Tamil Nadu Civil Judge Prelims 2019

Tamil Nadu Public Service Commission · held 24 November 2019 · 100 questions · Series AAA · MMJD 176
3 hours · 100 marks · 0.25 marks deducted per incorrect answer

1. Which of the following is true with respect to 'Right to be Forgotten' in Indian context?
Statement No. I: The Karnataka High Court, in a judgment, recently has approved the 'Right to be Forgotten' in Indian context.
Statement No. II: It allows offenders to object to the publication of information regarding their crime and conviction.
Statement No. III: The origin of this right can be traced back to the French jurisprudence on the 'right to oblivion'.
Statement No. IV: The "Right to be Forgotten" can be inferred from the provisions of the Information Technology (IT) Act 2000 (amended in 2008) as well as from the IT Rules, 2011.

(A) I and II
(B) I, II, III
(C) I, II, IV
(D) All the above

2. By considering the shortage of labour for agricultural purpose, the State Government enacted a law to prohibit engagement of agricultural labour in the manufacture of Bidis. Choose the most appropriate response on the Constitutional validity of the law?

(A) Since labourers would not be available for agricultural purposes, there can be shortage of food grains and wastage of crops. Hence it is a reasonable restriction.
(B) The object sought to be achieved is to keep sufficient labour supply for agricultural purpose, which could have been easily achieved by restraining the employment of agricultural labour in Bidi manufacturing during the agricultural season only. Absolute restriction amounts to withdrawal of the right. Hence, the law is unconstitutional.
(C) Law imposes an unreasonable restriction as it indirectly makes the two sectors (manufacture of Bidis and agriculture) alternative options for the labourers where as some people would like to work in both of these.
(D) Bidis are harmful for health of people. Hence any law preventing people from engaging in manufacture of Bidis is in the interest of public.

3. The pardoning power given to the President of India under Article 72 of the Constitution of India can be exercised

(A) After the trial and on conviction and award of sentence
(B) During or after trial but never before trial
(C) At any time before, during or after the trial
(D) Either before or after the trial but never during the trial of the case

4. Identify the ground that is not available to proclaim emergency under Article 352 of Indian Constitution.

(A) Armed Rebellion
(B) War
(C) External Aggression
(D) Internal disturbance

5. Which one of the following statements about the meaning of the "eminent domain" under the Constitution of India is correct?
Statement No. 1: Sovereign power of the state to acquire private property of an individual for public purposes after paying compensation.
Statement No. 2: Power of the state to arrest an individual
Statement No. 3: power of the state for requisition.

(A) Statements 2 and 3 are correct
(B) Statement 3 alone is correct
(C) Statement 1 alone is correct
(D) Statement 2 alone is correct

6. In case of guarantee, liability of the surety is

(A) Primary as compared to that of the principal debtor
(B) Secondary as compared to that of the principal debtor
(C) Co-extensive with that of the principal debtor
(D) Both (A) and (C)

7. Sasi & Co., a building contractor entered into an agreement with Sky Heights Housing Association to refurnish a block of 30 flats. This contract was subject to a liquidated damages clause if they did not complete the contract on time. Sasi & Co engaged Lokesh to do the carpentry work for an agreed price of Rs.50,000. After six months of commencing the work, Lokesh realised that he had priced the job too low and would be unable to complete at the originally agreed price. Sasi & Co. agreed to make additional payments of Rs. 1575 per flat. Lokesh worked for a further period of 6 weeks but only received an additional amount of Rs. 1000. He then ran out of money and refused to continue unless payment was made. Sasi & Co. engaged another carpenter to complete the contract and refused to pay Lokesh the further sums.

(A) The agreement to pay extra was unenforceable as there was no consideration for the subsequent agreement.
(B) Consideration was provided by Lokesh in the form of conferring a benefit on the Sasi & Co by helping them to avoid the penalty clause. Therefore, Sasi & Co was liable to make the extra payments promised.
(C) The consideration provided by Lokesh as to avoid the penalty clause was not main object of the contract. Therefore, Sasi & Co. was not liable to make the extra payments promised.
(D) Sasi & Co. is liable to pay compensation to Lokesh as they have committed a breach of contract by employing another carpenter.

8. What is a continuing guarantee?

(A) A guarantee which continues even after the contract comes to an end
(B) A guarantee which shall be applicable to any other person who becomes a party to the contract
(C) A guarantee which extends to a series of transaction
(D) A guarantee which continues till the contract does not come to an end

9. A wanted to sell his house to B and made an offer by e-mail to sell his house at 65 Lacs. On the same day, without knowledge of A's e-mail, B sent a e-mail to A informing him that he would like to buy the house for 65 lacs. Identify the correct statement:

(A) The contract is valid as both offer and acceptance have been made
(B) The contract is valid as both parties have agreed upon the same terms of agreement
(C) The contract is invalid as there is no acceptance
(D) The contract is invalid as there is no proper offer

10. Statement A: A surety is discharged from his liability under a contract of guarantee if the creditor does or omits to do something that results in impairment of a remedy available to the guarantor against the principal debtor in case of his default. Statement B: The guarantor is invested with all the rights, which the creditor had against the principal debtor, after due payment and performance by him on behalf of the principal debtor on his default.

