



## Previous Year Paper

### BIHAR JUDICIAL PRELIMINARY EXAM 2018

1. **The Indian Evidence Act, 1872 has been divided into ----- Parts and Chapters.**

- (a) 2, 10
- (b) 3, 11
- (d) 3, 12
- (c) 4, 12 Ans.(B)

**Exp.** The India An he Indian Evidence Act has been di- Exded into 3 Parts and it has 11 Chapters.

2. **A prosecutes B for adultery with c. A's wife. B denies that C is A's wife, but the Court convicts B of adultery. Afterwards cis prosecuted for bigamy in marrying B during A's lifetime. C says that she never was A's wife. The judgement against B is:**

- (a) relevant as against C
- (b) irrelevant as against C
- (c) relevant and admissible against C
- (d) None of the above Ans(B)

**Exp.** The given problem is based on Illustration (b) to Sec. 43 of Evidence Act, 1872. Section 43 provides that judgments, or- A ders or decrees, other than those mentioned in Sections 40, 41 and 42, are irrelevant unless the existence of such judgment, order or decree is a fact in is sue, or is relevant under some other provision of this Act.

3. **Law of evidence is**

- (a) a substantive law
- (b) an adjective law
- (c) Both (a) and (b)
- (d) Neither (a) nor (b) Ans(B)

**Exp.** Law of evidence is an adjective law. Adjective Law refers to that portion of the law that deals with the rules of procedure governing evidence, pleading and practice. Modern jurists now prefer to use the term procedural law instead of adjective law.

4. **Electronic record in proper custody. gives mise to a presumption as to the digital Signature, to be affixed by that particular Person under Section 90A of the Indian evidence Act, if the electronic record produced is:**

- (a) 20 years old
- (b) 15 years old
- (c) 10 years old
- (d) 5 years old Ans.(D)

**Exp.** Where any electronic record, proved to be 5 years old, is produced from any cus tody which the court in the particular case considers proper, the court may pre sume that the Electronic signature which purports to be the Electronic signature of any particular person was so affixed by him or any person authorized by him in this behalf-Sec. 90 A.

5. **"Necessity rule' as to the admissibility of evidence is contained in**

- (a) Section 31 of the Indian Evidence Act.
- (b) Section 32 of the Indian Evidence Act.
- (c) Section 60 of the Indian Evidence Act.
- (d) Section 61 of the Indian Evidence Act. Ans(B)





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**Exp.** Sec. 32 of I.E Act provides for Necessity Rule. Section 32 of IEA deals with cases in which statement of relevant fact by person who is dead or can not be found is relevant. It includes circumstances. (1) When it relates to cause of death. (2) When it is made in courses of business (3) When it is against interest of maker (4) When it gives opinion as to public right or custom or matters of general interest. (5) When it relates to existence of relationship (6) When it is made in will or deed relating to family affairs. (7) When it is a document relating to transaction mentioned in section 13 clause (a) (8) When it is made by several persons and expresses feeling relevant to matter in question.

**6. Section 105 of the Indian Evidence Act applies to**

- (a) criminal trials
- (b) civil trials
- (c) Both (a) and (b)
- (d) Neither (a) nor (b) Ans.A

**Exp.** According to section 105 of IEA when a person is accused of any offence, the burden of proving the existence of circumstance bringing the case within any general exception in the Indian Penal Code or within any special exception or proviso contained in any other part of the same code or in any law defining the offence is upon him and the court shall presume the absence of such circumstances.

**7. Which one of the following is not correctly matched?**

- (a) Hostile witness-Section 154
- (b) Burden of proof as to ownership Section 110
- (c) Refreshing memory-Section 159
- (d) Profession communication-Section 124 Ans.D

**Exp.** Professional communication is provided under Section 126 of Evidence Act.

**8. Classification of offences is given in CrPC under**

- (a) Section 320
- (b) the First Schedule
- (c) the Second Schedule
- (d) Section 482 Ans.B

**Exp.** Classification of offences is given in first schedule of Cr.P.C.

**9. It is mandatory to produce the person arrested before the Magistrate within 24 hours of his arrest under**

- (a) Section 56 of Cr.P.C.
- (b) Section 57 of Cr.P.C.
- (c) Section 58 of Cr.P.C.
- (d) Section 59 of Cr.P.C. Ans.B

**Exp.** Sec. 57 Cr.P.C. declared that person arrested not to be detained more than 24 hours.

**10. Under Section 167 of CrPC, the Magistrate can authorize detention for a total period of 90 days during investigation in case of offences punishable**

- (a) with death
- (b) with imprisonment for life
- (c) with imprisonment for a term not less than 10 years
- (d) All of the above Ans.D

**Exp.** Section 167(2) proviso of Cr.P.C no magistrate authorised detention of accused for a total period exceeding (a) 90 days, where the investigation relates to an offence punishable with death. imprisonment for life or imprisonment for a term of not less than 10 years (b) 60 days, where the investigation relates to any other offence, and after expiry of said period, accused shall be released on bail.

**11. The term 'victim' is defined under**





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- (a) Section 2(w)
- (b) Section 2(wa)
- (c) Section 2(u)
- (d) None of the above Ans.B

**Exp.** Sec. 2(wa) of C.r.P.C. provides for "Victim" means a person who suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression 'Victim' includes his or her guardian or legal heir.

12. **Every person aware of the commission of an offence punishable under following Section is bound to give information thereof to the nearest Magistrate or Police Officer**

- (a) Section 498A of the Indian Penal Code
  - (b) Section 302 of the Indian Penal Code
  - (c) Section 324 of the Indian Penal Code
  - (d) Section 448 of the Indian Penal Code
- Ans.B

**Exp.** According to Section 39(1) (v) of Cr.P.C. every person aware of the commission of or of the intention of any other person to commit any offence under Section 302, 303 and 304 is bound to give information thereof to the nearest magistrate or police officer.

13. **A decision in a suit may operate as 'res judicata' against persons not expressly named as parties to the suit by virtue of Explanation**

- (a) Explanation II to Section 11 of CPC
  - (b) Explanation IV to Section 11 of CPC
  - (c) Explanation VI to Section 11 of CPC
  - (d) Explanation VIII to Section 11 of CPC
- Ans.c

**Exp.** Res-judicata operative suit *ciudicata* shall be applied to representative suit under Explanation VI of u of Cr.P.C. Where person litigate *na fide* in respect of a public right or of private claimed in common for themselves and others, all

persons interested such right shall, for the purposes of this section, be deemed to claim under the persons so litigating.

