Odisha Civil Judge (OJS) Prelims 2023

Odisha Public Service Commission · OJS 2023 · Held 22 June 2024 · Series A · 100 questions · 90 minutes · 100 marks · 0.25 mark deducted for a wrong answer

Preliminary Examination

1. Through 42nd Constitutional Amendment, which of the following expressions were added to the Preamble?
a. Sovereign
b. Socialist
c. Secular
d. Integrity
Codes:

(A) Only a, b and c
(B) Only b, c and d
(C) Only a, c and d
(D) a, b, c and d

2. The constitution of Election Commission is provided in the Constitution under

(A) Article 323
(B) Article 324
(C) Article 327
(D) Article 329

3. Which of the following Judges of the Supreme Court is famously known as the "Green Judge"?

(A) Justice V.R. Krishna Iyer
(B) Justice P.N. Bhagwati
(C) Justice Kuldip Singh
(D) Justice B.N. Kirpal

4. Can fundamental rights under Indian Constitution, be waived by a person?

(A) Yes, by every person
(B) Yes, but only by a certain group of persons
(C) Only right conferring a benefit on the individual can be waived
(D) Fundamental rights cannot be waived

5. Sixth Schedule of the Indian Constitution contains provisions with regard to administration of tribal areas of some States. Which of the following State is not included in it?

(A) Meghalaya
(B) Mizoram
(C) Tripura
(D) Manipur

6. President's Rule under Article 356 of Constitution remains valid in the State for the maximum period of

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

7. Which writ can be issued when appointment is contrary to the statutory provisions?

(A) Mandamus
(B) Certiorari
(C) Quo warranto
(D) Prohibition

8. Which Schedule of the Constitution of India contains the list of recognized languages?

(A) Sixth Schedule
(B) Seventh Schedule
(C) Eighth Schedule
(D) Fourth Schedule

9. Under Indian Constitution, what is not included in freedom to manage religious affairs?

(A) To establish and maintain institutions for charitable and religious purposes
(B) To own and acquire immovable property
(C) To manage its own affairs in matters of religion
(D) To construct a religious place on government land

10. The decision of Union of India v. H.S. Dhillon, AIR 1972 SC 1061 concerns

(A) The power of the Parliament to make law with respect to a matter not enumerated in Concurrent List or State List.
(B) The exclusive powers of State Legislature to make law with respect to a matter enumerated in the State List.
(C) The scope of Parliament or Legislature of State to make law in respect of a matter enumerated in Concurrent List.
(D) The relation of Fundamental Rights and Directive Principles of State Policy.

11. Which of the following remedies is available against a court's order under Section 10?

(A) Appeal
(B) Revision
(C) Both (A) and (B)
(D) None of the above

12. Which of the following Sections of the Code expressly prohibits a suit under certain circumstances?

(A) Section 10
(B) Section 11
(C) Section 47
(D) All of the above

13. Which Order of the Civil Procedure Code provides for a "Representative Suit"?

(A) Order I, Rule 8
(B) Order I, Rule 1
(C) Order II, Rule 1
(D) Order IV, Rule 4

14. Order XXXIX, Rule 2 of the Civil Procedure Code deals with

(A) Attachment before judgement
(B) Temporary Injunction
(C) Execution of Decree
(D) Appointment of Receiver

15. Under which Section/Order of the Civil Procedure Code, a Provision is made to provide "free legal services to indigent persons"?

(A) Section 151
(B) Section 115
(C) Order XXXIII, Rule 18
(D) Order XXXIII, Rule 2

16. Mark the incorrect statement.

(A) Res judicata estops the parties from proving the previous decision to be incorrect.
(B) Res judicata corresponds to that part of the doctrine of estoppel which is known in English law as 'estoppel by record'.
(C) Res judicata is similar to estoppel.
(D) Res judicata ousts the jurisdiction of the court to try the case, while estoppel shouts the mouth of a party, being a rule of evidence.