(A) The Statement A is true but Statement B is false
(B) Both Statement A and B are false
(C) Both Statement A and B are true and Statement B is the reason for Statement A
(D) Both Statement A and B are true but Statement B is not the reason for Statement A

11. Which of the following is not true in respect of contract of pledge?

(A) A pawnee cannot retain the goods for recovering extraordinary expenses
(B) A pawnee can exercise the right of lien and right to sue simultaneously
(C) A pawnee may sell the goods on default of the pawnor without giving notice to the pawnor
(D) A pawnee has a security interest which can be enforced even against the State

12. If a promisee accepts an anticipatory breach committed by the promisor, then

(A) The promisee need not perform his part of the contract but he cannot claim damages from the promisor
(B) The promisee need not perform his part of the contract but he can claim damages from the promisor only after the date of performance
(C) The promisee need not perform his part of the contract but he can claim damages from the promisor without waiting till the date of performance
(D) The promisee must perform his part of the contract before claiming damages from the promisor

13. Can the legal representative of a deceased person negotiate a negotiable instrument payable to order by delivery only which was endorsed by the deceased but not delivered by him?

(A) The legal representative can negotiate the instrument by delivery only
(B) The legal representative has to re-endorse it and deliver the instrument to effect a valid transfer
(C) A negotiable instrument endorsed by a deceased cannot be transferred any further
(D) A negotiable instrument endorsed by a deceased is a void instrument

14. Amol issues a cheque for Rs 1000/- to an NGO as donation. The cheque was returnedunpaid with reasons "Funds Insufficient"
Choose the correct option:

(A) The NGO can file a criminal complaint against Amol under sec-138 of N.I Act
(B) No criminal complaint can be filed under section 138 of NI Act as the cheque was not issued for any discharge of legally enforceable debt
(C) Criminal complaint can be filed only if it was returned for the second time
(D) The NGO can file criminal complaint only after it has given a 15 days' notice to Amol to pay the amount

15. Contribution to the mortgage debt means _____ payment of debts to different properties of distinct and separate rights.

(A) equal
(B) distinct and separate
(C) proportionate
(D) rateable

16. A litigation commences from the date of _____.

(A) Cause of action
(B) Presentation of plaint before the court
(C) From the date of receipt of summons by defendant
(D) From the date of numbering of plaint

17. "A" gives a lakh of rupees to B. Reserving to himself with B's assent, the right to take at pleasure Rs. 10,000/- out of one lakh. Examine legality of this gift.

(A) Whole of the gift is void
(B) Voidable
(C) Onerous gift
(D) The gift holds good as to Rs.90,000/- but is void as to Rs.10,000

18. In which of the following cases, the Doctrine of 'lis pendens' will not apply

(A) suit results in consent/compromise decree
(B) suit decided ex parte
(C) friendly suits brought by agreement of parties to obtain declaration of their rights
(D) during pendency of writ petition

19. Statement 1: Gift deed of immovable property value of less than Rs. 100 requires compulsory attestation by witnesses and registration.
Statement 2: Necessity for examining the attesting witness arises only when the gift deed is specifically denied.
Statement 3: Irrespective of the fact whether the gift deed is denied or not, examining the attesting witness is a condition precedent.
Which of the above statement is correct?

(A) All the three are correct
(B) 1 and 2 are correct
(C) 1 and 3 are correct
(D) 2 and 3 are correct

20. Ramesh, an advocate, takes up a private employment. Ram, his erstwhile client approaches him for legal advice and the same is given by Ramesh. Later in a criminal proceeding, Ramesh was called upon to disclose his communication with Ram. Ramesh also disclosed the same in court

(A) Ramesh's evidence is privileged under Section 122 of Indian Evidence Act
(B) Ramesh's evidence is not privileged under Section 122 of Indian Evidence Act
(C) Ramesh has waived his privilege under Section 122 of Indian Evidence Act and so it can be received in evidence
(D) Ramesh can give evidence only after seeking permission from the Court

21. Which of the following is not a substantive piece of evidence?

(A) Expert evidence
(B) Test Identification Parade
(C) Inquest report
(D) All of the above

22. Which of the following is false about a private document?

(A) All the documents other than public documents are private documents
(B) A private document is prepared by a person for his private interest under private right
(C) Private document is in the custody of the person to whom it belongs and is not available for general inspection to public
(D) As a general rule, the Court is bound to presume the genuineness of a private document from the duly certified secondary copy