14. **The Court may impose a fine for default upon a person required to give evidence or to produce documents directed under Section 30(b) of CPC, and such fine as per Section 32(c) is not to exceed**

- (a) Rs. 500
- (b) Rs. 1,000
- (c) Rs. 5,000
- (d) Rs. 10,000 Ans.(C)

**Exp.** The court compels the attendance of any person to whom a summons has been issued under Section 30 and for that purpose may (a) issue a warrant for his arrest. (b) attach and sell his property (c) impose a fine upon him not exceeding 5000 Rs. (d) order him to furnish security and in default commit him to the civil prison (Section 32.)

15. **Appointment of receiver has been dealt with**

- (a) under Order XLIV
- (b) under Order XLII
- (c) under Order XL
- (d) under Order XLV

**Exp.** Order XL CPC deals with appointment of receivers. Receiver may be appointed whether before or after decree where it appears to the court to be just and convenient. 9. The provision for substituted service of summons on the defendant(s) has been made under (a) Order V, Rule 19 of CPC (b) Order V, Rule 19A of CPC (c) Order V, Rule 20 of CPC (d) Order V, Rule 21 of CPC

Ans.c

**Exp.** Substituted service: Rule 20 of Order 5 enacts a third mode of service of summons on a defendant (the first being delivery, and the second affixing on the





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outer door) viz. 'substituted service'. It implies affixing a copy of summons in the court-house or some conspicuous part of the house in which the defendant last resided or carried on business, etc., or in such manner as the court may think fit (e.g. by an advertisement in a local daily of the defendant's area). The court shall fix the time for the appearance of the defendant.

**17. In cases of urgent or immediate relief, where leave to investigate the suit without service of notice under Section 80 of CPC has been granted**

- (a) no interim or otherwise, ex parte relief can be granted
- (b) interim or otherwise, ex parte relief can be granted generally
- (c) interim or otherwise, ex parte relief may be granted under certain circumstances
- (d) Either (a) or (c) Ans. A

**Exp.** According to Sec. 80(2) CPC, A suit to obtain an urgent or immediate relief against the government including the government of the State of Jammu and Kashmir or any public officer in respect of any act purporting to be done by such public officer in his official capacity may be instituted with the leave of the court without serving any notice as required by sub-section (1) but the court shall not grant relief in the suit whether interim or otherwise except after giving notice to the government or public officer as the case may be a reasonable opportunity of showing cause in respect of the relief prayed for in the suit.

**18. The arbitrator in case of International commercial arbitration is appointed by**

- (a) the parties themselves
- (b) the Attorney-General of India
- (c) the Chief Justice of India

(d) Both (a) and (c)

Ans. D

**Exp.** Section 12 (9) Arbitration & Conciliation Act 1996. The arbitrator in case of International commercial arbitration is appointed by the parties themselves or the Chief Justice of India.

**19. The Arbitration and Conciliation (Amendment) Act, 2016 came into force on**

- (a) 23 October, 2015
- (b) 31" December, 2015
- (c) 23 September, 2015
- (d) None of the above Ans.A

**Exp.** The Arbitration and Conciliation (Amendment) Act, 2015 came into force on 23rd October, 2015.

**20. The decree or orders made by small cause Courts are revisable by the**

- (a) District Court
  - (b) High Court
  - (c) Both (a) and (b)
  - (d) None of the above
- Ans.B

**Exp.** The decree or orders made by small cause Courts are revisable by the High Court. Section 25 of the Provincial samli causes Court Act, 1887.

**21. Clause (k) to Article 51A was added by**

- (a) the Constitution (73rd Amendment) Act, 1992
- (b) the Constitution (85d Amendment) Act, 2001
- (c) the Constitution (86rd Amendment) Act, 2002
- (d) the Constitution (93rd Amendment) Act, 2005 Ans. C

**Exp.** Fundamental duty to education is incorporated under Article 51-A (k) by 86 Constitution Amendment Act, 2002.

**22. In which of the following cases, free and**

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**fair election is recognized and basic structure of the Indian Constitution?**

- (a) Indira Gandhi v. Raj Narain
- (b) Golaknath v. State of Punjab
- (c) K. Prabhakaran v. P. Jayarajan
- (d) Minerva Mills v. Union of India

Ans. A

**Exp.** In Indira Gandhi v. Raj Narain, Supreme Court held that free and fair election is recognized as basic structure of the Indian Constitution,

**23. Which one of the following cases is not related to the doctrine of severability?**

- (a) Kihoto Hollohar v. Zachillhu
- (b) RMDC v. Union of India
- (c) Minerva Mills v. Union of India
- (d) A. K. Gopalan v. State of Madras

Ans. c  
**Exp.** Minerva Mills v. U.O.I, 1980 SC is a landmark decision of the S.C of India that applied and evolved the basic structure doctrine of Constitution of India,

**24. The Parliament has power to legislate with respect to a matter in the State List, provided It is in the**

- (a) public interest
- (b) national Interest
- (c) central Interest
- (d) regional interest

Ans. B  
**Exp.** Article 249 of Indian Constitution deals with power of Parliament to legislate with respect to a matter in the State list in the national Interest. If the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest that Parliament should make laws with respect to any matter enumerated in State list, then Parliament legislate for whole or any part of the territory of India - Article 249.

**25. "Courts are flooded with large number of**

**PILS, so it is desirable for Courts to filter out frivolous petitions and dismiss them with costs." In which of the following judgements, it was held?**

- (a) M.C. Mehta v. Union of India
- (b) Dharampal v. State of UP
- (c) Hollcow Pictures Pvt. Ltd. v. Premchandra Mishra
- (d) PUCL v. Union of India

Ans. c  
**Exp.** in Hollcow Pictures Pvt. Ltd. v. Premchandra Mishra, it was held that "Courts are flooded with large number of PILs, so it is desirable for Courts to filter out frivolous petitions and dismiss them with costs.

