.P.C., 1973.
(D) none of the above.

4. Fundamental Duties are given in :
(A) Article 51
(B) Article 51 A
(C) Article 52 A
(D) Article 52 B

5. Who appoints Attorney General of India ?
(A) Supreme Court
(B) President
(C) High Court
(D) Parliament

6. Protection of life and personal liberty is :
(A) personal right
(B) fundamental right
(C) (A) and (B) above
(D) none of the above

7. Pleading means :
(A) stating material facts and not evidence.
(B) stating brief facts of the dispute.
(C) stating facts along with evidence.
(D) stating only evidence.

8. In which transfer, right to enjoy such property transfers ?
(A) Sale
(B) Mortgage
(C) Lease
(D) None of the above

9. As per Section 96 of the penal code, nothing is an offence which is done in the exercise of the :
(A) order of senior officer
(B) right of private defence
(C) power of military officer
(D) power conferred by the state government

10. Which of the proposition is correct ?
(A) Every partner has a right to take part in the conduct of business.
(B) Every partner is bound to attend diligently to his duties.
(C) Every partner has a right to have access to inspect.
(D) All the above.

11. As per section 33 of the Maharashtra Rent Control Act, 1999 the jurisdiction of the court for the area of Brihan Mumbai is :
(A) City Civil Court, Mumbai.
(B) Metropolitan Magistrate, Mumbai.
(C) Court of Small Causes, Mumbai.
(D) The Court in which the property is situated.

12. Which Court shall have power to issue directions in case of violation of fundamental rights?
(A) District Court
(B) High Court
(C) Special Tribunal
(D) Supreme Court

13. Provision of common object is given in :
(A) Section 34 of the penal code
(B) Section 100 of the penal code
(C) Section 141 of the penal code
(D) Section 149 of the penal code

14. Voluntarily causing grievous hurt by dangerous weapon is defined in :

(A) Section 323 of the penal code
(B) Section 324 of the penal code
(C) Section 325 of the penal code
(D) Section 326 of the penal code

15. Definition of mortgage is given in :

(A) Section 57 of the Transfer of Property Act.
(B) Section 58 of the Transfer of Property Act.
(C) Section 59 of the Transfer of Property Act.
(D) Section 60 of the Transfer of Property Act.

16. The provisions of penal code apply to any offence committed by :

(A) any person in any place not within India.
(B) person who is above twenty one years.
(C) person who is above eighteen years.
(D) any citizen of India in any place without and beyond India.

17. Where, on a transfer of property, an interest therein is created in favour of a person to take effect only on the happening of a specified uncertain event is called :

(A) rule against perpetuity.
(B) contingent interest.
(C) vested interest
(D) none of the above.

18. In which chapter of the penal code "General exceptions" are given ?

(A) Chapter III
(B) Chapter IV
(C) Chapter V
(D) Chapter VI

19. Where no provision is made by contract between the partners for the duration of their partnership, or for the determination of their partnership, the partnership is :

(A) sleeping partnership
(B) particular partnership
(C) no partnership
(D) partnership at will

20. Power to amend Constitution is with :

(A) Supreme Court
(B) High Court
(C) Parliament
(D) (A) and (B) above

21. As per Article 121, an order to set aside an abatement is :

(A) thirty days
(B) sixty days
(C) ninety days
(D) none of the above

22. The dying declaration is the statement by the person:

(A) before police officer only.
(B) before doctor only.
(C) as to cause of his death.
(D) none of the above.

23. Decree may be

(A) prepared within one year of passing the judgement.
(B) prepared at any time after passing the judgement.
(C) either preliminary or final.
(D) none of the above.

24. Provision for determination of lease is given in :

(A) Section 109 of the Transfer of Property Act.
(B) Section 110 of the Transfer of Property Act.
(C) Section 111 of the Transfer of Property Act.
(D) Section 112 of the Transfer of Property Act.

