Odisha Civil Judge (OJS) Prelims 2023: Solution

Odisha Public Service Commission · OJS 2023 · Held 22 June 2024 · Series A · 100 questions · 90 minutes · 100 marks

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

Answer: (B) Only b, c and d

The Forty-second Amendment changed the Preamble in two places. It added "Socialist" and "Secular" to the description of the Republic, and added "integrity" to the promise concerning the unity of the Nation. "Sovereign" already described India in the original Preamble. That leaves items 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

Answer: (B) Article 324

Article 324 vests the supervision, direction and control of elections in the Election Commission. Its remit includes electoral rolls and elections to Parliament, State legislatures and the offices of President and Vice-President. Article 327 empowers Parliament to legislate about elections, while Article 329 restricts judicial interference in electoral matters.

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

Answer: (C) Justice Kuldip Singh

Justice Kuldip Singh is the judge associated with this nickname for his environmental work on the Supreme Court. The expression refers to a judge's contribution, rather than a separate judicial office. Article 48A supplies the constitutional setting by directing the State to protect the environment, forests and wildlife.

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

Answer: (D) Fundamental rights cannot be waived

In Basheshar Nath v. Commissioner of Income Tax, an individual's agreement with the authorities could not cure a violation of equality before the law. Fundamental rights limit what the State may do. A person's willingness to accept discriminatory treatment therefore cannot supply the constitutional authority that the State lacks.

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

Answer: (D) Manipur

Article 244(2) identifies the four States whose tribal areas come within the Sixth Schedule. They are Assam, Meghalaya, Tripura and Mizoram. The Schedule provides for administration through autonomous districts and, where applicable, autonomous regions. Of the four States offered in the question, Manipur falls outside that list.

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

Answer: (C) Six months per approval. Maximum total duration: (D) Three years.

Six months is the ordinary period covered by parliamentary approval under Article 356(4). Note: The question expressly asks for the maximum. Successive approvals can continue a proclamation for up to three years, so (D) answers that wording. Continuation beyond one year also requires the conditions in Article 356(5) to be met.

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

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

Answer: (C) Quo warranto

Quo warranto calls on the holder of a public office to show the legal authority for occupying it. The question is whether the appointment meets the governing statutory requirements. For instance, an appointment made despite the absence of a mandatory qualification can be challenged on that ground under Article 226.

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

Answer: (C) Eighth Schedule

The Eighth Schedule lists the languages recognised for the constitutional purposes mentioned in Articles 344(1) and 351. Odia is among them. The Seventh Schedule distributes legislative subjects between the Union and the States. The Fourth allocates Rajya Sabha seats and the Sixth deals with particular tribal areas.

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

Answer: (D) To construct a religious place on government land

Article 26 allows a religious denomination to establish religious and charitable institutions, manage religious affairs, own and acquire property, and administer its property according to law. These rights are subject to public order, morality and health. Ownership and acquisition do not give a denomination an entitlement to build on land belonging to the government.

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.

Answer: (A) The power of the Parliament to make law with respect to a matter not enumerated in Concurrent List or State List.

Union of India v. H.S. Dhillon concerns Parliament's residuary legislative power. Article 248 and Entry 97 of the Union List cover matters outside the State and Concurrent Lists, including taxes outside those lists. In considering Parliament's competence, the Court examined whether the disputed subject fell within the State's exclusive field.

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

Answer: (D) None of the above

A stay under section 10 CPC postpones trial. It does not itself dispose of the suit, and no appeal from such an order is listed in Order XLIII. Section 115 also restricts revision of interlocutory orders. On the bare facts, neither an appeal nor an ordinary revision lies as of course.
Question deleted by the Commission.

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

Answer: (C) Section 47

Section 47 CPC directs the executing court to decide questions between the parties or their representatives about execution, discharge or satisfaction of the decree. It expressly excludes a separate suit. Section 10 stays trial of a later suit, while section 11 prevents a court from retrying a matter finally decided.
Question deleted by the Commission.