**26. Who among the view that the federal as much ne the following expressed the Ans at the Indian Constitution is. Exi as much as it establishes what may called a dual polity? Tal Dr. B.R Ambedkar**

- (a) William Ivor Jennings
- (b) Sir William lu
- (c) Sir B.N. Rau
- (d) Prof. K.C. Wheare

Ans. A

**27. The law declared by the Supreme Courtomes law of the land under**

- (a) Article 131
- (b) Article 136
- (c) Article 141
- (d) Article 151

Ans. C

**Exp.** The law declared by the Supreme court shall be binding on all courts within the territory of India-Art. 141 of the Constitution.

**28. The power of the President of India to issue an ordinance is a/an**

- (a) legislative power
- (b) executive power
- (c) quasi-judicial power
- (d) judicial power

Ans. A





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- Exp.** When the both houses of Parliament are not in session, the President may promulgate ordinances under Article 123 of the Constitution.
29. **In first instance, the President can issue a proclamation of financial emergency for a period of**  
(a) fifteen days  
(b) two months  
(c) one months  
(d) six months Ans.B  
**Exp.** Art. 360 provides that the proclamation of Financial emergency shall not be in operation at the expiry of 2 months un it has been approved by both Houses of Parliament.
30. **In which of the following landmark Judgements, right to privacy has been declared as a fundamental right?**  
(a) Shreya Ghoshal vs. State of UP  
(b) Justice K.S. Puttaswamy (Retd.) v. Union of India  
(c) Narendra v. K. Meena  
(d) Kharak Singh v. State of UP  
Ans. B  
**Exp.** In the Justice KS. Puttaswamy (Retd.) Union of India Supreme Court ruled that there is a fundamental right to privacy under Indian Constitution and it is protected as an intrinsic part of the life and personal liberty .
31. **In which of the following judgements of the Supreme Court, Triple Talaq was declared unconstitutional?**  
(a) Shayara Bano v. Union of India  
(b) Gulshan Parveen v. Union of India  
(c) Both (a) and (b)  
(d) None of the above Ans.c  
**Exp.** On 22 Aug-2017 the Supreme Court held that instant triple Talaq (Talaq-e-biddat) unconstitutional. Three of the five judges in the Panel concurred that

the practice of Triple Talaq is unconstitutional.

32. **Which of the following does not find place in the Preamble of the Constitution of India?**  
(a) Liberty of thought and expression  
(b) Economic justice for all  
(c) Education for everyone  
(d) Dignity of the individual Ans. C  
**Exp.** Education for everyone is not mentioned in the Preamble of the Constitution.
33. **Prof. K.C. Wheare said that the Constitution of India is**  
(a) weak federation  
(b) non-federal  
(c) strong federation  
(d) quasi-federal  
Ans. wrof. K.Cindia is  
**Exp.** Prof. K.C. Wheare said that the Constitution of India is quasi-federal
34. **In which case, the dissolution of Bihar Legislative Assembly by the Governor before formation of government was declared unconstitutional?**  
(a) Banarsi Das v. Teeku Dutta and others  
(b) Rameshwar Prasad v. Union of India  
(c) K.K. Misra v. State of Bihar  
(d) B.P. Singhal v. Union of India Ans.B  
**Exp.** In Rameshwar Prasad v. Union of India, on 24 January 2006 SC held that disslution of Bihar Legislative Assembly by the Governor before formation of the government was unconstitutional.
35. **A member of the State Public Service Commission can be removed on the ground of misbehavior only after and inquiry has been held by**  
(a) the Supreme Court of India on reference being made to it by the President





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- (b) the Governor through High Court
- (c) the Chairman of Board
- (d) a Joint Parliamentary Committee

Ans. A

**Exp.** A member may removed from his office by order of the President on the ground of misbehaviour, if on reference made by the Supreme Court after enquiry, report to the President that he should be removed from office (Art. 317 (1))

**36. "Carry forward rule is ultra vires" was held in the case**

- (a) Devadasan v. Union of India
- (b) B.N. Tiwari v. Union of India
- (c) State of Kerala v. N.M. Thomas
- (d) Balaji v. State of Mysore Ans. A

**Exp.** In Devadasan v. Union of India, 1965 Supreme Court held that carry forward rule as ultra vires as it is violative of Article 16(1) of the COI.

**37. Which one of the following is not correct?**

- (a) Natural justice implicit in Article 21
- (b) Right to privacy is a fundamental right
- (c) Right to go abroad is not a fundamental right
- (d) Right to life includes right to health Ans.C

**Exp.** In Maneka Gandhi v. U.O.I, it was held that every person living in India has a fundamental right to travel, even outside india.

**38. Right to freedom of religion cannot be restricted on the ground of**

- (a) morality
- (b) health
- (c) security of the State
- (d) public order Ans. C

**Exp.** Right to freedom of religion can be restrained on the following grounds

- (A) public order
- (B) morality

- (C) health; and
- (D) other provisions of this part.

**39. Legal maxim 'autrefois' is related to**

- (a) double jeopardy
- (b) retrospective operation
- (c) self-incrimination
- (d) ex post facto law Ans. A

**Exp.** 'Autrefois' is related to rule against double jeopardy under Art. 20(2) of the Constitution. The word "prosecution and punished' embodies these following essentials for the application of double jeopardy. The are:

- (a) The person must be accused of an offence.
- (b) Prosecution must be before the court or tribunal.
- (c) Person must have been prosecuted and punished in the previous proceeding.
- (d) Offence must be the same for which he was prosecuted and punished in the previous proceedings.

**40. "The principle of sovereign immunity will not apply to a proceeding for award of compensation for violation of fundamental rights." In which case, the Supreme Court of India held the above view?**

- (a) Nilabati Behera vs. State of Orissa
- (b) Rudal Shah vs. State of Bihar
- (c) Kasturi Lal vs. State of UP
- (d) Ram Singh vs. State of Punjab Ans. B

**41. According to A.V. Dicey, in India the 'rule of law' is embodied in**

- (a) Article 12 of the Constitution of India
- (b) Article 13 of the Constitution of India
- (c) Article 14 of the Constitution of India
- (d) Article 21 of the Constitution of India Ans. C

**Exp.** Rule of law according to Dicey is (a) Supremacy of the Constitution.



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(b) Equality before law. (c) Constitution is the result of the ordinary law of the land.

