Rajasthan Civil Judge (Prelims) 2013

Rajasthan High Court, Jodhpur · Civil Judge Cadre Preliminary Examination, held 23.03.2014 · 100 questions (Series A)

Preliminary Examination

1. The Supreme Court has held that right to fly the National Flag with respect and dignity is a fundamental right of every citizen within the meaning of Article 19(1)(a) of the Constitution of India in the case of:

(1) Keshvanand Bharti v. State of Kerala
(2) Abhay Singh v. State of Uttar Pradesh
(3) Union of India v. Naveen Jindal
(4) Shabnam Hashmi v. Union of India

2. Which of the following is a constitutional right but not a fundamental right?

(1) Protection of life and personal liberty
(2) Right to move freely throughout the territory of India.
(3) Right to assemble peaceably
(4) Right to hold property.

3. Statement No.1 - Directive Principles of State Policy are not enforceable by any Court.
Statement No.2 - Directive Principles of State Policy are fundamental in the governance of the country.

(1) Both the statements are true
(2) Both the statements are false
(3) Statement No.1 is true but statement No.2 is false
(4) Statement No.2 is true but statement No.1 is false

4. The Supreme Court of India has laid down the law relating to Alternative Dispute Resolution processes and Section 89 of the Code of Civil Procedure in the case of:

(1) Dinesh Kumar v. Yusuf Ali
(2) Afcon Infrastructure Ltd. v. Cherian Varkey Construction Co.
(3) Bimlesh v. New India Assurance Co.
(4) Standard Chartered Bank v. V. Noble Kumar

5. Under Order XXXII Rule 9 of the Code of Civil Procedure, a next friend of a minor can be removed:

(1) if he ceases to reside in India during the pendency of the suit
(2) where his interest becomes adverse to that of the minor
(3) where he does not do his duty
(4) for any of the above reasons

6. In the Code of Civil Procedure, an ex parte decree can be set aside:

(1) Under Order IX Rule 5
(2) Under Order IX Rule 10
(3) Under Order IX Rule 13
(4) Under Order IX Rule 11

7. The Communication of an acceptance is complete as against the acceptor:

(1) as soon as acceptance is made by the acceptor
(2) when it is put in the course of transmission to the proposer
(3) when it comes to the knowledge of the proposer
(4) none of the above

8. An agreement in restraint of the marriage of any person other than a minor is:

(1) void
(2) voidable
(3) a contingent agreement
(4) none of the above

9. 'Bailee' is a person:

(1) to whom the goods are delivered
(2) who delivers the goods
(3) who fails to deliver the goods
(4) none of the above

10. The rule of 'strict liability' propounded in the case of Rylands Vs. Fletcher is not applicable:

(1) When the damage is due to vis major
(2) When the damage is due to wrongful act of stranger
(3) When the damage is due to the plaintiff's own fault
(4) All the above

11. The Rule of 'res ipsa loquitur' is related to the tort of :

(1) Negligence
(2) False Imprisonment
(3) Defamation
(4) Malicious Prosecution

12. The land, for the beneficial enjoyment of which easement exists, is called:

(1) Servient heritage
(2) Dominant heritage
(3) Extinct heritage
(4) None of the above

13. Under Section 173 of the Motor Vehicles Act, a person aggrieved by an award of the Tribunal can prefer an appeal to:

(1) The Supreme Court
(2) The High Court
(3) The District Court
(4) None of the above

14. Unless otherwise agreed by the parties, the arbitral proceedings, in respect of a particular dispute commence on the date:

(1) when the arbitrator is appointed by the parties
(2) on which a request for that dispute to be referred to arbitration is received by the respondent
(3) when the matter is referred to arbitrator for settlement
(4) when the arbitrator takes notice of the dispute for further proceedings.

15. In the arbitral proceedings, where a party fails to appear at an oral hearing or fails to produce documentary evidence:

(1) The Tribunal has no power to continue the proceedings and to give its award
(2) The Tribunal shall terminate the arbitral proceedings
(3) The Tribunal has power to continue the proceedings and to give its award
(4) None of the above.