17. The place of suing in a suit for restitution of conjugal rights is the place

(A) Where the husband resides
(B) Where the wife resides
(C) If the wife has never lived at the husband's place the suit must be brought in the court of the place where the wife resides
(D) All of the above

18. A party may approach the court for an amendment of his opponent's pleading. Also known as 'compulsory amendment', it is provided for under

(A) Order 6, Rule 14
(B) Order 6, Rule 15
(C) Order 6, Rule 17
(D) Order 6, Rule 18

19. If a party who has obtained an order for leave to amend pleading does not amend the same within how many days, he shall not be permitted to do without leave of the court?

(A) Fifteen days
(B) Fourteen days
(C) Twenty days
(D) Thirty days

20. Abatement of proceedings is provided for under

(A) Order 22
(B) Order 23
(C) Order 24
(D) Order 25

21. The Bharatiya Nagrik Suraksha Sanhita 2023 received the assent of the President on

(A) 24th December, 2023
(B) 25th December, 2023
(C) 26th December, 2023
(D) 27th December, 2023

22. Offences against other laws (except I.P.C.) if punishable with imprisonment for 3 years and upward but not more than 7 years, then

(A) It will be cognizable and non-cognizable
(B) Non-cognizable and bailable
(C) Cognizable and bailable
(D) Non-cognizable and non-bailable

23. Consider the following statements:
1. A court has no power to release a woman on bail if the offence is punishable with death or imprisonment for life.
2. An accused shall not be released on bail by a court if he had been convicted previously on two or more occasions of a cognizable offence punishable with imprisonment for three years or more.
3. Necessity for identification by witnesses during investigation shall not be sufficient ground for rejection of bail.
Which of the statements given above are correct?

(A) 2 only
(B) 1 and 2 only
(C) 2 and 3 only
(D) 3 only

24. The Magistrate's power to order imprisonment in default under Section 30

(A) Cannot be in excess of the Magistrate's power to order sentence under Section 29
(B) Cannot exceed one-fourth of the period of imprisonment which the Magistrate is competent to sentence
(C) Both (A) and (B)
(D) Only (A)

25. Under Section 428, the period of detention undergone by a convict cannot be set off during

(A) Investigation of the case
(B) Trial of the case
(C) Enquiry of the case
(D) Any other case

26. Compounding of offence under the provisions of the Code in criminal case when charge was framed, results in

(A) Acquittal of accused
(B) Discharge of accused
(C) Release only
(D) Case filed only

27. A charge-sheet is filed under Section 302 of the I.P.C, against five accused – 'A', 'B', 'C', 'D' and 'E'. 'A' and 'B' are absconding, 'C' is exempted from personal appearance by the order of the Court, 'D' and 'E' are present in the Court.
The case can be committed to Sessions Court against:

(A) 'A' and 'B'
(B) 'D' and 'F'
(C) 'D' and 'E'
(D) All the accused

28. The Court can record demeanor of a witness under which Section of Cr.P.C.?

(A) Section 280
(B) Section 279
(C) Section 278
(D) Section 281

29. It is obligatory upon the Court to grant bail to the person convicted pending presentation of an appeal under

(A) Section 389(1)
(B) Section 389(2)
(C) Section 389(3)
(D) Section 389(4)

30. Which of the following has been specifically excluded from the definition of complaint under Section 2(d) of the Code of Criminal Procedure, 1973?

(A) Protest petition
(B) Joint complaint
(C) Police report
(D) None of these

31. As per the Indian Evidence Act, 1872, how old should the electronic record be in order to attract Section 90 A?

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

32. According to the Indian Evidence Act, which one among the following statements is not correct?

(A) When it is shown that a person was alive within thirty years, the burden of proving that he is dead is on the person who affirms it.
(B) When it is shown that a person was not heard of for seven years by those who would naturally have heard of him if he had been alive, the burden of proving that he is alive is on the person who affirms it.
(C) When it is shown that a person is in possession of anything, the burden of proving that he is not the owner is on the person who affirms that he is not the owner.
(D) When it is shown that one person stands to the other in a position of active confidence, the burden of proving the good faith of a transaction between them is on the party that reposed confidence in the other.

33. What does Section 3 of the Indian Evidence Act deal with?

(A) Relevancy of facts
(B) Facts which need not be proved
(C) Facts in issue
(D) None of the above

34. Under which Section of the Indian Evidence Act can a witness be cross-examined on previous statements made by them in writing or reduced into writing?