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

Answer: (A) Order I, Rule 8

Order I rule 8 permits one or more people to sue or defend on behalf of numerous people with the same interest in the suit. The court must give permission or issue a direction and ensure notice to the people represented. Ordinary joinder under rule 1 does not create this representative effect.

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

Answer: (B) Temporary Injunction

Order XXXIX rule 2 allows a plaintiff seeking to restrain a breach of contract or another injury to apply for a temporary injunction against its repetition or continuance. The plaintiff may also claim compensation. Attaching assets before judgment and appointing a receiver are distinct remedies governed by other Orders.

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

Answer: (C) Order XXXIII, Rule 18

Order XXXIII rule 18 allows the Central or State Government to provide supplementary arrangements for free legal services to people permitted to sue as indigent persons. Rule 2 deals with the contents of the application for permission to sue, including particulars of the applicant's property. These are different stages.

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.

Answer: (A) Res judicata estops the parties from proving the previous decision to be incorrect.

Section 11 CPC bars a later court from retrying matters that meet its conditions. Option (A) instead describes the rule as a restriction on what a party may prove. An error in the first judgment may still be challenged on appeal. Evidentiary estoppel ordinarily operates through a representation on which someone has relied.

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

Answer: (B) Where the wife resides, subject to section 19.

The wife's residence can provide jurisdiction under section 19 of the Hindu Marriage Act, including when she petitions. If the husband petitions, the respondent's residence can also supply the venue. The place of marriage and the parties' last common residence are further grounds. No single residence is invariably the only proper forum. Question deleted by the Commission.

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

Answer: (C) Order 6, Rule 17 for a party's own pleading. Rule 16 governs the compulsory amendment described.

Order VI rule 17 governs permission for a party to amend its own pleading so that the real dispute can be decided. Note: The question instead describes compulsory alteration of an opponent's pleading. The power to strike out or order amendment of objectionable material is in rule 16, which the options omit.

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

Answer: (B) Fourteen days

Order VI rule 18 first asks whether the order granting leave fixed a time for making the amendment. If it fixed none, the default is fourteen days from the date of the order. After that period the party must obtain an extension from the court before acting on the permission.

20. Abatement of proceedings is provided for under

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

Answer: (A) Order 22

Order XXII governs the effect of death, marriage and insolvency on pending suits. Where the claim survives but cannot proceed against the remaining parties alone, a legal representative must be brought on record in time. Otherwise abatement may follow. Rule 9 permits an application to set the abatement aside.

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

Answer: (B) 25th December, 2023

The Bharatiya Nagarik Suraksha Sanhita, Act 46 of 2023, bears the date 25 December 2023. This question asks about presidential assent. Section 1(3) separately provides for commencement on a date appointed by the Central Government by notification. The date of assent and the date provisions take effect serve different purposes.
Question deleted by the Commission.

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

Answer: No listed option. Cognizable and non-bailable.

Part II of the First Schedule to the CrPC classifies offences under other laws punishable with imprisonment of three years and upwards, but no more than seven years, as cognizable and non-bailable. A first-class Magistrate ordinarily tries them. None of the four choices combines both required characteristics.
Question deleted by the Commission.

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

Answer: (C) 2 and 3 only

Section 437(1) CrPC allows the court to consider bail for a woman even in a capital case. Statement 2 abbreviates the repeat-conviction restriction and omits the statutory qualifications and exceptions. Identification alone cannot justify refusal where the accused is otherwise entitled to bail and undertakes to comply with directions. [BNSS section 480.]

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)

Answer: (C) Both (A) and (B)

Section 30 CrPC limits imprisonment imposed in default of payment of a fine by reference to the Magistrate's powers under section 29. Where substantive imprisonment is also awarded, the default term cannot exceed one quarter of the imprisonment the Magistrate could impose for that offence. That qualification matters to option (B). [BNSS section 24.]

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

Answer: (D) Any other case

Section 428 CrPC gives credit against a term of imprisonment for pre-conviction detention in the investigation, inquiry or trial of that same case. Detention attributable solely to a different case cannot be transferred to this sentence. The provision also excludes imprisonment

imposed in default of payment of a fine. [BNSS section 468.]