16. Under the Rajasthan Rent Control Act, 2001, which of the following landlord is entitled to recover immediate possession of a residential premises:

(1) A retired member of any Armed Forces of the Union
(2) A retired employee of the Central Government
(3) A retired employee of the State Owned Corporation
(4) All the above

17. Under which provision of the Rajasthan Land Revenue Act, 1956, any dispute concerning any boundaries can be decided by the Land Records Officer?

(1) Section 109
(2) Section 110
(3) Section 111
(4) Section 112

18. In the Rajasthan Tenancy Act, 1955, such provisions of the Code of Civil Procedure, 1908 which do not apply to the suit or proceedings under that Act are contained in:

(1) First Schedule
(2) Second Schedule
(3) Third Schedule
(4) Fourth Schedule

19. Where the plaintiff, in a suit for specific performance, proves the existence of the agreement and its non-performance by the defendant, the Court:

(1) is bound to issue a decree for specific performance
(2) can refuse to issue a decree for specific performance on the ground of inadequacy of consideration
(3) is not bound to issue a decree for specific performance, since the relief is discretionary
(4) None of the above

20. If a person is dispossessed without his consent of immovable property otherwise than in due course of law, he may file a suit to recover possession under Section 6 of the Specific Relief Act within:

(1) three months from the date of dispossession
(2) six months from the date of dispossession
(3) twelve months from the date of dispossession
(4) three years from the date of dispossession

21. The principles in the case of Jijabai Vithalrao Gajre Vs. Pathan Khan (AIR 1971 SC 315) are related with:
(1) Dissolution of Marriage
(2) Succession
(3) Adoption
(4) Minority and Guardianship

22. The prescribed period of limitation for preferring an appeal under Section 28 of the Hindu Marriage Act is :
(1) thirty days
(2) sixty days
(3) ninety days
(4) one hundred & twenty days

23. Under the Muslim Law, 'Khula' and 'Mubara'at' are:
(1) the forms of marriage
(2) the forms of dissolution of marriage by agreement
(3) the forms of repudiation of gift on attaining majority
(4) the forms of demanding pre-emption

24. If the donee dies before acceptance of gift, then:
(1) the gift is voidable
(2) the gift is void
(3) the gift is valid
(4) the gift is converted into will

25. A lessee accepts from the lessor a new lease of the property leased, to take effect during the continuance of the existing lease. This :
(1) converts the former lease into exchange
(2) converts the former lease into a perpetual lease
(3) is an implied surrender of the former lease
(4) is a voidable agreement

26. Where the prescribed period of limitation for any application is expiring on a holiday, the application:
(1) should be made a day prior to holiday
(2) may be made on the day when the Court re-opens
(3) may be made within thirty days of re-opening of the Court
(4) may be made on any day after the Court re-opens.

27. Under the Limitation Act, the period of limitation for filing a suit for compensation for false imprisonment begins to run from the time:
(1) when imprisonment ends
(2) when imprisonment begins
(3) when prosecution terminates
(4) none of the above

28. Under the Limitation Act, the period of limitation for filing an application for an order to set aside an abatement is:
(1) 60 days
(2) 90 days
(3) 120 days
(4) none of the above

29. Where in a case referred under Section 20(1) of the Legal Services Authorities Act, 1987, no award could be made by the Lok Adalat on the ground that no compromise could be arrived at between the parties, the Lok Adalat shall:
(1) return the record of the case to the Court which made the reference
(2) shall dispose of the case on merits
(3) shall send the record to the District Legal Services Authority
(4) shall adjourn the proceedings in the case sine die

30. Under the Protection of Women from Domestic Violence Act, 2005, besides passing orders for protection and residence, a Magistrate can pass:
(1) Custody orders
(2) Compensation orders
(3) Ex parte orders
(4) All the above

31. Under the Rajasthan Guaranteed Delivery of Public Services Act, 2011, the State Government may notify the service provided by :
(1) The State Government
(2) An institution established by any law made by the State Legislature
(3) Departments of the State Government
(4) All the above