42. "Administrative law is a study of pathology of power in a developing society. Accountability of the holders of public power for the ruled is the focal point of this formulation." Ans Who among the following jurists has given this definition?

- (a) A.V. Dicey
- (b) " Davis
- (c) - Sir William Ivor Jennings
- (d) Prof. Upendra Baxi

Ans.D

43. In which case, Chief Justice Ray said that the Constitution is the rule of law and that no one can rise above the rule of law in the Constitution"?

- (a) Gol Kesavananda Bharati vs. State of A. Kerala
- (b) ADM Jabalpur v. S.K. Shukla
- (c) S.P. Gupta vs. Union of India
- (d) Bhagat Raja vs. Union of India

Ans.B

44. Which of the following cases is not related with rule of law?

- (a) Indira Gandhi v. Raj Narain
- (b) ADM Jabalpur v. S.K. Shukla
- (c) S.P. Gupta v. Union of India
- (d) Jaisinghani v. Union of India Ans.C

Exp. S.P. Gupta v. UOI is popularly known as the judges transfer case. 45. Which doctrine of administrative law is a 'dilutory' doctrine because of many exceptions?

- (a) Doctrine of separation of powers
- (b) Rule of law
- (c) Doctrine of pleasure
- (d) Doctrine of proportionality Ans. A

46. There are bulk of laws which govern

people and which come not from the legislature but from the chambers of administrators. This is called delegated legislation and it is different from

- (a) quasi-legislative action
- (b) administrative rule-making power
- (c) subordinate legislation
- (d) executive legislation Ans.D

47. Delegated legislation must be controlled so that it can be properly exercised. What is the control of delegated legislation?

- (a) Parliamentary control
- (b) Procedural control
- (c) Judicial control
- (d) All of the above

Ans. D

48. The test for determining bias is known as

- (a) civil liability test
- (b) criminal liability test
- (c) reasonable likelihood test
- (d) collective responsibility test Ans. c

49. 'Rule of law' means

- (a) rule of nature
- (b) rule of procedure
- (c) rule of man
- (d) pervasiveness of the spirit of law and to avoid arbitrariness Ans. D

50. "Natural justice is universal fact of secular life which has given a new life to legislature, administration and judicial adjudication and provided way to objective life. These rules are part of social justice." This statement was given by

- (a) Justice Prafullachandra Natwarlal Bhagwati
- (b) Justice Vaidyanathapuram Rama Iyer Krishna Iyer
- (c) Justice Hans Raj Khanna
- (d) Justice A. N. Ray Ans. B







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51. Which of the following doctrines was/ were developed by the Court to control the administrative actions in India?

- (a) Doctrine of Promissory Estoppel and Doctrine of Legitimate Expectations
- (b) Doctrine of Separation Powers, Judicial Activism and Rule of Law
- (c) Both (a) and (b)
- (d) None of the above Ans. C

52. A writ of mandamus will not lie against the

- (a) President of India
- (b) Parliament
- (c) Local Authorities
- (d) Courts and Tribunals

Ans. A

**Exp.** A writ of mandamus issued only to compel the performance of public authorities. President of India is not a public authority. Mandamus means to command'. Mandamus is a command issued by the High Court or Supreme Court under Articles 226 and 32 respectively to direct a public authority to perform its public duty

53. Article 310 of the Indian Constitution embodies the

- (a) doctrine of pleasure
- (b) doctrine of separation
- (c) doctrine of proportionality
- (d) doctrine of res judicata Ans A

**Exp.** Article 310 incorporates the common law doctrine of pleasure. It expressly provides that all persons who are members of the Defence Services of the Civil Services of the Union or of All-India Services hold office during the pleasure of the President. Restriction on doctrine of pleasure 1. The pleasure must be exercised in accordance with the procedural safeguards provided by Article 311. 2. The tenure of the Supreme Court Judges. High Courts Judges,

Attorney General of India (Art. 148(2)). Chief Election Commissioner (Art. 324). Chairman and Members of the Public Services Commission [Art. 317], are not dependent on the pleasure of the President or the Governor, as the case may be. These posts are expressly excluded from the operation of the doctrine of pleasure.

54. What is the effect of violation of the rule 'audi alteram partem' on an administrative action?

- (a) Mere irregularity
- (b) Null and void
- (c) An illegality
- (d) Voidable Ans.B

**Exp.** Audi alteram partem means right to be heard. Effect of violation of this rule results null and void of administrative action.

55. In which of the following cases, the Supreme Court held that the principle of natural justice are applicable to administrative proceedings also?

- (a) M.C. Mehta v. Union of India
- (b) Maneka Gandhi v. Union of India
- (c) A.K. Kraipak v. Union of India
- (d) Smt. Indira Nehru Gandhi v. Raj Narain

Ans. C

56. When reviewing administrative action, the Court's duty is to confine itself to the What is/are the of law or exceeded question of legality. What is a ground(s) for judicial review?

- (a) Committed an error of law or its powers
- (b) Breach of natural justice or decision without reason
- (c) Both (a) and (b)
- (d) None of the above Ans. c





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57. **Writ of prohibition cannot be issue against**

- (a) executive body
- (b) judicial body
- (c) quasi-judicial body
- (d) None of the above

Ans. A

**Exp.** A writ of prohibition is issued primarily to prevent an inferior court or tribunal from exceeding its jurisdiction or acting contrary to the rules of natural justice. This writ is issued in both cases where there is excess of jurisdiction and where there is absence of jurisdiction.

58. **Writ of quo warranto can be filed by**

- (a) any person aggrieved by public office
- (b) an executive in his official capacity
- (c) any private person whether aggrieved or not
- (d) only (a) and (b) Ans. c

**Exp.** Writ of Quo warranto (What is your authority) can be filed by any person against the appointment of a person to a public office irrespective of whether or not he has personal interest in it. It is used to show under what authority he hold that office.