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

Answer: (A) Acquittal of accused

Under section 320(8) CrPC, lawful composition has the effect of an acquittal of the accused with whom the offence is compounded. The statute specifies who may compound each offence and when court permission is needed. The earlier framing of a charge does not change the legal effect. [BNSS section 359.]

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

Answer: (D) All the accused, subject to the appearance requirement explained below.

Section 209 CrPC commits the case to the Sessions Court, which explains the choice referring to all five. Note: It also requires appearance or production. An absconder who has never appeared cannot simply be committed against personally on these facts. Exemption from personal attendance is a separate issue. [BNSS section 232.]

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

Answer: (A) Section 280

Section 280 CrPC requires the presiding Judge or Magistrate who records a witness's evidence to record any observations about demeanour considered material during examination. Section 279 concerns interpretation of evidence to the accused or counsel. Section 281 addresses the different task of recording the accused's examination. [BNSS section 315.]

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)

Answer: (C) Section 389(3)

Section 389(3) CrPC allows time to present an appeal and obtain an appellate order. The convicting court ordinarily releases a person already on bail who receives up to three years' imprisonment, or remains on bail following conviction for a bailable offence. Special reasons may justify refusal. [BNSS section 430.]

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

Answer: (C) Police report

Section 2(d) CrPC defines a complaint as an allegation made to a Magistrate with a view to action under the Code and expressly excludes a police report. Its explanation qualifies that distinction. An investigating officer's report disclosing only a non-cognizable offence is deemed a complaint, with the officer treated as complainant. [BNSS section 2.]

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

Answer: (A) Five years

Section 90A of the Evidence Act applies when an electronic record purports or is proved to be at least five years old and comes from custody the court considers proper. The court may then presume the electronic signature was affixed by the person concerned or an authorised person. It need not assume every statement is true. [BSA section 93.]

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.

Answer: (D) or (C). Statement (D) reverses the legal burden.

Section 111 places the burden of showing good faith on the person holding the position of active confidence. Option (D) reverses that burden. Section 110, however, expressly places on the challenger the burden of disproving ownership once possession is shown. Option (C) therefore accurately states the law, although either response counted. [BSA sections 113–114.]

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

Answer: (C) Facts in issue

Section 3 is the interpretation clause. It defines "facts in issue" as facts from which the existence, extent or nature of an asserted or denied right, liability or disability necessarily follows. Section 5 then identifies what facts may be proved. Facts of which judicial notice is taken fall under a different chapter. [BSA section 2.]

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

Answer: (A) Section 145

Under section 145, counsel may question a witness about a relevant earlier written statement without first showing it to the witness. To contradict the witness by proving the writing, counsel must first direct the witness's attention to the specific passages relied on. That gives the witness an opportunity to explain. [BSA 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

Answer: (B) states the general exclusion too broadly. Section 55 supports (C) in specified circumstances.

Section 52 generally excludes character when offered simply to show that someone probably acted as alleged. Note: "Never" is too broad. Character may emerge from facts otherwise relevant, and section 55 makes it relevant when it affects damages in a civil case. Option (C) therefore states the complete statutory position. [BSA sections 46 and 50.]

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

Answer: (C) Section 34 for entries in business accounts. Section 32(2) covers ordinary-course statements by unavailable persons.

Section 34 makes entries in regularly kept business accounts relevant to an inquiry, but an entry alone cannot establish liability. Note: The broader wording about a statement in the ordinary course of business points to section 32(2), option (A), when the maker is dead or otherwise unavailable as specified. [BSA sections 26 and 28.]

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

Answer: (C) Mercantile contract and (D) will are both ordinarily private.

A commercial contract between private parties and a will made by a private testator both ordinarily fall within section 75 of the Evidence Act. A public record kept of a private document is a different matter under section 74. The status of that record does not turn the original will into a public act. [BSA section 74.]
Question deleted by the Commission.