32. Under the Rajasthan Right to Hearing Act, 2012, the power to make rules to carry out the purposes of the enactment has been conferred on :
(1) The State Government
(2) The Chief Information Commissioner
(3) The Board of Revenue
(4) None of the above

33. Under the Rajasthan Panchayati Raj Act, 1994, the functions and powers of Zila Parishad are specified in:

(1) First Schedule
(2) Second Schedule
(3) Third Schedule
(4) Fourth Schedule

34. If any dispute arises between a Panchayati Raj Institution and other Local Authority, the same shall be referred to:

(1) The Civil Court
(2) The Public Service Commission
(3) The State Government
(4) The Divisional Commissioner

35. Under the Rajasthan Municipalities Act, 2009 a person, against whom an order has been passed under Section 117 of the Code of Criminal Procedure in the proceedings instituted under Section 110 of the said Code; and such order has not been subsequently reversed, is disqualified for being chosen as member of a Municipality :

(1) forever
(2) for a period of six years
(3) for a period specified by the State Government
(4) until expiry of the period for which he is ordered to furnish security.

36. Which kind of agreement can be presumed by the Court under Section 85-A of the Indian Evidence Act?

(1) Written Agreement
(2) Oral Agreement
(3) Electronic Agreement
(4) None of the above

37. Which one document from the following is not a "Public Document"?

(1) Judgment of a Court
(2) Police Charge sheet
(3) Postmortem report
(4) Will

38. A witness unable to speak, if gives his statement in writing before the Court, then such evidence shall be deemed to be -

(1) Oral evidence
(2) Documentary evidence
(3) Hearsay evidence
(4) Primary evidence

39. In a criminal case, the primary burden to prove a fact is upon -

(1) Accused
(2) Prosecution
(3) Police
(4) Court

40. A sues B for negligence in providing him with a carriage for hire not reasonably fit for use, whereby A was injured. The fact that B was habitually negligent about the carriages which he let to hire is:

(1) relevant
(2) irrelevant
(3) neither relevant nor irrelevant
(4) relevant as well as irrelevant

41. Under which provision of the Indian Evidence Act, an accused may plead alibi?

(1) Section 10
(2) Section 11
(3) Section 12
(4) Section 13

42. The doctrine of estoppel means -

(1) Not to make statement in consonance to the earlier statement
(2) Restriction to make statement contrary to the earlier statement/admission
(3) Res judicata
(4) Vague statement

43. An accused in police custody, informs to the Station House Officer that the key by which he opened the safe and committed theft is kept by him in the patio of his house.
To what extent this information can be proved?

(1) For committing an offence of theft
(2) For opening lock of safe
(3) For committing theft by opening safe and destroying evidence
(4) For keeping the key in patio of house

44. In a trial, while explaining any circumstances appearing in evidence against him, an accused of committing murder states that due to grave and sudden provocation he was deprived of the power of self-control and thus, gave a single lathi blow to A, causing his death.
The burden to prove grave and sudden provocation is on -

(1) The Prosecution
(2) The Investigating agency
(3) The Court
(4) The Accused

45. In the Indian Evidence Act, the expression "Court" means -

(1) All Judges
(2) All Magistrates
(3) All persons except Arbitrators, legally authorised to take evidence
(4) All the above

46. When the Court has to form an opinion as to the electronic signature of any person, the opinion of the certifying authority which has issued the electronic signature certificate is -

(1) Fact in issue
(2) Relevant fact
(3) Proved fact
(4) None of the above

47. During the course of trial of a rape case, a person present in Court causes a knife injury to another person before the Court. The Judge before whom the incident took place -

(1) May not be called in evidence
(2) May be called in evidence only under special order of a higher Court
(3) May be examined as a witness
(4) May be called in evidence, only if the trial of that incident is going on before a higher Court

48. For the purpose of the Code of Criminal Procedure 1973, who from amongst the following, may determine the language of each Court in the State other than the High Court?

(1) The High Court of the State
(2) The Supreme Court of India
(3) The State Government
(4) The Legislative Assembly of the State

49. To whom, as per Section 98 of the Code of Criminal Procedure, a complaint on oath for restoration of an abducted female child to the person having her lawful charge, may be presented?