59. **The idea of Ombudsman was first suggested by who among the following?**

- (a) Dr. B.R. Ambedkar
- (b) Dr. Rajendra Prasad
- (c) Justice P.N. Bhagwati
- (d) Motilal Chimanlal Setalvad Ans. D

60. **The action of Administrative Tribunal is considered as**

- (a) purely judicial
- (b) purely administrative
- (c) quasi-judicial
- (d) All of the above Ans. C

61. **Mitakshara is a commentary on**

- (a) Manu Smriti

(b) Yajnavalkya Smriti

(c) Narada Smriti

(d) Parashara Smriti

Ans. B

**Exp.** Mitaks called Yain Kitakshara is a commentary on smriti Hed Yajnavalkya smriti whereas vabhaga is a digest on all the smrities.

62. **By the Hindu Succession (Amendment) Act, 2005**

- (a) " Hindu women have become coparceners in a family
- (b) wife of a coparcener has become a coparcener
- (c) daughter-in-law has become a coparcener
- (d) a daughter of a coparcener has become a coparcener Ans. D

63. **Marriage of a Hindu copascener with a Hindu girl or with any other under the Special Marriage Act, 1954**

- (a) Does not have any effect on joint family status of the coparcener
- (b) Automatically severs his membership of the coparcenary and of the joint family
- (c) A Hindu coparcener is not allowed to marry under the Special Marriage Act, 1954
- (d) His status as joint family member and a coparcener is suspended for some time Ans. B

64. **Pregnancy of a girl at the time of her marriage under the Hindu Marriage Act, 1955**

- (a) will not affect the marriage
- (b) will make the marriage ipso facto invalid
- (c) will be a ground for making the marriage as void
- (d) will be a ground for making the marriage as voidable Ans. D

**Exp.** Pregnancy of a girl at the time of her





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marriage under the Hindu Marriage Act, 1955 by some person other than her husband is a ground for making the marriage voidable. Section 12(1) (d).

**65. Sapinda relationship under the Hindu Law towards the father's and mother's side 12 extends up to**

- (a) six degrees towards the father's side and three degrees towards the mother's side
  - (b) five degrees towards the father's side and four degrees towards the mother's side
  - (c) five degrees towards the father's side and three degrees towards the mother's side
  - (d) seven degrees towards the father's side and five degrees towards the mother's side
- Ans. c

**Exp.** According to Section 3(4) of HMA 1955 sapinda relationship with reference to any person extends as far as the third generation (inclusive) in the line of ascent through mother and the fifth (inclusive) in the line of ascent through the father, the line being traced upwards in each case from the person concerned who is to be counted as the first generation.

**66. A decree of judicial separation passed by a competent Court between the parties to a marriage**

- (a) brings the marriage relationship between the spouses to an end
- (b) makes the parties free to marry any other person
- (c) does affect the marital relationship between the spouses and they are no more husband and wife
- (d) does not affect the marital relationship but suspends the conjugal relationship till the period of decree

Ans. D

**Exp.** A decree under Sec. 10 of H. MA does not affect the marital relationship but suspends the conjugal relationship till the period of decree.

**67. 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
- Ans. C

**Exp.** Schedule to Hindu Succession Act, 1956 provides the same. 68. Marriage of a Hindu male or female under the Hindu

**68. Marriage Act, 1955 with a person of unsound mind or one suffering from mental disorder is:**

- (a) not valid
  - (b) void
  - (c) voidable
  - (d) perfectly valid
- Ans. C

**Exp.** Marriage of a Hindu with a person of unsound mind is voidable under Sec. of H.M. Act.

**69. A child to be adopted under the Hindu Adoptions and Maintenance Act, 1956**

- (a) should be a child belonging to any religion
  - (b) should be a child belonging to Hindu religion and below the age of 15 years
  - (c) may or may not be a Hindu but below the age of 18 years
  - (d) may or may not be a Hindu but below the age of 21 years
- Ans. B

**Exp.** A child to be adopted under the Hindu





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Adoptions and Maintenance Act, 1956 should be a child belonging to Hindu religion and below the age of 15 years.

**70. Under the Hindu Marriage Act, 1955, marriage is treated as void, if it**

- (a) contravenes the condition given under Sections 5(i) and (ii) of the Hindu Marriage Act
  - (b) contravenes the condition given under Sections 5(ii) and (iii) of the Hindu Marriage Act
  - (c) contravenes the condition given under Sections 5(1), (iii) and (v) of the Hindu Marriage Act
  - (d) contravenes the condition given under Sections 5(i), (iv) and (v) of the Hindu Marriage Act
- Ans. D

**Exp.** Sec. 5(i) of HMA provides for monogamy. Sec. 5(iv) of HMA provides for sapinda relationship. Sec. 5(v) of HMA provides for prohibited degree. And Sec. 11 of HMA declared that marriage is void on any breach of the conditions under Sec. 5(i), (iv) and (v) of HMA

**71. A marriage prohibited under the Mohammedan Law by reason of difference of religion, if done, is**

- (a) valid
- (b) voidable
- (c) irregular
- (d) void Ans. C

**Exp.** A Marriage prohibited under the Muslim law by reason of difference of religion, if done, is irregular and valid if other converted in to Muslim.

**72. According to Section 4 of the Dissolution of Muslim Marriage Act, 1939, apostasy from Islam of a Muslim wife.**

- (a) will dissolve her marriage ipso facto
- (b) will not dissolve her marriage ipso facto

- (c) dissolves her marriage and she loses her claim of dower
- (d) dissolves her marriage but she does not lose her claim of dower Ans. B

**73. Which one of the following is not essential for a valid gift or Hiba under the Mohammedan Law?**

- (a) Declaration of gift
  - (b) Acceptance of gift
  - (c) Delivery of possession of the property by the donor to the donee
  - (d) Written documentary proof of the gift
- Ans. D

**Exp.** Written documentary proof of the gift is not an essential for a valid gift.

**74. Which one of the following is the leading case under the Mohammedan Law on widow's right to retain possession of her husband's property?**

- (a) Mohd. Sadiq v. Fakhr Jahan
- (b) Mohd. Ahmed Khan v. Shah Bano Begum
- (c) Mohd. Mumtaz v. Zubaida Jan
- (d) Mst. Maina Bibi v. Chaudhri Vakil Ahmed Ans. D

**75. Who under the Mohammedan Law can claim right of pre-emption?**

- (a) Shafi-i-Sharik (a co-sharer in the sha property)
- (b) Shafi-i-Khalit (an participator in immunities and appendages)
- (c) Shafi-i-Jar (an owner of contiguous immovable property)
- (d) All of them

Ans. D

**Exp.** According to the Mohammedan Law, the right of Pre-emption appertains to (1) A Shafii-i-sharik, i.e.. Co-sharer or Partner in the property sold, (ii) A Shafii-i-Khalit. i.e.. a partner in the amenities and appendages of the property (such as the right to water and to roads, or a common access). (iii) A





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Shafii-i-jar, i.e., an owner of neighbouring immovable property.