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

Answer: (A) the parties to the instrument only

Section 92 excludes oral evidence offered to contradict, vary, add to or subtract from proved written terms in a dispute between the parties to the instrument or their representatives in interest. A stranger is outside that restriction. Option (A) is the closest choice, subject to the representatives and the statutory provisos. [BSA section 95.]

39. Relevancy and admissibility under Evidence Act are

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

Answer: (C) Neither synonymous nor extensive

Relevance concerns the legal connection between a fact and an issue. Admissibility asks whether the proposed evidence can be received to prove it. A relevant fact may still require proof in a particular form or through a competent witness. Section 136 gives the judge the decision on admissibility. [BSA section 141.]

40. The Indian Evidence Act, 1872 was drafted by

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

Answer: (B) Sir James F. Stephen

Sir James Fitzjames Stephen drafted the Indian Evidence Act of 1872. Its structure helps distinguish the subject of his work. The Act first identifies the facts that may be proved, then regulates how they are proved, and finally addresses matters such as burdens of proof and the examination of witnesses.

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

Answer: (C) Section 346 of IPC

IPC section 346 addresses deliberate secrecy in wrongful confinement. The offender intends to conceal the confinement, or its location, from an interested person or public servant. The aggravating element is concealment. The length of detention or the existence of an order for release belongs to a different statutory question. [BNS section 127(6).]

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.

Answer: (C) 'A' can be tried for the second time for culpable homicide amounting to murder.

Section 300(3) CrPC permits a later trial when a consequence of the original act had not occurred, or was unknown to the court, at the first conviction. Death after the grievous-hurt conviction supplies that new consequence. The prosecution must still prove the ingredients of murder to obtain a murder conviction. [BNSS section 337.]

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

Answer: (D) Section 388 of IPC

IPC section 388 concerns completed extortion through fear of an accusation of a specified serious offence. The accusation can concern the victim or another person. The fear induces the victim to deliver property. A threat of being accused must be distinguished from a direct threat of death or grievous hurt. [BNS section 308(7).]

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

Answer: (A) Robbery

A takes the phone without B's consent and uses physical restraint to accomplish the taking. Under IPC section 390, theft becomes robbery when the offender voluntarily causes or attempts wrongful restraint for that purpose. B never delivers the phone, which distinguishes these facts from extortion. [BNS section 309.]

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

Answer: (B) Fraudulently

IPC section 210 covers fraudulently obtaining a decree or order for an amount that is not due, including an amount greater than the true debt. The mental element matters. An honest mistake about a balance or mere carelessness does not establish that the claimant procured the decree fraudulently. [BNS section 247.]

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

Answer: (B) Section 194 of IPC

IPC section 194 applies where someone gives or fabricates false evidence intending to cause, or knowing it likely to cause, conviction for an offence punishable with death. It singles out the gravity of the conviction sought. Section 193 provides the more general punishment for giving or fabricating false evidence. [BNS section 230.]

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

Answer: No listed option for the false-evidence offence. (A) is the maximum under section 298 alone.

IPC section 298 concerns deliberately wounding religious feelings and carries imprisonment up to one year, which explains option (A). The false-evidence offence described belongs to section 194. Its ordinary penalty is life imprisonment or rigorous imprisonment up to ten years and liability to a fine. No option answers both parts. [BNS sections 302 and 230 respectively.]
Question deleted by the Commission.

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

Answer: (A) Dishonest misappropriation of property

A knows who owns the ring and uses it as security for a personal loan. That conversion to his own use brings the conduct within IPC section 403. A finder may take custody to preserve lost property. Pledging it for personal gain is what gives this taking its dishonest character. [BNS section 314.]

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

Answer: (A) No offence

IPC section 92 illustrates the emergency in which a person acts in good faith for someone's benefit and consent cannot be obtained in time. Z aims to save A from the tiger and does not intend A's death. Knowledge that the rescue involves a grave risk does not alone take it outside the exception. [BNS section 30.]

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

Answer: (C) Hurt

IPC section 330 specifically covers voluntarily causing hurt to obtain a confession. Bodily pain inflicted in the course of torture supplies the hurt, and the officer's stated purpose supplies the additional ingredient. Section 331 applies if grievous hurt is proved. The facts do not specify such an injury. [BNS section 120.]
Question deleted by the Commission.