(A) Section 145
(B) Section 146
(C) Section 147
(D) Section 148

35. What is the rule regarding the admissibility of evidence of character in civil cases under the Indian Evidence Act?

(A) Character evidence is always admissible
(B) Character evidence is never admissible
(C) Character evidence is admissible in certain circumstances
(D) None of the above

36. Which Section of the Indian Evidence Act deals with the relevancy of statements made in the course of business?

(A) Section 32
(B) Section 33
(C) Section 34
(D) Section 35

37. Which of the following document is not a 'Public Document'?

(A) Judgement of a court
(B) Police charge-sheet
(C) Mercantile Contract
(D) Will

38. Section 92 of Indian Evidence Act is applicable to disputes between

(A) the parties to the instrument only
(B) two strangers where the document is in question
(C) a party to the instrument and a stranger
(D) all of the above

39. Relevancy and admissibility under Evidence Act are

(A) Synonymous
(B) Coextensive
(C) Neither synonymous nor extensive
(D) None of the above

40. The Indian Evidence Act, 1872 was drafted by

(A) Lord Macaulay
(B) Sir James F. Stephen
(C) Lord Huxley
(D) Sir Henry Summermaine

41. Wrongful confinement in secret is dealt under

(A) Section 344 of IPC
(B) Section 345 of IPC
(C) Section 346 of IPC
(D) Section 347 of IPC

42. 'A' is tried for voluntarily causing grievous hurt and convicted. The victim subsequently dies. The State wants to try 'A' for the offence of culpable homicide amounting to murder under IPC. Which one among the following is the correct legal position?

(A) 'A' cannot be tried for the second time as per Section 300 of Code of Criminal Procedure.
(B) 'A' was already convicted and punished and hence can not be tried second time under the law.
(C) 'A' can be tried for the second time for culpable homicide amounting to murder.
(D) 'A' can be tried once again for the same offence that caused his death.

43. Extortion by threat of accusation of an offence punishable with death, imprisonment for life or imprisonment for ten years is dealt under

(A) Section 385 of IPC
(B) Section 386 of IPC
(C) Section 387 of IPC
(D) Section 388 of IPC

44. 'A' holds 'B' down and fraudulently takes 'B's cell phone from B's trouser without his consent. Under IPC, 'A' commits the offence of

(A) Robbery
(B) Extortion
(C) Dacoity
(D) Criminal misappropriation

45. 'A' obtain a decree against 'B' for a sum not due. It may be an offence under IPC, if 'A' has done so

(A) Negligently
(B) Fraudulently
(C) In good faith
(D) All of the above

46. Giving or fabricating false evidence with intent to procure conviction of capital offence is provided under

(A) Section 193 of IPC
(B) Section 194 of IPC
(C) Section 195 of IPC
(D) Section 196 of IPC

47. What punishment is provided under Section 298 of IPC for giving or fabricating false evidence with intent to procure conviction of capital offence?

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

48. 'A' finds a gold ring on the road, knowing it to be the property of 'Z', he having unknowingly lost it there 'A' picks up the ring and pledges it with a money lender to raise a loan, 'A' has committed

(A) Dishonest misappropriation of property
(B) Criminal breach of trust
(C) Theft
(D) No offence

49. 'A' is carried off by the tiger. 'Z' fires at the tiger in good faith intending to rescue 'A', knowing it to be likely that the shot My kill 'A'. The shot fired by 'Z' gives 'A' a mortal wound. 'Z' has committed

(A) No offence
(B) Culpable homicide not amounting to murder
(C) Offence of causing death by negligence
(D) Murder

50. 'A', a police officer tortures 'Z' in order to induce 'Z' to confess that he has committed a crime, here 'A' is guilty of offence of

(A) Criminal force
(B) Assault
(C) Hurt
(D) Extortion

51. Which statements cover the definition of "domestic violence" under the PWDV Act, 2005?
1. Any physical, emotional, or economic harm inflicted by a family member.
2. Any act of violence committed against a woman in her home.
3. Any form of abuse that occurs within a domestic setting.