76. In favour of who among the following a bequest by a Muslim is valid?

- (a) A son
- (b) A widow
- (c) A grandson in case of a predeceased son
- (d) All of them Ans.C Exp.A bequest by a Muslim is valid in favour of a grandson in case of a predeceased son.

77. In case of a Wakf, the Wakf property vests] in the

- (a) Wakif
- (b) Mutawalli
- (c) Almighty
- (d) Beneficiaries Ans. C

Exp. Permanent dedication of property to the God is the purpose of Wakf.

78. By the third pronouncement (utterance) of "Talaq", which kind of "Talaq" becomes effective?

- (a) Talaq-e-Hassan
- (b) Talaq-e-Ahsan
- (c) Talaq-e-Tafweez
- (d) None of the above

Ans. C

Exp. Talaq-e-Tafweez is also known as delegated divorce. Although the power to givorce belongs primarily to the husband, ne may delegate the power to the wife or to a third person, either absolutely or conditionally and either for a particular period or permanently. The person to 127 whom the power is thus, delegated may then pronounce the divorce accordingly. A permanent delegation of power is revocable, but a temporary delegation not.

79. In Sunni Law of Inheritance, the total number of sharers is

- (a) 10
- (b) 15
- (c) 13
- (d) 12 Ans. D

Exp. In Sunni Law of Inheritance, the total number of sharers is 12.

80. Who is a primary heir under Sunni Law?

- (a) True grandfather
- (b) True grandmother
- (c) Full sister
- (d) None of them Ans. D

81. Which of the following is not actionable claim?

- (a) Right to claim arrears of rent of a house
- (b) Right to claim arrears of maintenance
- (c) Right to claim decretal sum
- (d) Right to claim money payable under Life Insurance Policy

Exp:- Actionable claim means a claim to any debt, other than a debt secured. (i) by mortgage of immovable property, or (ii) by hypothecation or pledge of movable property; or (iii) to any beneficial interest in movable property not in the possession of either actual or constructive of the claimant, which the civil court recognize as affording grounds for relief, whether such debt or beneficial interest be existing, accruing, conditional or contingent -Sec. 3 of T.P.A.

82. The general principle of law is that "no man can transfer a better title in property that what he himself has got". Exception to this rule is found in Section(s)

- (a) 35 of the Transfer of Property Act
- (b) 41 of the Transfer of Property Act
- (c) 43 of the Transfer of Property Act
- (d) 41 and 43 of the Transfer of Property Act

Ans. D





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**Exp.** Nemo dat quod non habet means no man can transfer a better title in property than what he himself possessed.

**83. No transfer of property can operate to create an interest which is to take effect after the lifetime of one or more persons living at the date of such transfer. This provision is covered under the**

- (a) rules against prospective transfer
- (b) rules against restrictive transfer
- (c) rules against perpetuity
- (d) None of the above Ans. C

**Exp.** Rule against perpetuity is incorporated in Sec. 14 of the T.P.A. it says that no transfer of property can operate to create an interest which is to take effect after the lifetime of one or more persons living at the date of such transfer, and the minority of some person who shall be in existence at the expiration of that period, and to whom, if he attains full age, the interest created is to belong.

**84. The principle of 'lis pendens' pertains to**

- (a) public utility
- (b) auction sale
- (c) bona fide purchase
- (d) fraudulent transfer

**Exp.** As per Sec. 52 of T.P.A. lis pendens means -a pending legal action the doctrine has been derived from a Latin maxim "Ut pendens nihil innovetur" which means during litigation nothing should be changed. The principle embodying that the subject matter of a party during the pendency of the suit.

**85. Mortgage by conditional sale is**

- (a) sale
- (b) mortgage
- (c) contract for sale
- (d) neither sale nor mortgage Ans. B

**Exp.** Sec. 58 (c) TPA provides for Mortgage by conditional sale.

**86. The vested interest in property depends on the happening of an event which is**

- (a) of uncertain nature
- (b) bound to happen
- (c) of certain or uncertain nature
- (d) None of the above Ans. B

**Exp.** Where on a transfer of property, an interest therein is created in favour of a person without specifying the time when it is to take effect or in terms specifying that it is to take effect forthwith or on the happening of an event which must happen, such interest is vested-Sec. 19 of T.P.A.

**87. A transfers his property to B for life and after his death to C and D equally to be divided between them or to the survivor of them. C dies during lifetime of B. D survives B. At B's death, the property**

- (a) shall pass to any person
- (b) shall pass to the person who is specifically named in the transfer
- (c) shall pass to D
- (d) None of the above Ans. C

**Exp.** The given problem is based on illustration to Sec. 24. It says that, where on a transfer of property, an interest therein is to accrue to such of certain person as shall be surviving at some period, but the exact period is not specified, the interest shall go to such of them as shall be alive when the intermediate or precedent interest ceases to exist, unless a contrary intention appears from the terms of the transfer.

**88. There are some characteristics of usufructuary mortgage under Section 58 of the Transfer of Property Act: 1. There is no personal liability on the mortgager. 2.**





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**No time limit is fixed. 3. Mortgagee takes the whole or part of the rent and profits.**

- (a) Only 1 and 2 are relevant
- (b) Only 2 and 3 are relevant
- (c) Only 1 is relevant
- (d) All of the above are relevant Ans. D

**Exp.** In usufructuary mortgage (i) mortgagor delivers possession, and (ii) authorises him to retain possession until payment of the mortgage money and to receive rents and profits and appropriate the same in the view of interest or in payment of mortgage money-Sec. 58(a).