(1) The District Magistrate
(2) The Sub Divisional Magistrate
(3) The Magistrate First Class
(4) All the above

50. In a summons case, when the accused appears or is brought before the Magistrate, it shall not be necessary to -

(1) State the particulars of the offence of which he is accused
(2) Ask whether he pleads guilty
(3) Ask whether he has any defence to make
(4) Frame a formal charge

51. The offence affecting the socio-economic condition of the country, to which plea bargaining is not applicable, shall be notified by-

(1) The State Government
(2) The Scheduled Castes/Scheduled Tribes Commission
(3) The Human Rights Commission
(4) The Central Government

52. In a criminal trial, without producing the Chemical Examiner to the Government, the report given by him upon a thing duly submitted for analysis in the course of any proceeding under the Code of Criminal Procedure:

(1) Cannot be used as evidence
(2) Can be used as evidence only in summons cases
(3) Can be used as evidence
(4) Can be used only to refresh memory of the investigating officer coming in evidence

53. On a busy junction of road, a huge poster/banner installed by an association is creating obstruction in traffic. Who from amongst the following, on having information, may remove such banner/poster by initiating proceedings under the provisions of the Code of Criminal Procedure?

(1) The District Judge
(2) The Chief Judicial Magistrate
(3) The Sub Divisional Magistrate
(4) The Collector

54. Section 304 of the Code of Criminal Procedure provides for -

(1) In certain cases making available a pleader to the accused at the expenses of State
(2) Tender of pardon to accomplice
(3) Power to adjourn proceedings
(4) Power to proceed against other persons appearing to be guilty of offence.

55. In cases tried by the Court of Sessions or a Chief Judicial Magistrate, the Court or such Magistrate, as the case may be, shall forward a copy of its or his finding and sentence, if any, to -

(1) The Superintendent of Police in the area of whom the crime concerned was committed
(2) The Police Station that conducted the investigation of the crime concerned
(3) The High Court to which the trial court is subordinate
(4) The District Magistrate within whose local jurisdiction the trial is held

56. A statement under Section 164 of the Code of Criminal Procedure may be recorded by -

(1) An Executive Magistrate
(2) A Police Officer
(3) A Judicial Magistrate or a Metropolitan Magistrate
(4) All the officers named above

57. Which one of the following statement is not correct?

(1) A sentence of death passed by the Sessions Court is subject to confirmation by the High Court
(2) A sentence of death passed by the Sessions Court can be confirmed by the High Court only when a Bench hearing the case consists of at least two Judges, when such Court consists of two or more Judges
(3) No order of confirmation of death sentence shall be made prior to expiry of the period for preferring appeal
(4) The High Court, considering the death punishment for confirmation, if no appeal is preferred by the accused challenging the death sentence passed, cannot acquit the accused person

58. The term "unlawful assembly" means -

(1) An assembly of five or more persons
(2) An assembly of five or more persons armed with lethal weapons
(3) An assembly of five or more persons with a common object of doing a crime
(4) An assembly of minimum two persons having common intention to commit a crime.

59. A police officer has received a sum of Rs.5000/- against fine from the persons violating traffic rules. Instead of depositing the fine money with State Treasury, he utilised the same for his personal use. What offence under Indian Penal Code, the police officer has committed?

(1) Criminal breach of trust
(2) Mischief
(3) Cheating the Government
(4) None of the above

60. If a person, with a knowledge that the feelings of a group of people is likely to be wounded, trespasses a place set apart for the performance of funeral rights, he commits a crime described under Section-

(1) Section 298 Indian Penal Code
(2) Section 297 Indian Penal Code
(3) Section 295 Indian Penal Code
(4) Section 296 Indian Penal Code

61. A person held guilty for commission of an offence described under Section 326-A of the Indian Penal Code, is liable to be punished with imprisonment which shall not be less than ten years, but which may extend to imprisonment for life with fine, required to be paid to the victim. Such fine shall be -

(1) Not less than Rs.1,00,000/-
(2) Not more than Rs.5,00,000/-
(3) Just and reasonable to meet the medical expenses of the treatment of victim
(4) Determined by the Court but in no case shall be less than Rs.5,00,000/-

62. A police officer detains a person in the lock-up despite production of a bail order from the Court. The police officer is guilty of -

(1) Abduction
(2) Wrongful confinement
(3) Wrongful restrain
(4) Kidnapping

63. A hotel situated at the bank of a water reservoir, despite objection, discharges its polluted water in the reservoir, causing fouls to reservoir water. For which offence under Indian Penal Code the Manager of the Hotel can be charged?