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

Answer: (A) 1 and 2 only, subject to the domestic relationship requirement.

Section 3 covers physical, emotional and economic abuse by a respondent in a domestic relationship. Statements 1 and 2 can describe such conduct. Note: Statement 2 omits the relationship requirement and describes the location too narrowly. Violence by a stranger in a woman's home is outside the definition, while abuse by a qualifying respondent can occur elsewhere.

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

Answer: (C) None is true

Both physical abuse and verbal abuse can constitute domestic violence under section 3. The question asks for a form that falls outside the Act. Neither example does, so "None is true" answers the negative wording. Verbal and emotional abuse can include insults, humiliation and repeated threats of physical pain.

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

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

Answer: (D) Compensation orders

Section 22 empowers the Magistrate, on the aggrieved person's application, to direct the respondent to pay compensation and damages. The injury can include mental torture or emotional distress caused by domestic violence. Compensation can accompany other relief. Protection, residence and temporary custody are addressed separately in sections 18, 19 and 21.

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

Answer: (B) 1 year imprisonment

Section 31 makes the respondent's breach of a protection order, including an interim protection order, a criminal offence. The court may impose imprisonment up to one year, a fine up to ₹20,000, or both. One year is therefore the maximum custodial term, rather than a mandatory sentence for each breach.

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

Answer: (A) Only 1 is true

Sections 8 and 9 provide for district Protection Officers and assign them duties such as assisting the Magistrate, reporting domestic incidents and helping the aggrieved person access relief. Section 21 permits temporary custody orders concerning children. It provides a particular custody remedy, rather than the general child-rehabilitation programme described in statement 2.

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

Answer: (B) may be made on the day when the court reopens

Section 4 of the Limitation Act allows an application whose prescribed period expires while the court is closed to be made on the day it reopens. The applicant need not anticipate closure by filing the day before. The provision supplies the reopening day itself, without adding thirty days or an indefinite extension.

57. Section 5 of the Limitation Act applies to

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

Answer: (B) Appeals/Applications

Section 5 allows the court to admit an appeal or qualifying application after its prescribed period if the appellant or applicant shows sufficient cause. Applications under Order XXI CPC are expressly excluded. The provision therefore covers the categories in (B), subject to that exception, and does not extend to instituting suits.

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

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

Answer: (A) Suit

A late suit cannot be admitted simply because the plaintiff shows sufficient cause under section 5. The plaintiff may still establish that another provision affects the computation of time. Once the prescribed period is properly calculated, section 3 ordinarily requires dismissal of a time-barred suit even without a limitation defence.

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

Answer: (C) In computing the period of limitation for any suit, the day from which such period is to be reckoned, shall not be excluded

Section 12(1) excludes the day from which limitation is reckoned. Option (C) reverses that instruction. For example, where time runs from an event on Monday, Monday is omitted in counting the period. Section 12(4) separately excludes the time requisite for obtaining the award when an application seeks to set it aside.

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

Answer: (A) Where another civil proceeding is disposed of after adjudication on merits by the competent court

Section 14 allows time spent diligently and in good faith in earlier civil proceedings to be excluded where a jurisdictional defect or a similar cause prevented the court from entertaining them. A competent court that decided the dispute on its merits encountered no such obstacle. Losing there does not restart limitation elsewhere.

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

Answer: (D) All of the above

In N. Balakrishnan v. M. Krishnamurthy the Court explained how discretion under section 5 should be exercised. A short delay can remain unexplained, while a longer delay can have a convincing explanation. The court considers the cause and the applicant's conduct. The decision did not create an automatic extension of any fixed length.

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

Answer: (A) applies to prior possession. For the title suit in the question, (D) is the statutory answer.

Dispossession starts time under Article 64 for a suit based on prior possession. Note: This question expressly specifies a suit based on title. Article 65 gives twelve years from the date the defendant's possession becomes adverse to the plaintiff. Option (D) states the rule for the suit actually described.