23. Who among the following are police officers within the meaning of section 25 of the Indian Evidence Act?

(A) Forest Ranger who is authorized to file complaints under the Wild Life Protection Act
(B) Customs Officers
(C) Central Excise Officers
(D) None of the above

24. Which among the following statements is not true?

(A) An admission by a party in a plaint signed and verified by him may be used as evidence against him in other suits
(B) A person making an admission in a pleading cannot take advantage of it
(C) An admission made by a person in a proceeding to which another was not a party, such admission is not admissible against the other in a subsequent suit in which both are co defendants
(D) None of the above

25. 'A', 'B' and 'C' meet at a coffee shop to discuss the enmity they had against 'D'. 'A' in particular leads the discussion by venting out his grievances against 'D' to which 'B' and 'C' nodded in agreement. They agree to murder 'D' by mixing poison in 'D's coffee. The trio meet F and informs him of the plan, who willingly procures the poison for them. F is guilty of the offence of

(A) Conspiracy
(B) Instigation
(C) Abetment by conspiracy
(D) Intentional Aiding

26. 'X', a doctor informs his patient 'Y' that he has cancer which is in its last stage. 'X' requests 'Y' to arrange his family affairs as he cannot survive for more than a couple of weeks 'Y' dies because of shock on hearing this, 'X' is:

(A) Guilty of murder as he knew that such a disclosure will cause death.
(B) Not guilty of any offence under IPC
(C) Guilty of causing death by negligence
(D) Guilty of culpable homicide not amounting to murder as he knew that such a disclosure is likely to cause death.

27. A servant collected money from the debtor of his master as authorized by him. The servant retained the money because it was due to him as wages. He commits:

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

28. 'X' has consensual sexual relations with 'Z's wife. She gives to 'X' a valuable property which 'X' knows to belong to her husband 'Z' and she has no authority from 'Z' to give. 'X' takes the property. Which one of the following offences has been committed by 'X'?

(A) Criminal breach of trust
(B) Theft and criminal breach of trust
(C) Theft
(D) Criminal Misappropriation

29. Common intention implies:

(A) Similar intention
(B) Pre-arranged planning
(C) Presence of common knowledge
(D) Common design for common objects

30. Which of the following is true as regards section 410 of IPC.
Statement 1. Conviction of principal offender is a prerequisite to the conviction of the receiver of stolen property.
Statement 2. Where a property is stolen in foreign territory and brought to Indian territory, he cannot be convicted of theft in India, but can be convicted under section 410 of IPC.
Statement 3. Possession of property transferred by theft, robbery alone is designated as stolen property, however, property transferred by criminal misappropriation and breach of trust will not attract Section 410 of IPC.

(A) statements 1 and 3 are correct
(B) statements 1, 2 and 3 are correct
(C) statements 1, 2, 3 are incorrect
(D) statement 2 alone is correct

31. In a petition to set aside the exparte decree, the Court allowed the petition subject to payment of costs within 7 days of the order. Cost was not paid in time and the petition was dismissed. After a period of 30 days, the petitioner filed an application seeking time to extend the payment of cost. Which of the following statements is correct?

(A) the petition cannot be entertained by the Court as the court has become functus officio
(B) the petition can be entertained
(C) the petition can be entertained only along with application under Section 5 of the Limitation Act
(D) the period of 30 days provided in Section 148 of CPC is mandatory hence petition filed after 30 days is not maintainable

32. Due to the Commercial Courts Act, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Act, 2018, "Specified Value", in relation to a commercial dispute reduced/substituted from one crore rupees to:

(A) Four lakh rupees
(B) Five lakh rupees
(C) Three lakh rupees
(D) Six lakh rupees

33. In a suit for partition, the plaintiff claims 1/3 share from defendants 1 and 2, Which among the following is correct:
Statement 1. a defendant can make a counter claim in a partition suit.
Statement 2. a defendant can make a counter claim against another defendant
Statement 3. the defendant making counter claim can file an application to implead parties in the suit
Statement 4. the plaintiff being dominus litus can alone maintain a petition to implead parties

(A) all the four statements are correct
(B) statements 1 to 3 are correct
(C) statements 1 and 2 are correct
(D) statement 1 alone is correct

34. A suit was decreed ex parte by the Sub Court, Tiruppatur. The subject matter of the suit now falls within the territorial jurisdiction of the Sub-Court, Vaniyampadi after its constitution. The defendant files a petition under Order 9 Rule 13 of C.P.C in Sub Court, Vaniyampadi. Which of the following provision confers jurisdiction on Vaniyampadi court to entertain the application.

(A) Section 37 of CPC
(B) Section 141 of CPC
(C) Section 150 of CPC
(D) Section 24 of CPC

35. A and B are brothers. B resides in the joint family property. A files a suit for partition against B. Which of the following statements is correct.