(1) Section 277
(2) Section 276
(3) Section 278
(4) Section 282

64. In Indian Penal Code the pronoun "he" and its derivatives are used for -

(1) Male
(2) Female
(3) Any person whether male or female
(4) Such words are not used in the Code

65. In which of the following leading cases, Hon'ble the Supreme Court held that benefit of Section 3 or Section 4 of the Probation of Offenders Act, 1958 is subject to the limitations laid down in these provisions and the words 'may direct' in Section 4 does not mean 'must direct'.

(1) State of Gujarat v. V.A. Chouhan (AIR 1983 SC 359)
(2) Phul Singh v. State of Haryana (AIR 1980 SC 249)
(3) Ram Parkash v. State of Himachal Pradesh (AIR 1973 SC 780)
(4) Smt. Devki v. State of Haryana (AIR 1979 SC 1948)

66. Who is entitled for immunity from prosecution under Section 64-A of the Narcotic Drugs and Psychotropic Substances Act, 1985?

(1) An addict charged for the offence punishable under Section 27 of the Act, if he volunteers for de-addiction treatment
(2) An addict charged for the offence involving small quantities of Narcotic Drugs, if he volunteers for de-addiction treatment
(3) A person who is not addict, but is accused for an offence punishable under Section 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985
(4) Both (1) and (2) above

67. An officer of the Company shall not be liable to punishment, for contravention of any of the provisions of the Information Technology Act, 2000, if he proves that -

(1) He was not having knowledge about the provisions of the Act
(2) The person affected by such contravention was also involved in similar activities
(3) The contravention took place without his knowledge or he exercised all due diligence to prevent such contravention
(4) None of the above

68. Mrs. 'R' lodges a first information report at Police Station with assertion that Mr. 'X' by sending her vulgar message either by forwarding e-mails or through Short Messaging Service (SMS) intrudes upon her privacy. For what offence, the case may be registered against Mr. 'X'?

(1) Section 509 Indian Penal Code and 66-A of the Information Technology Act, 2000
(2) Section 66-A of the Information Technology Act, 2000
(3) Section 509 Indian Penal Code and 66-E of the Information Technology Act, 2000
(4) None of the above

69. As per Section 147 of the Negotiable Instruments Act, 1881, every offence punishable under the Act is -

(1) Compoundable
(2) Non-compoundable
(3) Cognizable
(4) Both (2) & (3) above

70. 'Mens rea has no place while determining penal liability under Section 138 of the Negotiable Instrument Act, 1881'. This statement is -

(1) Correct
(2) Wrong
(3) Partly correct
(4) Depends upon facts of the case

71. हिन्दी भाषा की लिपि है –

(1) प्राकृत
(2) पाली
(3) देवनागरी
(4) सिंहली

72. अनुप्रास अलंकार का उदाहरण है –

(1) कनक कनक ते सौ गुनी मादकता अधिकाई
(2) चारु चन्द्र की चंचल किरणें, खेल रही हैं जल थल में
(3) सारी बिच नारी है कि नारी बिच सारी है
(4) आँख लगती है तब आँख लगती ही नहीं

73. अनुराग शब्द का विलोम है –
(1) पराग
(2) विराग
(3) राग
(4) वीतराग

74. घर शब्द का पर्यायवाची है –
(1) प्रासाद
(2) ग्रह
(3) सदन
(4) ग्राम

75. उच्चारण का संधि विच्छेद है –
(1) उच्च+चारण
(2) उत्+चारण
(3) उ+चारण
(4) उच्च+आरण