25. Out of the following propositions, which is correct one in respect of non-payment of fine?

(A) for any term not exceeding two months when the amount of fine shall not exceed fifty rupees.
(B) for any term not exceeding two months when the amount of fine shall not exceed one hundred rupees.
(C) for any term not exceeding two months when the amount of fine shall not exceed two hundred rupees.
(D) for any term not exceeding two months when the amount of fine shall not exceed five hundred rupees.

26. "Evidence" means and includes :

(A) Oral evidence
(B) Documentary evidence
(C) (A) and (B) above
(D) Pleadings of the parties

27. First division of the schedule of period of limitation is prescribed for :

(A) petitions
(B) suits
(C) appeals
(D) applications

28. Concurrent list is given in :

(A) Schedule IV of Constitution
(B) Schedule V of Constitution
(C) Schedule VI of Constitution
(D) Schedule VII of Constitution

29. In view of amendment in the year 2018, which of the following objects of the Specific Relief Act, 1963, has been amended ?

(A) Grant of specific performance as an exception.
(B) Grant of specific performance as a general rule.
(C) Awarding damages as a general rule.
(D) Awarding damages as an exception.

30. By which calender, rent shall be recovered ?

(A) Marathi calendar
(B) Devanagari calendar
(C) British calendar
(D) As per terms and condition of contract

31. Judicial magistrate may arrest any person as per Section 44 of the Cr.P.C., 1973 :

(A) when any offence is committed in the presence of a magistrate, within his local jurisdiction.
(B) when any offence is committed in the presence of a magistrate, even beyond his local jurisdiction.
(C) (A) and (B) above.
(D) it is not the job of a magistrate.

32. Provision of arrest and detention is given in :

(A) Section 54 of C.P.C., 1908.
(B) Section 55 of C.P.C., 1908.
(C) Section 57 of C.P.C., 1908.
(D) None of the above.

33. As per Section 29 of the Cr.P.C., 1973, the court of a magistrate of the first class may pass a sentence of imprisonment for a term not exceeding :

(A) One year
(B) Seven years
(C) Three years
(D) Three and half years

34. The court may attach property of absconding accused under:

(A) Section 82 of Cr.P.C., 1973
(B) Section 83 of Cr.P.C., 1973
(C) Section 84 of Cr.P.C., 1973
(D) Section 85 of Cr.P.C., 1973

35. Standard rent in relation to any premises means :

(A) rent fixed by the court.
(B) rent fixed by the tenant.
(C) rent fixed as per schedule.
(D) all the above.

36. When sub-tenants can become tenants :

(A) after determination of tenancy though it is sub-let illegally.
(B) after completing a period of one year as sub-tenant.
(C) after completing a period of two years as sub-tenant.
(D) when the interest of a tenant of any premises is determined for any reason, any sub-tenant to whom the premises have been lawfully sub-let.

37. Provision for substituted performance of contract is given in :

(A) Section 18 of the Specific Relief Act.
(B) Section 20 of the Specific Relief Act.
(C) Section 19 of the Specific Relief Act.
(D) Section 20-A of the Specific Relief Act.

38. Under the provisions of Cr.P.C., 1973, every summons shall be served by a :

(A) informant
(B) police officer
(C) senior clerk of court
(D) none of the above

39. The provision for condonation of delay is given in :

(A) Section 3 of Limitation Act.
(B) Section 4 of Limitation Act.
(C) Section 5 of Limitation Act.
(D) Section 6 of Limitation Act.

40. Order V Rule 20 of C.P.C., 1908 provides for :

(A) service of summons by post.
(B) service of summons by hamdust.
(C) substituted service.
(D) service on defendant in prison.

41. "Documents" means any matter expressed or described upon any substance by means of :

(A) letters
(B) figures
(C) marks
(D) all the above

42. Every transfer of immovable property made with intent to defeat or delay the creditors of the transferor is called :

(A) transfer by ostensible owner.
(B) valid transfer.
(C) voidable transfer.
(D) fraudulent transfer.