(A) A can claim mesne profits from the date of suit
(B) A can claim mesne profits even for the period prior to suit
(C) A cannot claim mesne profits
(D) Only after preliminary decree is passed, mesne profits can be claimed

36. When the accused is aggrieved by the report of Clinical Psychologist as to his unsoundness of mind, he may prefer an appeal to

(A) Family Court
(B) Juvenile Justice Board
(C) Magistrate hearing the case
(D) Medical Board

37. The Supreme Court clarified that in case, there is connectivity problems due to geographical location or there is some other unavoidable difficulty, the time for uploading FIRs can be extended upto _____ hours.

(A) 12
(B) 72
(C) 48
(D) 24

38. Statutory Bail is granted to an accused under Section 167 of CrPC. Which among the following statement is correct?
Statement 1: the prosecution can seek for cancellation of bail under Section 437 of CrPC only after filing final report in the above situation.
Statement 2: Court has powers to cancel bail only when it is granted under Section 437 of CrPC.
Statement 3: Question of Cancellation of bail will not arise when bail is granted under Section 167 of CrPC.

(A) Statements 1 to 3 are correct
(B) Statements 1 to 3 are incorrect
(C) Statement 1 alone is correct
(D) Statement 2 alone is correct

39. Four accused were named in an FIR. Charge sheet was filed against 3 accused only and the Committal Magistrate after due notice to the defacto complainant, took the charge sheet on file against 3 accused and committed the case to the Court of Sessions. The Sessions Court took the case on file against all the four accused.
1. The Sessions Court has no power to take cognizance under section 193 of Cr.P.C.
2. The Sessions Court can take cognizance against the 4th accused under section 319 of Cr.P.C. only
3. The Sessions Court should send the case back to the Judicial Magistrate for taking cognizance against the 4th accused and commit the case afresh.
4. The Sessions Court shall direct the Investigating Officer to file supplementary charge sheet against the 4th accused and take the same on file.

(A) all the 4 statements are correct
(B) all the 4 statements are incorrect
(C) only statement 2 is correct
(D) only statement 4 is correct

40. In which of the following situations sanction is necessary for prosecution?
1. A Subordinate officer files a private complaint against her Superior officer for an offence under Section 354A of IPC.
2. An IPS officer files a private complaint against her superior officer for an offence under Section 376 of IPC
3. Government Doctor is accused of negligently performing a surgery.
4. Superintendent of Jail does not release accused even after bail bond is produced. Accused files private complaint under Section 342 of IPC.

(A) Situations 1 and 2 alone require sanction
(B) Situations 3 and 4 alone require sanction
(C) All four Situations require sanction
(D) Situations 2 and 4 alone require sanction

41. Illustration 1: Offences under section 294(b) and 324 IPC took place on 1/1/2016. Complainant filed a complaint in respect of the said offences before the Magistrate and the same was referred to police under section 156(3) of Cr.P.C on 3/4/2016. The police filed final report on 10/10/2019.
Illustration 2: Offences under section 294(b) and 324 IPC took place on 1/1/2016. Complaint filed immediately after the occurrence before the police on the same day. The police filed the final report on 10/10/2019.

(A) Cognizance can be taken in illustration 1 only
(B) Cognizance can be taken in illustration 2 only
(C) Cognizance cannot be taken in both the cases
(D) Cognizance can be taken in both cases

42. To assess the competence of a two-and-a-half year old child victim of a rape, before recording her statement under Section 164, Cr.P.C., which among the following questions would be appropriate to test the child's capacity to understand and depose?
1. "What does it mean to tell the truth" and "What does it mean to tell a lie?
2. What is the difference between the truth and a lie?
3. If I tell your mom that you just yelled at me, would that be truth or a lie?
4. If you tell your mom that I hit you, would that be truth or a lie?

(A) Questions 1 and 2
(B) Questions 1 to 4
(C) Questions 3 and 4
(D) Questions 1 and 4

43. Y, a famous Hollywood celebrity, has won huge amount of damages for defamation against a well known newspaper. When questioned by the reporters on the impact of awarding such huge damages on the Freedom of Speech and Expression and whether such huge damages justify the injury and compensation. Y replied that the damages should not only be seen as a compensation, economic loss etc but as an example to others that reputation of a person is invaluable and should not be tampered with. This kind of damage being referred by Y are known as

(A) Nominal damages
(B) Exemplary damages
(C) Contemptuous damages
(D) Real damages

44. One night Ravi and Keshav were having heated argument in Ravi's office. Keshav left with angry slamming the office door violently behind him. The force of Keshav's action caused the door lock to jam and Ravi was unable to open the door to leave his office until a locksmith was able to come the next day. Ravi sued for wrongful confinement against Keshav.