(A) 1 and 2 only
(B) 2 and 3 only
(C) 1, 2 and 3
(D) 1 only

52. Which of the following is not a form of domestic violence recognized under the PWDV Act, 2005?

(A) Physical abuse
(B) Verbal abuse
(C) None is true
(D) Both are true

53. Section 22 of the PWDV Act, 2005 provides for

(A) Protection orders
(B) Residence orders
(C) Custody orders
(D) Compensation orders

54. What is the punishment provided under Section 31 of the PWDV Act, 2005?

(A) 3 years imprisonment
(B) 1 year imprisonment
(C) 5 years imprisonment
(D) 6 months

55. Statement 1: The PWDV Act, 2005 provides for the establishment of Protection Officers to assist victims of domestic violence.
Statement 2: The PWDV Act, 2005 provides for rehabilitation of children of victim of domestic violence.

(A) Only 1 is true
(B) Only 2 is true
(C) Both are true
(D) None of the above is true

56. Where the prescribed period of limitation for any application is expiring on a holiday, the application

(A) should be made a day prior to holiday
(B) may be made on the day when the court reopens
(C) may be made within thirty days of reopening of the court
(D) may be made on any day after the court reopens

57. Section 5 of the Limitation Act applies to

(A) Suits
(B) Appeals/Applications
(C) Both (A) and (B)
(D) None of these

58. Section 5 of the Limitation Act does not apply to

(A) Suit
(B) Appeal
(C) Application
(D) All of these

59. Which of the following proposition is incorrect?

(A) Where the disability continues up to 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

60. In which of the following circumstance, the plaintiff shall not get the benefit as provided under Section 14 of the Limitation Act?

(A) Where another civil proceeding is disposed of after adjudication on merits by the competent court
(B) Where another civil proceeding is disposed of for want of jurisdiction to the said court
(C) Where another civil proceeding was diligently prosecuted by the plaintiff in good faith in a court having no jurisdiction to try the said matter
(D) None of the above

61. The important case of the Supreme Court N. Balakrishnan v. M. Krishnamurthy, (1998) 7 SCC 123 is related to

(A) Length of delay is no matter; acceptability of the explanation is the only criterion
(B) The condonation of delay is a matter of discretion of the court
(C) Widened the scope and ambit of law of limitation
(D) All of the above

62. A suit for possession of immovable property based on title can be brought within 12 years from

(A) the date of dispossession
(B) the date of demand of possession
(C) the date on which the defendant refuses to deliver possession
(D) the date on which possession of defendant becomes adverse

63. If the defendant is abroad during the period of limitation

(A) such period is excluded from the period of limitation
(B) such period is included in the period of limitation
(C) such period is excluded from the period of limitation only if the period to stay abroad is more than thirty days
(D) none of these

64. Which of the following amount to presenting civil proceedings with 'due diligence and in good faith' within the meaning of Section 14 of the Limitation Act?

(A) Failure to pay the requisite court fee found deficient
(B) Error of judgement in valuing a suit
(C) Both (A) and (B)
(D) Neither (A) nor (B)

65. Indemnity-holder, acting within the scope of his authority, is entitled to recover from the promisor

(A) All damages which he may be compelled to pay in any suit
(B) All costs which he may be compelled to pay in any suit
(C) All sums which he may have paid under the terms of any compromise of any suit
(D) All of the above

66. Continuing Guarantee has been defined under

(A) Section 124 of the Indian Contract Act
(B) Section 129 of the Indian Contract Act
(C) Section 146 of the Indian Contract Act
(D) Section 148 of the Indian Contract Act

67. Who said that "An offer need not be made to an ascertained person, but no contract can arise until it has been accepted by an ascertained person"?

(A) Lord Atkin
(B) Lord Goddard
(C) Chashre and Fifoot
(D) Anson

68. Quasi-contract emerged from

(A) Assumpsit
(B) Indebitatus assumpsit
(C) Non-feasance
(D) Misfeasance

69. Which of the following is not a quasi-contract?

(A) Obligation of person enjoying benefit of non-gratuitous act
(B) Responsibility of finder of goods
(C) Quantum meruit
(D) Novation

70. 'X' contracted with a tent house for erecting a shamiana for performing the marriage of his daughter. On the day of marriage, a curfew was clamped in the area preventing the celebration of the marriage. The shamiana owner claims the charges agreed to be paid by 'X'. In the light of the above, which one of the following is correct?