**89. "Such condition shall be void which is dependent on one or more than one possibility." principle was recognized later in**

- (a) The principle in *Whitby v Mitchell*
  - (b) *Cholmeley's cases*
  - (c) *Prabodh Kumar Das v. Dantmara Tea Co.*
  - (d) *Dyson v. Farster*
- Ans. A

**90. 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

Ans. D

**Exp.** Section 58 (b) of TPA provides that, where, without delivering possession of the mortgaged property, the mortgagor binds himself personally to pay the mortgage-money, and agrees, expressly or impliedly, that, in the event of his failing

to pay according to his contract, the mortgagee shall have a right to cause the mortgaged property to be sold and the proceeds of sale to be applied so far as may be necessary, in payment of the mortgage-money, the transaction is called a simple mortgage and the mortgage is simple mortgage.

**91. Statutory recognition of the principles of equity in the Specific Relief Act is regarding**

- (a) specific performance
- (b) injunction
- (c) rectification and rescission
- (d) All of the above Ans. D

**Exp.** Earlier before the Amendment of 2018 in Specific Relief Act, 1963, whole of the provisions of Specific Relief Act is discretionary but after this Amendment discretionary of the Court has limited application.

**92. "He who seeks equity must do equity" is particularly incorporated in which of the following?**

- (a) Section 9 of the Code of Civil Procedure
- (b) Section 38 of the Specific Relief Act
- (c) Both (a) and (b)
- (d) None of the above

Ans. D

**93. Sections 48, 78 and 79 of the Transfer of Property Act provide the example of which of the following maxims?**

- (a) Where equities are equal, the first in time shall prevail
- (b) Equity delights in equality
- (c) He who seeks equity must do equity
- (d) Equity follows the law Ans. A

**94. "Where there is equal equity, the law shall prevail." Which of the doctrines of Indian Law is based on this maxim?**

- (a) Doctrine of set-off





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- (b) Doctrine of marshalling  
(c) Doctrine of election  
(d) All of the Above Ans.D
95. **Choose the correct option.**  
(a) Under Indian Law, doctrine of election aims at compensation.  
(b) Under English Law, doctrine of election aims at forfeiture or confiscation  
(c) Both (a) and (b) are correction  
(d) Neither (a) nor (b) correct Ans. D
96. **Which of the following persons is not necessary for creation of trust?**  
(a) Beneficiary  
(b) Trustee  
(c) Author of trust  
(d) Legal representative Ans. D  
**Exp.** Creator of trust, trustee and beneficiary are necessary for the creation of trust.
97. **Liability of trustee is provided under**  
(a) Section 23 to 29 of the Indian Trust Act  
(b) Section 11 to 18 of the Indian Trust Act  
(c) Section 55 to 69 of the Indian Trust Act  
(d) Section 51 to 65 of the Indian Trust Act  
Ans. A
98. **Liability for breach of trust has been provided in**  
(a) Section 23 of the Indian Trust Act  
(b) Section 22 of the Indian Trust Act  
(c) Section 24 of the Indian Trust Act  
(d) Section 25 of the Indian Trust Act Ans.  
A
99. **In cases of specific performance of a contract, the rights of the parties are governed by the principle of**  
(a) law  
(b) equity  
(c) equity and law  
(d) None of the above Ans. C
- Exp.** Specific Relief Act, 1963 is based on equity and law, thus it is a discretionary remedy.
100. **The relief by the way of mandatory injunction is**  
(a) discretionary  
(b) prohibitory  
(c) mandatory  
(d) None of the above Ans. A  
**Exp.** Preventive reliefs are granted at the discretion of the court by injunction Section 36 r/w Section 39 SRA.
101. **"Tortious liability arises from the breach of duty, primarily fixed by law". Who said the statement?**  
(a) Salmond  
(b) Winfield  
(c) Fracer  
(d) Underhill Ans. B  
**Exp.** Winfield defined tort as "tortious liability arises from the breach of a duty prima rily fixed by the law, this duty is towards persons generally and its breach is redressible by an action for unliquidated damages."
102. **Whether for a wrong both tortious and criminal liability may arise?**  
(a) Only tortious liability may arise  
(b) Only criminal liability may arise  
(c) Both the liabilities may arise  
(d) None of the above Ans. c  
**Exp.** Many acts (like homicide) are both criminal and tortious. But torts and crimes are different and the difference is worth not ing. A crime is an act against the society as a whole. State punishes the murderer ,it does not usually compensate the family of the victim, Tort law on the othe hand views the death as a private woo for which damages are owed.







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**103. The pigeon-hole theory was propounded by**

- (a) Salmond
- (b) Winfield
- (c) R. Pound
- (d) Blackstone Ans. A

**Exp.** Salmond has propounded Pigeon-hole Theory. According to him, the liability under tort arises only when the wrong is covered by anyone or the other nominate torts. There is no general principal of liability and if the plaintiff can place his wrong in any one of the pigeon-holes, each containing a labelled tort, he will succeed.

**104. Mogul Steamship Co. vs. McGregor, Gow and Co. (1892) AC 25 belongs to which of the following maxims?**

- (a) Volenti non fit injuria
- (b) Injuria sine damnum
- (c) Damnum sine injuria
- (d) Ubi jus ibi remedium Ans. C

**Exp.** Damnum sine injuria means damage without infringement of any legal right. Damage without injury is not actionable.

**105. The maxim 'scienti non fit injuria' means**  
(a) where there is no fault there is no remedy

- (b) mere knowledge does not imply consent to take risk
- (c) mere giving consent does not imply to take risk
- (d) scientific knowledge is not enough to cause injury Ans. B

**Exp.** Scienti non fit injuria means mere knowledge does not imply consent to take risk.

**106. "Right of action is extinguished by the death of one or other parties." The statement is**

- (a) true
- (b) false

- (c) true except in certain cases
- (d) false except in certain cases Ans. c

**107. In the Law of Torts, nominal damages are awarded**

- (a) as a compensation for nominal injury
- (b) for the recognition of legal right
- (c) for the recognition of human sufferings
- (d) as a compensation for damages Ans. B

**108. 'Distress damage feasant' means**

- (a) right to detain the things until compensation is paid
- (b) right to get the compensation when there is infringement of legal right
- (c) right to get compensation will extinguish when death of the party i caused
- (d) None of the above Ans. A

**109. "An unlawful interference with person's use or enjoyment of land or some right over or in connection with it" is known as tort of**

- (a) trespass
- (b) nuisance
- (c) negligence
- (d) conversation Ans. B

**Exp.** Essentials of Nuisance.

1. Unreasonable interference.
2. Interference with the use and enjoyment of land.
3. Damage.

**110. In which case, fundamental test for determining duty to take care was laid down?**

- (a) Bourhill v. Young
- (b) Donoghue v. Stevenson
- (c) Haynes y. Harwood
- (d) Heaven v. Pender Ans. B

**Exp.** In Donoghue y. Stevenson, it was held that manufactures have a legal duty





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of care to the ultimate consumers of their products, if it is not possible for defects to be identified before goods are received.