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

Answer: (A) such period is excluded from the period of limitation

Section 15(5) of the Limitation Act excludes, in computing time for a suit, the period for which the defendant was absent from India and from territories outside India administered by the Central Government. It prescribes no thirty-day minimum. The provision concerns the defendant's absence, not the plaintiff's travel.

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)

Answer: (D) Neither (A) nor (B)

Section 14 requires the party to have pursued the same matter diligently and in good faith in a court unable to entertain it for a jurisdictional or similar reason. A deficient fee or mistaken valuation, without facts showing due care and the necessary defect, does not by itself establish a right to exclusion.

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

Answer: (D) All of the above

Section 125 of the Contract Act allows recovery of damages the indemnity holder had to pay in a matter covered by the promise. Litigation costs and compromise payments can also qualify. For these latter categories, the holder must show the required prudence and compliance with the promisor's directions, or authority from the promisor.

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

Answer: (B) Section 129 of the Indian Contract Act

Section 129 defines a continuing guarantee by its coverage of a series of transactions. A guarantee of payment for supplies made from time to time on credit can continue even after the first invoice is paid. A promise covering a single specified purchase lacks that feature, however long payment takes.

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

Answer: (D) Anson

The statement is attributed to Anson. A reward offer illustrates its meaning. The offer may be addressed to anyone who finds and returns a lost item. The person who knows of the offer and performs its conditions accepts it by conduct under section 8 of the Contract Act and becomes identifiable as the promisee.

68. Quasi-contract emerged from

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

Answer: (B) Indebitatus assumpsit

Indebitatus assumpsit allowed money owed to be claimed on the footing of an implied promise. It helps explain obligations now described as quasi-contractual. For example, section 72 of the Contract Act requires a person who receives money by mistake to return it, even though the parties made no agreement for repayment.

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

Answer: (D) Novation

Novation under section 62 requires agreement to substitute a new contract for the original one. In contrast, sections 70 and 71 impose duties where a non-gratuitous benefit is enjoyed or a finder takes goods into custody. A claim for the reasonable value of services can likewise arise without an agreed price.

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

Answer: (D) 'X' need not pay anything as the celebration of the marriage was impossible on account of the curfew

The hire was for a particular celebration on a fixed day. On the stated facts the curfew prevents that common purpose from being performed, so section 56 discharges the outstanding promise. No completed service or benefit received by X is described. If an advantage had already been received, section 65 would require an accounting for it.

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

Answer: (B) 'Z' is entitled in law to sue 'Y' alone for recovery of the entire outstanding amount

Section 43 permits a promisee to require any one joint promisor to perform the whole promise unless the contract provides otherwise. X's insolvency affects recovery from X. It does not halve Z's claim against Y. Any right of contribution between X and Y is separate from Z's right to the outstanding principal and interest.

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

Answer: (B) Hadley v. Baxendale

Hadley v. Baxendale concerned delay in carrying a broken mill shaft. The carrier did not know the mill would stay idle until delivery, so the lost profits did not follow as an ordinary consequence on the facts known to it. The case distinguishes losses arising naturally from losses foreseeable through knowledge of special circumstances.

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

Answer: (D) Hadley v. Baxendale case

Section 73 adopts the remoteness principle in Hadley v. Baxendale. Compensation covers loss that naturally follows a breach and loss the parties knew was likely when contracting. Remote or indirect loss is excluded. Thus a buyer claiming unusual business losses must show why those consequences were within the parties' contemplation.

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

Answer: (A) is a partial example. No choice gives the complete definition.

Option (A) gives an example involving movable property, but leaves out part of the definition. Section 2(b) covers instruments disposing of, or agreeing to dispose of, successive interests in movable or immovable property. It

expressly excludes a will or codicil. Options (B), (C) and (D) incorrectly include those testamentary instruments.

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

Answer: (B) 9th Report of the Law Commission of India on Specific Relief on 1958

The Ninth Report of the Law Commission of India, submitted in 1958, considered revision of the Specific Relief Act of 1877. Its recommendations preceded the 1963 legislation. The question asks for the report behind that revision. The year of the report and the year of the resulting Act are different.