43. As per Article 65, period of limitation for possession of immovable property or any interest therein based on title is:

(A) twelve years
(B) thirty years
(C) three years
(D) none of the above

44. Magistrate of the first class may issue search warrant, if he has reason to believe that any person is confined under such circumstances that the confinement amounts to an offence :

(A) under section 97 of Cr.P.C., 1973.
(B) under section 98 of Cr.P.C., 1973.
(C) under section 99 of Cr.P.C., 1973.
(D) under section 100 of Cr.P.C., 1973.

45. "Warrant Case" means :

(A) a case relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding two years.
(B) a case relating to an offence punishable with death and life only.
(C) a case relating to an offence punishable with an imprisonment for a term exceeding two years only.
(D) none of the above.

46. Which court is called as court of record ?

(A) District Court
(B) Civil judge junior division
(C) Supreme Court
(D) All the above

47. Specific performance of a contract cannot be enforced in favour of a person :

(A) who has obtained substituted performance of contract under section 20.
(B) who has become capable of performing the contract.
(C) who does not fail to prove that he has performed the essential terms of the contract.
(D) all the above.

48. The court may refuse to rescind the contract :

(A) where the plaintiff has not ratified the contract
(B) where third parties have not acquired rights in good faith
(C) where only a part of the contract is sought to be rescinded and such part is not severable from the rest of contract
(D) all the above

49. Mandatory injunction may be granted :

(A) when it is not necessary to compel the performance
(B) when no any acts are necessary to be performed
(C) when to prevent the breach of an obligation, it is necessary to compel the performance of certain acts
(D) none of the above

50. The landlord shall be entitled to inspect the premises let or given on licence:

(A) at after every interval of six months.
(B) at a reasonable time after giving prior notice to the tenant.
(C) at the beginning of lease agreement.
(D) at the end of lease agreement.

51. Mesne profit shall not include :

(A) profits due to improvements made by the person in wrongful possession.
(B) profits due to improvements made by the person in legal possession.
(C) profits earned out of business.
(D) none of the above.

52. The plea of alibi is admissible :

(A) as per section 9 of the Evidence Act.
(B) as per section 10 of the Evidence Act.
(C) as per section 11 of the Evidence Act.
(D) as per section 12 of the Evidence Act.

53. The provisions of the Maharashtra Rent Control Act, 1999 shall, in the first instance, apply to premises let for the purpose of residence, education, business, trade or storage in the areas specified in :

(A) the notification issued by State of Maharashtra.
(B) section 57 of this Act.
(C) the order issued by State of Maharashtra.
(D) schedule I and schedule II

54. Period of limitation for money payable for money lent as per Article 19 is :

(A) one year
(B) two years
(C) three years
(D) five years

55. Burden of proof means :

(A) person who asserts, must prove that those facts exist.
(B) person against whom allegations are levelled, must prove that those allegations are false.
(C) person who has the evidence with him.
(D) (B) and (C) above.

56. Where a person in the town of Bombay, delivers to a creditor documents of title to immovable property, with intent to create a security thereon, the transaction is called :

(A) mortgage by conditional sale.
(B) simple mortgage.
(C) english mortgage.
(D) mortgage by deposit of title deeds.

57. Principle of doctrine of eclipse is given in :

(A) Article 13, Laws inconsistent with or in derogation of the fundamental rights.
(B) Article 14, Equality before law.
(C) Article 15, Prohibition of discrimination on ground of religion, race, caste, sex or place of birth.
(D) Article 17, Abolition of untouchability.

58. Every agreement is restraint of the marriage of any person, other than a minor, is :

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

59. A instigates B to murder C. B refuses to do so:

(A) A is not guilty of any offence.
(B) A is guilty of attempt to commit murder.
(C) A is guilty of abetting B to commit murder.
(D) None of the above.

60. Who gives oath to the Governor ?

(A) President
(B) Prime Minister
(C) Chief Justice of the High Court
(D) Chief Justice of the Supreme Court

61. Which of the following proposition is correct?

(A) To disclose to the buyer any material defect in the property.
(B) To produce to the buyer on his request for examination all documents of title relating to property.
(C) To pay all public charges and rent accrued due in respect of the property upto the date of sale.
(D) All above are correct.