(A) Keshav's act caused Ravi to be confined, hence it is wrongful confinement
(B) Keshav was negligent in slamming the door
(C) Ravi was in his own office, hence it is not wrongful confinement
(D) Keshav did not intend to jam the lock, hence it is not wrongful confinement

45. In which of the following cases, the Supreme Court directed the compulsory registration of all marriages in India?

(A) Seema vs. Ashwini Kumar
(B) Daniel Latifi vs. Union of India
(C) Ashok Kumar vs. Union of India
(D) Saradha vs. Dharampal

46. The total forest cover in our country is far less than the ideal minimum of 1/3 of the total land. Therefore, the Parliament by 42nd Amendment to the Constitution has added two more Articles to ensure improvement of environment and impose duty on every citizen. They are

(A) Art 31 C and 51 A (a)
(B) Art 48 A and 51 A (g)
(C) Art 39 A and 51 A (b)
(D) Art 31 D and 51 A (d)

47. The Law Commission of India in its 259th Report suggested including a new Fundamental Right in the Constitution. Identify it from the following

(A) Right to childhood care
(B) Right to reject a candidate in elections
(C) Right to Privacy
(D) Right to be Forgotten

48.

When the above is folded to form a cube, which one of the following can be produced?

(A)

(B)

(C)

(D)

49. Identify the missing number from the suggested answers:

(A) 8
(B) 9
(C) 10
(D) 11

50. Which one of the following statements is not correct?

(A) Under Article 16 of the Constitution, the guarantee against discrimination is limited to 'employment' and 'appointment' under the State
(B) Article 15 of the Constitution deals with all cases of discrimination which do not fall under Article 16 of the Constitution
(C) Article 16 of the Constitution embodies the particular application of general rule of equality laid down in Article 14 of the Constitution with special reference for appointment and employment under the State
(D) Article 16 of the Constitution does not guarantee equality of opportunity in matters of appointment

51. Article 14 of the Constitution permits classification but prohibits

(A) group law
(B) class legislation
(C) religious classification
(D) single person law

52. The admission rules of an Engineering College provides that no capitation fee shall be charged from the residents of the XYZ State but the non-residents shall be required to pay capitation fee. Answer in reference to Article 15 (1) of the Constitution?

(A) Article 15 (1) prohibits discrimination between citizens on the ground only of religion, race, caste, sex, place of birth or any of them.
(B) Article 15 (1) prohibits discrimination on the basis of place of birth which impliedly includes place of residence.
(C) Article 15 (1) prohibits discrimination between citizens on the ground only of religion, race, caste, sex, place of birth and the provision suffers from 'causus omissus' and "place of residence" is inadvertently omitted.
(D) Article 15 (1) does not prohibit discrimination based on the place of residence.

53. Choose the correct statement from the options given below :
Statement I : Article 22 of the Constitution of India provides rights of the accused to safeguard himself from the misuse of power by administration.
Statement II : Article 22 of the Constitution of India provides rights to the non-citizens only.
Statement III : 35th Amendment to Indian Constitution, has introduced safeguards to prevent misuse of power in preventive detention.
Options :

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

54. Which of the following statements with respect to Right to Know is/are correct?
I. Right to know the affairs of the Government can be traced to Article 19 of the Constitution of India.
II. In Dinesh Trivedi v. Union of India, 1977 (14) SCC 306, it was held that the citizens have absolute right to know about the affairs of the government.

(A) I only
(B) II only
(C) Both I and II
(D) None of the above

55. Consider the following statements :
The High Court has jurisdiction to:
I. punish itself for its contempt.
II. tender advice on the legal question referred to it.
III. tender advice on the legal question referred to it by the Governor of State upon advice of President of India.
IV. issue certain writs for the enforcement of Fundamental Rights or for other purposes.
Which of the statements given above is correct :

(A) I and IV
(B) I and II
(C) I, II and III
(D) II, III and IV

56. In case of a sub-agent lawfully appointed, which of the following is correct?

(A) As regards third parties, the sub-agent can neither bind the principal nor the original agent
(B) As regards third parties, the sub-agent can bind only the original agent
(C) As regards third parties, the sub-agent binds the principal as an original agent can bind
(D) As regards third parties, the sub-agent cannot bind the principal as an original agent

57. Which of the following statements is not correct?

(A) When the acceptance is required by post, but the same is made by telephone or email it is a valid contract.
(B) If the deviation from the prescribed manner is to the disadvantage of the offeror, he is entitled to treat the acceptance as invalid.
(C) If the offeror wants the acceptance to be sent by wagon, but the same is sent by post, and the letter reaches after the arrival of the wagon, the offeror is entitled to treat the acceptance as invalid.
(D) The communication of the acceptance is complete as against the proposer, when it comes to the knowledge of the acceptor.

58. The juristic concept of the contract consists of:

(A) Free consent and capacity
(B) Offer and acceptance
(C) Consideration and undue influence
(D) Agreement and obligation

59. The latest theory of contract is:

(A) Will theory
(B) Theory of enforceability
(C) Purpose theory
(D) Fides Ficta

60. To sell a thing by the finder under Section 169 of Indian Contract Act, when the owner refuse to pay the lawful charges upon demand, what is the lawful charge of the finder?