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

Answer: (C) Neither appealable nor reviewable

Section 6(3) bars an appeal from an order or decree in the summary possession suit and also bars review. Recovery under this provision protects possession against forcible dispossession without settling ownership. Section 6(4) preserves a separate suit to establish title and recover possession on the strength of that title.

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

Answer: (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

A defendant asserting independent ownership claims to possess in exercise of that title. Adverse possession requires proof of possession hostile to someone else's title for the requisite period. The two explanations for the same period of possession contradict each other. Merely adding the words "in the alternative" does not prove when hostile possession began.

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

Answer: (A) Six months from the date of dispossession

Section 6(2)(a) requires the summary suit to be brought within six months from dispossession. The plaintiff must show prior possession and dispossession without consent otherwise than through lawful process. The defendant's assertion of a better title does not defeat that remedy. A separate title suit remains available subject to its own limitation rules.

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

Answer: (B) A contract, the performance of which involves the performance of a continuous duty which the court cannot supervise

Read the choices as descriptions of contracts excluded from specific performance. Section 14(b) covers a continuous duty whose performance the court cannot supervise. The other exclusions are misstated: section 14(a) concerns a party who has already obtained substituted performance, and section 14(d) concerns a contract that is determinable by its nature.

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

Answer: (D) No such injunction can be granted

Section 41(d) bars an injunction restraining a person from instituting or prosecuting criminal proceedings. B's allegation that A is acting maliciously does not create an exception for a civil injunction. B can contest the accusation in the proper criminal proceedings. Offering security cannot give the civil court the power sought.

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

Answer: (A) Union of India v. Ibrahim, (2012) 8 SCC 148

Union of India v. Ibrahim Uddin applies the proviso to section 34. A plaintiff who can ask for further relief flowing from the claimed title must include that relief. Where the defendant possesses the land, a bare declaration of ownership leaves possession outstanding. The plaintiff must also seek recovery of possession.

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

Answer: (C) i and iii

Section 41(e) bars an injunction to prevent breach of a contract whose performance could not be specifically enforced. Clause (ha) protects infrastructure projects and related facilities or services against the interference described in statement i. Clause (j) concerns a plaintiff with no personal interest. There is no blanket prohibition covering every civil proceeding.

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

Answer: (C) is qualified by the decree. (B) describes the legal effect on a purchaser.

Section 52 prevents a party dealing with disputed property so as to defeat another party's rights under the decree.
Note: Option (C) suggests an absolute ban. A transfer during litigation can take effect subject to the eventual decree, and the court can authorise a transfer on terms. Option (B) states the usual effect more precisely.

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

Answer: (B) No, because 'B' was not a party to the suit at the time of transfer by 'B' to 'D'

Section 52 addresses a transfer by a party to the pending litigation. B received the original gift before C sued A. B then transferred to D before becoming a party as A's representative. B's later participation does not retrospectively turn B's earlier transfer into a transfer by a party to that suit.

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

Answer: (B) a–3 b–4 c–2 d–1

Section 54 defines sale as transfer of ownership for a price. Section 81 allows a subsequent mortgagee to marshal securities in the circumstances specified. Section 122 defines a gift, and section 21 defines an interest contingent upon an uncertain event. Reading the numbers in the order of List I gives 3, 4, 2, 1.

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

Answer: (D) Simple mortgage

A simple mortgage under section 58(b) combines a personal undertaking to pay with a right to cause the secured property to be sold on default. Possession need not pass to B. A remains personally responsible for a shortfall. Nothing in the question establishes the absolute transfer required for an English 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

Answer: (B) at any time after the mortgage money has become due

Section 60 gives the mortgagor the right, after the principal money becomes due, to redeem by payment or tender at a proper time and place. The mortgagor can require return of documents and, where appropriate, possession and retransfer. The right continues unless extinguished by the parties' act or a decree.