(A) 'X' has to pay the contracted charges
(B) 'X' need not pay the agreed charges but only reasonable charges
(C) 'X' can require the state to bear the claim for damages
(D) 'X' need not pay anything as the celebration of the marriage was impossible on account of the curfew

71. 'X' and 'Y' jointly take a loan from 'Z' with promise to repay the loan amount with interest within two years. Soon after taking the loan, 'X' is declared as an insolvent and remains insolvent till the date of repayment of loan. 'Y' also fails to repay the loan. 'X' on account of his status as insolvent enjoys immunity from legal proceedings. In these circumstances

(A) 'Z' can in law institute a suit for recovery of, only 50% of the outstanding from 'Y'
(B) 'Z' is entitled in law to sue 'Y' alone for recovery of the entire outstanding amount
(C) 'Z' is not entitled to sue 'Y' also for recovery of loan amount till the order of insolvency of 'X' ceases to operate
(D) 'Z' is entitled in law to sue 'Y' for 50% of the principal amount due and the entire interest outstanding

72. Where two parties have made a contract which one of them has broken, the damages which the other party ought to receive in respect of such breach should be such as may fairly and reasonable be considered either arising naturally or reasonable be supposed to have been in contemplation of both the parties at the time of entering the contract. This statement was laid down in the case of

(A) Frost v. Knight
(B) Hadley v. Baxendale
(C) Dunlop Pneumatic Tyre Ltd. v. New Garage and Motor Co. Ltd.
(D) General v. Barker

73. Section 73 of the Indian Contract Act, 1872 is based on the law of

(A) Lumley v. Wagner case
(B) Paradine v. Jane case
(C) Taylor v. Caldwell case
(D) Hadley v. Baxendale case

74. For the purposes of the Specific Relief Act, 1963 the word "settlement" means

(A) An instrument whereby the destination or devolution of successive interests in movable property is disposed of
(B) An instrument including codicil or will whereby the destination or devolution of successive interests in immovable property is disposed of or is agreed to be disposed of
(C) An instrument including codicil or will whereby the devolution of successive interests in movable or immovable property is disposed of
(D) An instrument including codicil or will whereby the destination or devolution of successive interests in movable or immovable property is disposed of or is agreed to be disposed of

75. The Specific Relief Act, 1963 is the product of

(A) 8th Report of the Law Commission of India on Specific Relief on 1958
(B) 9th Report of the Law Commission of India on Specific Relief on 1958
(C) 10th Report of the Law Commission of India on Specific Relief on 1958
(D) None of the above

76. An order or decree passed in a suit presented under Section 6 of the Specific Relief Act is

(A) Appealable
(B) Reviewable
(C) Neither appealable nor reviewable
(D) Appealable and reviewable both

77. A defendant in a suit for recovery of possession of immovable property

(A) Can take the plea of lawful title and in the alternative the plea of adverse possession
(B) Cannot take the plea of lawful title and in the alternative the plea of adverse possession as the two are antithetical to each other
(C) Can take a plea of lawful title and in the alternative the plea of adverse possession and succeed on both
(D) Can take a plea of lawful title and in the alternative the plea of adverse possession and succeed on either

78. If any person is dispossessed of immovable property without his consent otherwise than in due course of law, he may, by a suit, recover possession thereof, not withstanding any other title that may be set up in such suit, within a period of

(A) Six months from the date of dispossession
(B) Three months from the date of dispossession
(C) One year from the date of dispossession
(D) Three years from the date of dispossession

79. 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 of the above

80. Mr. 'A' makes an allegation that Mr. 'B' assaulted him and physically injured him. Mr. 'B' states that the allegation is mischievous and false. He seeks to file a suit to restrain Mr. 'A' from instituting or prosecuting any proceedings in a criminal matter. In view of Section 41 of the Specific Relief Act, 1963, which one of the following is true?