76. सत्+जन की संधि है –
(1) सद्जन
(2) सज्जन
(3) सत्जन
(4) सजन

77. यह, वह, तुम, आप हैं –
(1) किया
(2) संज्ञा
(3) विशेषण
(4) सर्वनाम

78. शुद्ध शब्द चुनिए –
(1) आर्शीवाद
(2) आर्शिवाद
(3) आशीर्वाद
(4) आशिर्वाद

79. 'जानने की इच्छा रखने वाला' के लिये उपयुक्त शब्द है–
(1) विश्वासी
(2) सर्वज्ञ
(3) जिज्ञासु
(4) वाचाल

80. 'गुस्से से देखना' के लिये उपयुक्त मुहावरा है –
(1) आँख बिछाना
(2) आँख मारना
(3) आँख दिखाना
(4) आँख चुराना

81. भीतर से शत्रुता और ऊपर से मीठी बात करने के भाव को व्यक्त करने वाली लोकोक्ति है –
(1) आम के आम, गुठली के दाम
(2) मुँह में राम, बगल में छुरी
(3) दोनों हाथों में लड्डू
(4) दूर के ढोल सुहावने

82. निम्न में से शुद्ध वाक्य है –
(1) कृपया करके अपना स्थान ग्रहण करें
(2) अपना स्थान ग्रहण करने की कृपा करें
(3) अपना स्थान ग्रहण करने की कृपया करें
(4) उपरोक्त सभी

83. 'किसान ने भूमि पर हल चलाया' इस वाक्य में कर्ता एवं अधिकरण क्रमश: हैं –
(1) किसान, हल
(2) भूमि, हल
(3) किसान, भूमि
(4) हल, भूमि

84. 'अन्तरिम कालीन' के लिये उचित शब्द है –
(1) स्थानापन्न
(2) तदर्थ
(3) एतद्वारा
(4) स्थायी

85. 'टोकरी में मीठे सन्तरे है' में 'मीठे' शब्द कौनसा विशेषण है?
(1) परिमाणवाचक
(2) संख्यावाचक
(3) सार्वनामिक
(4) गुणवाचक

Note: In the next seven questions, choose the correct option to fill in the blanks

86. He has not yet recovered _____ his illness.
(1) with
(2) over
(3) from
(4) on

87. It has been raining _____ yesterday.
(1) by
(2) since
(3) after
(4) in

88. This is a matter _____ little importance.
(1) of
(2) for
(3) from
(4) with

89. There is a cow _____ the field.
(1) in
(2) at
(3) over
(4) upon

90. He keeps _____ his friends through the internet.
(1) out of touch
(2) in touch with
(3) into touch with
(4) of touch with

91. I shall do it _____ pleasure.
(1) over
(2) by
(3) across
(4) with

92. The Chief Guest will _____ the prizes.
(1) give over
(2) given up
(3) give in
(4) give away

Note: In the next two questions, identify the tense in the given sentence-

93. She has worked out all the sums.
(1) Present Simple
(2) Past Simple
(3) Present Continuous
(4) Present Perfect

94. I am reading a book.
(1) Present Perfect
(2) Past Continuous
(3) Present Continuous
(4) Present Simple

Note: In the next two questions, pick out the meaning of the given proverb -

95. "A miss is as good as a mile"
(1) never criticize a gift
(2) one must learn how to do things gradually
(3) failure is failure
(4) nothing can be gained without effort

96. "Strike while the iron is hot"
(1) make the most of present opportunities
(2) it is never too late to improve
(3) only practice will bring success
(4) none of the above

Note: In the next two questions, pick out the correct passive voice of the given sentence-

97. This shop sells books
(1) Books are sold in this shop
(2) Shop is selling books
(3) Books are on sale
(4) None of the above

98. Mother has cooked the dinner.
(1) Did mother not cook the dinner?
(2) The dinner has been cooking by mother.
(3) The dinner has been cooked by mother.
(4) Mother has not cooked the dinner.

Note: In the next two questions, pick out the word opposite-

99. Extrovert
(1) boaster
(2) mixer
(3) introvert
(4) social

100. Urban
(1) rustic
(2) rural
(3) civil
(4) domestic