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

Answer: (C) Both (A) and (B)

Section 68(1)(c) covers loss of all or part of the security through the mortgagor's wrongful act or default. Clause (d) covers a mortgagee entitled to possession where the mortgagor fails to deliver or secure undisturbed possession as specified. Both circumstances permit a suit for the mortgage money itself.

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

Answer: (D) fits three matches. Section 61 does not correspond to "consideration".

Section 92 deals with subrogation, section 17 with accumulation and section 52 with lis pendens. These three

matches lead to option (D). Note: Its remaining pair is defective as printed. Section 61 concerns the right to redeem separate mortgages separately or simultaneously. It does not enact a doctrine of consideration.

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

Answer: (D) Valid and 'C' cannot sue 'A' for the debt

Under section 130, the assignment can take effect between B and C without notice to A. The proviso nevertheless protects A's dealings with B before A receives the prescribed express notice. The statutory illustration matches the question: A has discharged the debt and C cannot require A to pay it again.

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

Answer: (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

Sections 31 and 32 permit an interest to end on a lawful specified event. Here continued residence is expressly a condition of the gift, and forfeiture does not depend solely on the donor's wish. Murder and arson cannot be valid conditions. Under section 12 the insolvency condition in (B) itself is void.

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

Answer: (B) Upon the heirs of deceased female Hindu's father

Section 15(2)(a) provides a special rule for property a woman inherited from either parent. If she dies intestate leaving no son or daughter, including children of a predeceased son or daughter, the property goes to her father's heirs. This origin-based exception displaces the ordinary sequence in section 15(1).

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

Answer: (B) Section 22

Section 22 requires proceedings under the Hindu Marriage Act to be conducted in camera. It also restricts printing or publication of matters relating to the proceedings. A High Court or Supreme Court judgment may be printed or published with the court's prior permission. Section 24 concerns interim maintenance and litigation expenses. Question deleted by the Commission.

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

Answer: (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

Section 29 applies where a person dies intestate and no qualified heir succeeds under the Hindu Succession Act. The estate then devolves on the Government, which takes it subject to the obligations and liabilities that would have bound an heir. Option (C) identifies both the failure of heirs and the resulting devolution.

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

Answer: (C) ii and iii

Section 2(b) of the Indian Succession Act defines a codicil as an instrument connected with a will that explains, alters or adds to its dispositions and forms part of it. It expresses the testator's own testamentary directions. Calling it a mere schedule misses its power to change an earlier disposition.

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

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

Answer: (B) Birth

In a Mitakshara joint Hindu family, a coparcener's interest arises by birth. Amended section 6 gives a daughter the same status and rights by birth as a son. Partition determines the separate share to be allotted. Neither the act of partition nor attaining majority creates the underlying birthright.

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

Answer: (C), if the daughter predeceased the intestate.

The Schedule lists the son of a predeceased daughter in Class I and the father in the first entry of Class II. Option (C) works if the daughter predeceased the intestate. If she survives him, she takes as a Class I heir and her son does not replace her. The stem omits this condition.
Question deleted by the Commission.

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

Answer: (D) disqualified to inherit the property

Section 26 disqualifies children born after a Hindu's conversion, and their descendants, from inheriting a Hindu relative's property unless they are Hindus when succession opens. The bare description "convert's descendants" omits those qualifications. The disqualification is therefore narrower than a permanent exclusion of everyone descended from a convert.

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

Answer: (C) Question of retrospective application of Hindu Succession Amendment Act, 2005

Prakash v. Phulavati addressed the temporal operation of the 2005 amendment to section 6. Its holding requiring the father to be alive when the amendment commenced was later overruled in Vineeta Sharma v. Rakesh Sharma. The latter decision recognised the daughter's birthright without that living-father condition, subject to the statutory savings.

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

Answer: (B) Vineeta Sharma v. Rakesh Sharma, 2020

Vineeta Sharma v. Rakesh Sharma explains why a Mitakshara coparcener's undivided share traditionally fluctuates with births and deaths before partition. The historical statement about survivorship must be read with amended section 6(3). For a death after commencement of the 2005 amendment, the deceased's interest passes through testamentary or intestate succession.