(A) The court can restrain Mr. 'A' from instituting or prosecuting any proceedings in a criminal matter
(B) The court can pass a restrain order provided it is proved that Mr. 'A' is making a false allegation
(C) The court can pass a restrain order in favour of Mr. 'B' provided he deposits appropriate security in court
(D) No such injunction can be granted

81. In which of the following case, Supreme Court ruled that a suit seeking merely declaration to title of ownership about a property without seeking possession, when the plaintiff is not in possession of the property is not maintainable?

(A) Union of India v. Ibrahim, (2012) 8 SCC 148
(B) Rukhmabal v. Lala Laxminarayan, AIR (1960) SC 335
(C) Mayawanti v. Kaushalya Devi, (1990) 3 SCC 1
(D) Ramzan v. Hussaini, (1990) 1 SCC 104

82. In which of the following cases, injunction cannot be granted?
i. If it would impede or delay the progress or completion of any infrastructure project or interfere with the continued provision of relevant facility related thereto or services being the subject matter of such project
ii. When the plaintiff has personal interest in the matter
iii. To prevent the breach of a contract, the performance of which would not be specifically enforce
iv. To restrain any person from instituting or prosecuting any proceeding in a civil matter
Codes:

(A) i and iv
(B) ii, iii and iv
(C) i and iii
(D) i, ii and iv

83. Doctrine of 'lis pendens' embodied in Section 52, Transfer of Property Act

(A) Invalidate the transfer of immovable property during pending of the suit
(B) It only enacts that the purchaser pendente lite suit is bound by the result of the litigation
(C) It bars the transfer of property during pending of the suit
(D) It protects the right of collusive transferee

84. 'A' makes a gift of land to 'B'. 'C' sues 'A' for possession of the land. While the suit is pending, 'B' transfers the land to 'D'. 'A' dies and 'C' obtain a decree for possession against 'B' as legal representative of 'A'. Is 'D's title affected by the rule of lis pendens so as to be subject of 'C's decree?

(A) Yes, because transfer is without consideration
(B) No, because 'B' was not a party to the suit at the time of transfer by 'B' to 'D'
(C) 'B' is not legal representative of 'A' for 'C's decree
(D) After gift made to 'B', 'C' cannot sue 'A' for possession of the land

85. Match List – I with List – II and select the correct answer using the codes given below the lists.
List – I: a. Sale; b. Marshalling; c. Gift; d. Contingent interest
List – II: 1. Section 21; 2. Section 122; 3. Section 54; 4. Section 81
Codes:

(A) a–4 b–3 c–2 d–1
(B) a–3 b–4 c–2 d–1
(C) a–1 b–2 c–3 d–4
(D) a–1 b–4 c–3 d–2

86. 'A' takes a loan of Rs. 5,000 from 'B' and mortgages his house as security. In the mortgage deed, it was also mentioned that if he could not pay the amount within 5 years, then 'B' will have right to sell the house and recover his amount. If the money could not be recovered from sale of house, then 'A' will be personally liable. It is

(A) Mortgage by conditional sale
(B) English mortgage
(C) Usufructuary mortgage
(D) Simple mortgage

87. The mortgagor's right to redeem the mortgage property accrues

(A) at any time after the mortgage
(B) at any time after the mortgage money has become due
(C) at any time when the mortgagor wants
(D) at any time, mortgagee demands the money

88. The mortgagee has a right to sue for the mortgage money in the following cases namely

(A) Section 68 (1) (c) where the mortgage is deprived of the whole or part of his security by or in consequence of the wrongful act or default of the mortgagor
(B) Section 68 (1) (d) where, the mortgagee being entitled to possession of the mortgaged property, the mortgagor fails to deliver the same to him or to secure the possession thereof to him without disturbance by the mortgagor or any person claiming under a title superior to that of the mortgagor
(C) Both (A) and (B)
(D) None of the above

89. Match List – I with List – II and select the correct answer using the codes given below the lists.
List – I: a. Doctrine of Subrogation; b. Doctrine of Consideration; c. Doctrine of Accumulation; d. Doctrine of lis pendens
List – II: 1. Section 17, TPA; 2. Section 52, TPA; 3. Section 61, TPA; 4. Section 92, TPA
Codes:

(A) a–1 b–2 c–3 d–4
(B) a–3 b–2 c–1 d–4
(C) a–4 b–3 c–2 d–1
(D) a–4 b–3 c–1 d–2

90. 'A' owes money to 'B', who transfers the debt to 'C'. 'B', then demands the debt from 'A', who not having received notice of the transfer, as prescribed in Section 131 of T.P. Act, pays 'B'. The payment is

(A) Void
(B) Voidable
(C) Valid and 'C' can sue 'A' for debt
(D) Valid and 'C' cannot sue 'A' for the debt

91. Which of the following gifts is valid?

(A) 'A' gives Rs. 5,000 to 'B' on condition that he shall murder 'C'
(B) 'A' makes a gift of his field to 'B' with a proviso that if 'B' becomes insolvent, 'B's interest in the field shall cease
(C) 'A' makes a gift of his field to 'B' with a condition that if 'B' does not within a year set fire to 'C's house, his interest shall cease
(D) 'A' makes a gift of a house to 'B' on the condition that the gift will be forfeited if 'B' does not reside in it

92. Under the provisions of Hindu Succession Act, 1956, any property inherited by a female Hindu from her father or mother shall devolve, in absence of any son or daughter of the deceased (including the children of any pre-deceased son of daughter)

(A) Upon the heirs referred to in Section 15(1) of the Act
(B) Upon the heirs of deceased female Hindu's father
(C) Upon the heirs of deceased female Hindu's husband
(D) None of the above

93. Proceedings to be in camera and may not be printed or published, is provided in Section of the Hindu Marriage Act, 1955?

(A) Section 24
(B) Section 22
(C) Section 21
(D) Section 23

94. Escheat under Hindu Succession Act means

(A) Individual dies intestate and doesn't leave behind an heir
(B) Individual dies intestate and doesn't leave behind an heir, who is qualified to succeed to the property
(C) Individual dies intestate and doesn't leave behind an heir, who is qualified to succeed to the property, the property devolves on the Government
(D) Individual dies intestate and doesn't leave behind an heir, who is qualified to succeed to the property, the property doesn't devolve on the Government

95. What is codicil?
i. It is a schedule to any kind of will.
ii. It must be created by the original creator of will.
iii. It is an addendum of any kind to a will.
iv. It doesn't alter provisions of the will.
Codes:

(A) i and ii
(B) ii and iv
(C) ii and iii
(D) iii and iv

96. In coparcenary property, each coparcener can acquire interest by

(A) Partition
(B) Birth
(C) Attaining majority
(D) All of the above

97. Under the Hindu Succession Act, 1956, daughter's son and father of a male Hindu are legal heirs and they are placed as the following

(A) Both are placed as class I heir of the Schedule
(B) Father is placed in class I and daughter's son is placed in class II of the Schedule
(C) Daughter's son is placed as class I and father as class II heir of the Schedule
(D) Both are class II heirs of the Schedule

98. The convert's descendants under the Hindu Succession Act, 1956 will be

(A) qualified to inherit the property
(B) partially qualified to inherit the property
(C) partially qualified and partially disqualified to inherit the property
(D) disqualified to inherit the property

99. In the case of Prakash vs Phulwati, 2016 2 SCC 36, the court dealt with

(A) Section 5 of Hindu Succession Amendment Act, 2005
(B) Interpretation of Section 6 of Hindu Succession Act, 1956 as amended by Hindu Succession Amendment Act, 2005
(C) Question of retrospective application of Hindu Succession Amendment Act, 2005
(D) None of the above

100. The system of a joint family with its incident of succession by survivorship is a peculiarity of the Hindu law. The beneficial interest of each coparcener in Mitakshara law is liable to fluctuation, increasing by the death of another coparcener and decreasing by the birth of a new coparcener.

(A) G. Rajendra v. Smt. G. Nalini, 2020
(B) Vineeta Sharma v. Rakesh Sharma, 2020
(C) Prakash v. Phulwati, 2020
(D) None of the above