(A) One fourth of its value
(B) Half of its value
(C) One third of its value
(D) Two third of its value

61. A took his wife B to England for vacations. Due to some business emergency A had to go back to his place of work immediately while leaving B in England due to her ill health, A promised to pay B £ 300 (Pounds) per week as maintenance during her stay in England but failed to pay. If A is sued by B then:

(A) A is liable for breach of contract
(B) A is not liable because he cannot be presumed to have any intention to enter into a contract with his wife B
(C) A is not liable because of lack of consideration on the part of B
(D) A is liable because a promise to one's wife result in a binding contract even in the absence of a consideration for the promise

62. Match Column A with Column B and choose the correct option:
(a) Remoteness of damage — 1. Adams v. Lindsey
(b) Liability for fraud — 2. Hadley v. Baxendale
(c) Concept of unjust enrichment — 3. Derry v. Peek
(d) Communication of acceptance — 4. Moses v. Macferlon
(a) (b) (c) (d)

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

63. Suit under Section 8 of Specific Relief Act, 1963 is not maintainable

(A) Against the owner of the article claimed
(B) Against a person who has possession or control over the article
(C) In respect of an article for which compensation in money is not an adequate relief
(D) In cases where ascertainment of damages is extremely difficult

64. X is the holder of a bill payable to "X or order." X by simple delivery transfers the bill without endorsing it to Y. In this case Y is:

(A) Only assignee of a choice in action and takes the bill subject to all defects
(B) Holder in due course
(C) Holder for value
(D) Illegal holder

65. The mortgagor may deposit in to the court, the money due on mortgage, but -

(A) after the principal money has become due
(B) before a suit for redemption of the mortgage is barred
(C) on fulfillment of both the conditions mentioned above
(D) on fulfillment of any one of the above-mentioned conditions

66. To deal with cases, where same property or interest therein is transferred to different persons in such a manner that use or enjoyment by one transferee is against the interest of the other?

(A) the rule of election is applied
(B) the rule of estoppel is applied
(C) the rule of priority is applied
(D) the rule of thumb is applied

67. Identify the incorrect statement in relation to Doctrine of Election :

(A) This rule will apply only when two properties are transferred by the same deed
(B) The owner of the property should get a direct benefit from the transfer
(C) The person professing to transfer property should have a right to transfer
(D) The period of limitation for election is one year

68. Which of the following is not an Actionable Claim?

(A) Right of Dower of Muslim women
(B) Right to recover insurance money after death or on maturity
(C) A claim for arrears of rent
(D) The right to recover damages for breach of a contract or tort

69. A person, who has been ousted by a trespasser from the possession of immovable property to which he has merely possessory title, files a suit for recovery of possession after 6 months from the date of dispossession:

(A) Remedy for seeking possession extinguishes
(B) Can maintain a suit for possession
(C) Can file a suit for possession with a petition explaining the delay with sufficient cause
(D) Can only claim damages

70. Which one of the following is incorrect statement?

(A) In civil cases, character evidence is inadmissible, unless the character of a party is a fact in issue
(B) In criminal cases, the fact that the person accused is of a good character, is irrelevant
(C) A previous conviction is relevant as evidence of bad character in criminal cases
(D) In criminal proceedings, evidence of bad character is admissible, when evidence of good character has been given

71. Hearsay evidence is generally inadmissible. However, in certain cases, it is admissible. Which of the following is such a case?

(A) Res gestae
(B) Admission and confession
(C) Dying declaration
(D) All of the above

72. Due execution of a document more than thirty years old coming from proper custody, is a

(A) Presumption of fact
(B) Rebuttable presumption of law
(C) Irrebuttable presumption of law
(D) Presumption of fact and law both

73. Which of following is not amongst the category of persons whose statements become relevant facts as per Section 32 of the Indian Evidence Act?

(A) A person who is dead
(B) A person who cannot be found
(C) A person who was in the judicial custody while giving statement and later died
(D) None of the above

74. B has written letters addressed to A, like wise A wrote letters to B. C is B's clerk, whose duty was to examine and file B's correspondence. D is B's broker, to whom B habitually submitted the letters purporting to be written by A for the purpose of advising with him thereon. Choose correct option from the following

(A) The opinions of B, C and D on the question whether the letter is in the handwriting of A, are relevant
(B) The opinions of B, C and D on the question whether the letter is in the handwriting of A are irrelevant because they have never seen him writing those letters
(C) The opinion of only B is relevant because the letters were addressed to B.
(D) The opinion of C is only relevant as it is in his course of business to handle and document those letters

75. Under section 9 of the Indian Evidence Act, which of the following identifications is relevant?

(A) Identification of accused
(B) Identification of deceased, victim body
(C) Identification of articles and vehicle
(D) All the above