62. Res-gestae means :

(A) facts in issue and relevant facts.
(B) facts forming part of same transaction.
(C) facts pleaded in pleadings.
(D) all the above.

63. Provisions for execution of decrees and orders is given in :

(A) order XIX of C.P.C., 1908.
(B) order XXI of C.P.C., 1908.
(C) order XX of C.P.C., 1908.
(D) order XXII of C.P.C., 1908.

64. Defendant has to file his written statement within thirty days from :

(A) the date of service of summons.
(B) the date of his appearance in the court.
(C) the date of signing of vakalatnama.
(D) none of the above.

65. As per following section tenancy agreement to be compulsorily registered :

(A) Section 52 of Maharashtra Rent Control Act.
(B) Section 53 of Maharashtra Rent Control Act.
(C) Section 54 of Maharashtra Rent Control Act.
(D) Section 55 of Maharashtra Rent Control Act.

66. Whoever does anything with the intention of causing wrongful gain to one person or wrongful loss to another person, is said to do that thing:

(A) dishonestly
(B) fraudulently
(C) wrongfully
(D) (B) and (C) above

67. No injunction shall be granted by a court in a suit under Specific Relief Act, 1963 involving a contract relating to :
(A) private project work
(B) domestic project
(C) very old project
(D) an infrastructure project

68. Under the provisions of sale of Goods Act, it is the duty of seller :
(A) to accept and pay for them.
(B) to deliver the goods.
(C) (A) and (B) above.
(D) none of the above.

69. Which of the following proposition is correct?
(A) All the facts may be proved by oral evidence including contents of documents.
(B) Primary evidence means the document itself produced before the court.
(C) Facts admitted need to be proved.
(D) Confession before police is admissible in court.

70. Which of the following proposition is correct?
(A) Nothing is an offence which is done by a judge when acting judicially.
(B) Nothing is an offence which is done by any person who is justified by law.
(C) Nothing is an offence which is done by any person by accident.
(D) All the above.

71. Which of the following proposition is correct?
(A) where a party to the contract has not obtained substituted performance of contract in accordance with the provisions of section 20 of the Specific Relief Act, 1963.
(B) a contract, the performance of which involves the performance of a continuous duty which the court cannot supervise.
(C) a contract, which is in its nature not determinable.
(D) all the above

72. No court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties is called :
(A) res ipsa loquitur
(B) res judicata
(C) ipso facto
(D) actus reus

73. Every person is competent to contract :
(A) who is of the age of majority according to the law
(B) who is of sound mind
(C) who is not disqualified from contracting by any law
(D) all the above

74. Provision for burden of proving fact specially within knowledge is given in :
(A) Section 103 of Evidence Act.
(B) Section 104 of Evidence Act.
(C) Section 105 of Evidence Act.
(D) Section 106 of Evidence Act.

75. Court may issue a commission under Section 75 of C.P.C., 1908 :
(A) to examine any person.
(B) to make local investigation.
(C) to make partition.
(D) all the above.

76. The provisions of the Maharashtra Rent Control Act, 1999 shall not apply :
(A) to any private premises
(B) to lodge and hotel
(C) to any premises belonging to the Government
(D) none of the above

77. Provision for who may obtain specific performance is given in :
(A) Section 14 of Specific Relief Act.
(B) Section 14-A of Specific Relief Act.
(C) Section 15 of Specific Relief Act.
(D) Section 16 of Specific Relief Act.

78. As per the statement of objects and reasons of the Criminal Law (Amendment) Act, 2018, it amended the law relating to:
(A) rape
(B) murder
(C) theft
(D) extortion

79. Principle of Estoppel is :
(A) Rule of law
(B) Rule of equity
(C) Rule of justice
(D) (A) and (C) above

80. The schedule for periods of limitation is divided in :

(A) three division
(B) four division
(C) five division
(D) six division

81. A magistrate exercising jurisdiction in respect of a charge on which he has power only to commit for trial to another court, is :

(A) called as executive magistrate
(B) not a judge
(C) called as district magistrate
(D) none of the above

82. The transfer of certain existing immovable property voluntarily and without consideration is called:

(A) lease
(B) mortgage
(C) pledge
(D) gift

83. A lets a farm to B on condition that he shall walk a hundred miles in an hour:

(A) The lease is voidable at the option of B.
(B) The lease is valid.
(C) The lease is void.
(D) The lease is neither valid nor void.