76. Which among the following plea taken by the counsel for the accused binds the accused?

(A) plea dispensing with proof of a document
(B) plea of guilty
(C) to dispense with a witness by admitting a certificate issued by a doctor
(D) none of the above

77. 'A', 'B', 'C', D and E designed a plan to abduct and sexually assault G. The five accused abducted G and took her to an isolated building. While 'B' and 'C' held her down to the ground, 'A', D and E raped her. Suddenly, E grabbed G's neck and strangulated her to death. Which of the following statements is correct?
Statement 1: 'A', 'B', 'C', D and E are guilty of the offence of gang rape and murder as there need not be an overt act to establish common intention, if common intention by meeting of minds is established.
Statement 2: 'A', 'B', 'C', D and E are guilty of the offence of gang rape and murder because though they were doing separate acts, but all was done in furtherance of a common intention.
Statement 3: 'A', 'B', 'C', D and E are guilty of the offence of gang rape and E alone will be guilty for the offence of murder as it is an act done not in furtherance of the common intention.
Statement 4: 'A', 'D' and 'E' are guilty of the offence of gang rape, 'C' and 'B' are guilty of the offence of intentional aiding and 'E' alone will be guilty of murder as participation of all members in committing one act is required under common intention.

(A) Statements 1 and 2 are correct
(B) Statement 4 alone is correct
(C) Statement 3 alone is correct
(D) Statement 2 alone is correct

78. A is invited by B for a cup of tea. While B is in the kitchen preparing tea, A finds a golden ring on the table. He picks it up and places it somewhere in the room with the intention of dishonestly taking it away some time later. A commits:

(A) no offence
(B) criminal misappropriation
(C) attempt to commit theft
(D) theft

79. Bolam's test applies to

(A) Employer's negligence
(B) Medical negligence
(C) Environmental negligence
(D) Vicarious negligence

80. 'A' finds a valuable ring on the road. He immediately sells it without attempting to discover the owner. He is said to have committed:

(A) Fraud
(B) Theft
(C) Misappropriation
(D) No offence at all

81. Two known persons and 3 unidentified persons way laid Ramu and decamped with his jewels. Which of the following statements is correct.

(A) the two known persons can be convicted for dacoity
(B) the two known persons can be convicted for robbery
(C) only when all five are tried, the two known accused can be convicted for offence under dacoity
(D) the two known persons can be convicted for extortion

82. A Judicial Magistrate Court, tried an accused for committing an offence under Section 228 of IPC. At the same time, the accused was also tried by the High Court under the Contempt of Courts Act for the same occurrence.

(A) Proceedings by the Magistrate are barred under Section 10 of Contempt of Courts Act.
(B) The proceedings before High Court are barred under Section 10 of Contempt of Court Act.
(C) Magistrate has to wait till the disposal of the contempt proceedings pending before the High Court.
(D) Both the proceedings can be proceeded simultaneously.

83. A fresh suit on the same cause of action is not barred when the plaint is -

(A) rejected under Order VI Rule 11 CPC
(B) dismissed under Order IX Rule 2 CPC
(C) dismissed under Order IX Rule 3 CPC
(D) All the above is correct

84. Where an order for compensation against the plaintiff is passed under Section 95 of CPC

(A) a suit for compensation in respect of such arrest, injunction or attachment can also be filed.
(B) a suit for compensation in respect of such arrest, injunction or attachment is barred
(C) the amount of compensation awarded shall be adjusted in the amount of compensation awarded in a suit for compensation
(D) the amount of compensation awarded shall be of no consequences and the court can award compensation independently in a suit for compensation

85. In a suit for partition, the defendant claims right under a WILL and files a petition seeking stay of the suit under section 10 of CPC till the Probate Proceedings filed by him before the High Court is disposed of. Choose the most appropriate answer from among the following statements

(A) the petition is maintainable
(B) the petition is maintainable since the dispute in the suit and Probate Proceedings are interlinked with each other.
(C) the petition is not maintainable
(D) the petition is not maintainable since section 10 is not applicable to proceedings pending before High court

86. A defendant has filed his written statement making an admission. Subsequently, he seeks the indulgence of the court to amend the written statement for deleting the admission made earlier under Order VI Rule 17 of C.P.C.

(A) The defendant cannot be permitted to amend the written statement
(B) The amendment sought can be allowed if it is filed before the commencement of trial
(C) Amendment can be allowed even under the proviso to Order 6 Rule 17 of CPC
(D) Both (B) and (C)

87. Statement 1: In a case, ad interim injunction was not granted and notice to the respondent was ordered. The plaintiff can file an appeal against the same.
Statement 2: In a case, ad interim injunction was granted and notice to the respondent was ordered. The defendant can file an appeal against the same.
Which of the above statements is correct.

(A) both the statements are correct
(B) both the statements are incorrect
(C) statement 1 alone is correct
(D) statement 2 alone is correct

88. A step mother can claim maintenance under Section 125 of Cr PC from her step son

(A) Provided she is childless and widow
(B) Provided she is childless, and her husband is incapable of supporting and maintaining her
(C) Provided her husband is capable of supporting and maintaining her
(D) Both (A) and (B)

89. Under Section 53 of CrPC, which of the following statements is correct?
Statement 1: Only at the instance of the Police Officer not below the rank of the Sub-Inspector, medical examination of the accused can be ordered.
Statement 2: Victim/ defacto complainant can also seek for medical examination of the accused through an order of the court.
Statement 3: The court can suo moto order for medical examination of the accused.

(A) All the 3 statements are correct
(B) Statements 1 and 3 are correct
(C) Statements 2 and 3 are correct
(D) Statements 1 and 2 are correct

90. Which among the following statements is not true with respect to information to police?
Statement 1: The report must be given by a person who has personal knowledge of the incident.
Statement 2: The informant need not be an eye witness to the incident.
Statement 3: FIR can be used to corroborate or contradict the maker of the statement.

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

91. Which of the following circumstances attract section 195(i) b (ii) of CrPC
1. Plaintiff produced a forged WILL and the suit claim was negatived.
2. Defendant while perusing court records, made alteration in a promissory note.
3. Petitioner filed forged rent receipt before the Rent Controller

(A) All the three
(B) First situation only
(C) Second situation only
(D) Both 1 and 2

92. Who among the following are the persons aggrieved and are entitled to prosecute for offence punishable under chapter XXI of IPC
1. defamation alleging unchastity of a wife suspended from service on the said allegation. Her husband has filed complaint as aggrieved person.
2. news paper article published against husband's laches in his official work- his wife has filed complaint as aggrieved person.
3. where defamation is made against the office bearers of the association-one of the members of the said association has filed complaint as aggrieved person.

(A) Illustration 1 and 2 alone
(B) None of the persons mentioned as aggrieved in the Illustrations
(C) Illustration 2 and 3 alone
(D) All the persons mentioned as aggrieved in the illustrations

93. Illustration 1 : In a case and counter, one case comes to the Magistrate by way of private complaint while the other case goes to the police. The Magistrate was informed that the counter case is pending investigation before the police.
Illustration 2 : In a case and counter, one case comes to the Magistrate by way of private complaint and it involves offences triable by the Court of Sessions, While the other case goes to the police. The Magistrate was informed that the counter case is pending investigation before the police.
Illustration 3 : A Labour Officer files a private complaint before the Judicial Magistrate.
In which of the above illustrations, enquiry under Section 202 of CrPC can be ordered by the Judicial Magistrate.

(A) All the three
(B) Illustration 1 only
(C) Illustration 2 only
(D) Illustration 2 and 3 only

94. After preliminary assessment of a Juvenile in conflict with law, the Juvenile Justice Board referred the case to the Children Court for trying the heinous offence. The Children Court remanded the case back to the Juvenile Justice Board for proceeding against the juvenile.
Statement1 : The Children Court cannot remand the case back to the Juvenile Justice Board
Statement 2 : The Children Court can remand the case back to the Juvenile Justice Board
Statement 3: Shunting the Juvenile back and forth between forums is violative of the rights of the juvenile.

(A) statements 1 and 3 are correct
(B) statement 2 alone is correct
(C) statement 1 alone is correct
(D) statement 3 alone is correct

95. An accused was tried for triple murder and sentenced to life imprisonment. The conviction was confirmed by the Supreme Court. After serving substantial years in prison, the convict filed a petition before the Judicial Magistrate Court raising the plea of juvenility. Which of the following statements is correct?

(A) The petition before the Judicial Magistrate is maintainable
(B) The petition ought to be filed before the trial court
(C) The petition should be filed before the Supreme Court which had last confirmed the life imprisonment
(D) The petition should be filed only before the Juvenile Justice Board

96. Definition of an "intermediary" includes

(A) Cyber Café
(B) Network Service Provider
(C) Online Shopping Platform
(D) All of the above

97. The Information Technology Act makes the following acts punishable by life imprisonment

(A) Hacking
(B) Cheating by Impersonation
(C) Data Theft
(D) None of the above

98. Which of the following statements is correct?
Statement I : Digital Signature and Electronic Signature are the same.
Statement II : Digital Signature is technology neutral.

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

99. Joseph, a watchman of a factory, was allowed to occupy the factory quarters and from his salary, a portion was deducted as charges for the quarters

(A) The fee deducted would come within the definition of rent
(B) Unless the payment is specific towards the rent for the premises, the payment is not toward rent
(C) It is only permissive occupation Hence, the question of payment of rent would not arise
(D) When no receipt was issued for the payment made, it is not rent

100. If an investment increases from Rs. 800 to Rs. 1,100, what is the percentage of increase?

(A) 37.5%
(B) 39%
(C) 40.5%
(D) 42%