84. Which injunction may be granted to prevent the breach of an obligation existing in favour of person, whether expressly or by implication?

(A) Temporary injunction
(B) Mandatory injunction
(C) Ad-interim injunction
(D) Perpetual injunction

85. Which of the following proposition is correct?

(A) A right to future maintenance can be transferred.
(B) A mere right to sue can be transferred.
(C) A public office cannot be transferred.
(D) (A) and (B) above.

86. A decree may be executed :

(A) not by the court which passed it.
(B) not by the court to which it is sent for execution.
(C) either by the court which passed it or by the court to which it is sent for execution.
(D) by the appellate court.

87. On the commencement of the Maharashtra Rent Control Act, 1999 the following laws shall stand repealed :

(A) the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.
(B) the Central Provinces and Berar Regulation of Letting of Accomodation Act, 1946.
(C) the Hyderabad Houses (Rent, Eviction and Lease) Control Act, 1954.
(D) all the above.

88. Provision of section 5 of the Limitation Act, 1963 applies to the :

(A) suit
(B) appeal
(C) application
(D) (B) and (C) above

89. A, a tradesman, leaves goods at B's house by mistake. B treats the goods as his own :

(A) B is not bound to pay A for them.
(B) B is bound to pay A for them.
(C) B would say that goods are bad.
(D) None of the above.

90. A stipulation in a contract of sale with reference to goods which are subject thereof may be a :

(A) warranty
(B) guarantee
(C) agreement
(D) (B) and (C) above.

91. Public records kept in any state of private documents is :

(A) Public document
(B) Private document
(C) Legal document
(D) None of the above

92. Magistrate may record any confession or statement made to him in the course of an investigation :

(A) under section 161 of Cr.P.C., 1973.
(B) under section 162 of Cr.P.C., 1973.
(C) under section 164 of Cr.P.C., 1973.
(D) under section 173 of Cr.P.C., 1973.

93. When one person signifies to another his willingness to do or to abstain from doing anything, with a view to obtaining the assent of that other to such act or abstinence:

(A) he is said to make a promise.
(B) he is said to make a agreement.
(C) he is said to make a proposal.
(D) none of the above.

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

(A) after the expiry of six months from the date of dispossession.
(B) after the expiry of six months from the date of dispute between parties.
(C) after the expiry of one year from the date of dispossession.
(D) none of the above.

95. Period of limitation for twelve years for a landlord to recover possession from a tenant starts :

(A) when the tenant refused to handover possession.
(B) when the tenancy is determined
(C) when the tenant stops to pay rent.
(D) none of the above.

96. Cr.P.C., 1973 extends to :

(A) the whole of India except state of Jammu and Kashmir
(B) the whole of India
(C) only some part of India
(D) all above

97. Which of the following proposition is incorrect?

(A) Where the disability continues upto the death of that person, his legal representative may institute the suit within the same period after the death, as would otherwise have been allowed from the time so specified
(B) Where once time has begun to run, no subsequent disability or inability to institute a suit or make an application stops it.
(C) In computing the period of limitation for any suit, the day from which such period is to be reckoned, shall not be excluded.
(D) In computing the period of limitation for an application to set aside an award, the time requisite for obtaining a copy of award shall be excluded.

98. Consent is said to be free when it is not caused by :

(A) coercion
(B) undue influence
(C) fraud
(D) all the above

99. Any appeal may be admitted after the prescribed period, if the appellant satisfies the court that :

(A) he is ready to pay additional court fee stamps.
(B) he had sufficient cause for not preferring the appeal.
(C) (A) and (B) above.
(D) none of the above.

100. When the person to whom the proposal is made signifies his assent thereto, the proposal is said to be accepted. A proposal, when accepted becomes a :

(A) agreement
(B) contract
(C) promise
(D) agreement to sale