**111. Which of the following is not an element in establishing a case in libel?**

- (a) Publication
- (b) A defamatory statement
- (c) A section of the public who know less of the plaintiff
- (d) Reference to the plaintiff

Ans. c

**Exp.** A section of the public who know less of the plaintiff is not required for establishing a case in libel.

**112. If a person wants to bring an action under Law of Torts for the tort of public nuisance, he must have to prove that**

- (a) the injury was direct and substantial only to him
- (b) the injury was criminal in nature
- (c) the injury affects the public at large
- (d) None of the above Ans. A

**113. 'Prosecution' under tort of 'malicious prosecution' means**

- (a) proceeding at a police station charging a person with a crime
- (b) proceeding in a Court of Law charging a person with a crime
- (c) proceeding undertaken by Public Prosecutor
- (d) proceeding undertaken both by Police Officer and Public Prosecutor Ans. B

**Exp.** Essentials of Malicious Prosecution.

- (a) A Criminal proceedings initiated by the defendant,
- (b) Proceedings must be terminated in favour of present plaintiff.
- (c) Proceedings instituted without any reasonable and probable cause.
- (d) Damages.

**114. 'False imprisonment' means**

- (a) a false restraint of a person's liberty without lawful justification
- (b) a partial restraint of a person's liberty without lawful justification
- (c) a total restraint of a person's liberty without lawful justification
- (d) a person is imprisoned for a tort in false charges Ans. c

**Exp.** False imprisonment' means a total restraint of a person's liberty without lawful justification.

**115. A person who knowingly and without sufficient justification induces another to break a contract with third person, whereby the third person suffers damage, is a tort. For the first time, it was established in which of the following cases?**

- (a) Ford vs. Lindsey
- (b) Lumley vs. Peak
- (c) Derry vs. Peak
- (d) M.C. Manus vs. Bonis Ans. B

**116. A contract, which ceases to enforceable by law, ceases to be enforceable. It is known as**

- (a) unenforceable contract
- (b) void contract
- (c) voidable contract
- (d) contingent contract Ans.B

**Exp.** According to Section 56 Part II of ICA, a contract to do an act which after the contract is made becomes impossible or by reason of some event which the promisor could not prevent unlawful becomes void when the act becomes impossible or unlawful.

**117. The legal principle, which was laid down in the case of Harvey v. Facey, was firstly, followed by the Supreme Court of India in which of the following cases?**

- (a) Badri Prasad v. State of MP





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(b) Byomkesh Banerjee v. Nani Gopal Banik

(c) D.I. Mac Pherson v. M.N. Appanna

(a) Carlill v. Carbolic Smoke Ball Co. Ans. c

118. Which one of the following elements is not necessary for a contract?

(a) Competent parties

(b) Reasonable terms and conditions

(c) Free consent

(d) Lawful consideration Ans. B

**Exp.** What agreements are contracts. -All agreements are contracts if they are made by the free consent of parties competent to contract, for a lawful consideration and with a lawful object, and are not hereby expressly declared to be void.

119. In standard form of contracts

(a) the individual has no choice but to accept

(b) the individual has many choices to accept or refuse

(c) the agreement is without consideration

(d) None of the above Ans. A

**Exp.** A standard form of contract is an act between two parties, where terms and conditions of the contract are set by one of the parties and the other has no ability to negotiate in favourable terms and is thus placed to take it or leave it position.

120. What would be the effect of mistake to law enforce in India on a contract? The contract will be

(a) void

(b) voidable

(c) not void

(d) not voidable Ans. D

**Exp.** A contract is not voidable because it was caused by a mistake as to any law in force in India-Sec. 21, but mistake as to

law not in force in India has the same effect as a mistake of fact means void.

121. A Guru (spiritual advisor) induced the Chela (his devotee) to gift him whole of his property to secure benefit of his soul in the heaven. This gift shall be

(a) void

(b) voidable

(c) valid

(d) immoral Ans. B

**Exp.** A contract is said to be induced by undue influence where the relations subsisting between parties are such that one of the parties is in a position to dominate the will of the other and uses that position to obtain an unfair advantage over the other-Sec. 16. Section 19-A ICA provides when consent is caused by undue influence, the agreement is a contract voidable at the option of the party whose consent was so caused.

122. Section 128 of the Indian Contract Act, 1872 is related with

(a) surety's liability

(b) continuing guarantee

(c) revocation of continuing guarantee

(d) consideration for guarantee Ans. A

**Exp.** Sec. 128 of Contract Act provides for surety's liability. The liability of the surety is co-extensive with that of the Principal debtor unless it is otherwise provided by the contract.

123. A continuing guarantee may be revoked for further transaction

(a) after a year

(b) after six months

(c) after three months

(d) at any time

Ans. D

**Exp.** A guarantee which extends to a series of transactions is called a





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"continuing Guarantee". According to Sec. 130, a continuing guarantee may at any time of be revoked by the surety. As to future transactions, by notice to the creditor

**124. If the bailee, without the consent of the bailor, mixes the goods of the bailor with his own goods in such a manner that it is impossible to separate the goods and deliver them back, the bailor is entitled to be**

- (a) compensated by the bailee for the loss of goods
- (b) compensated by the bailee for of the loss of goods
- (c) compensated by the bailor for 14 of the loss of goods
- (d) civil imprisonment of maximum six months Ans. A

**Exp.** According to Sec. 157, if the bailee without the consent of the bailor, mixes the goods of the bailor with his own goods in such a manner that it is impossible to separate the goods bailed from the other goods and deliver them back, the bailor is entitled to be compensated by the bailee for the loss of the goods.

**125. The bailment of goods as security for payment of a debt or performance of promise is called**

- (a) mortgage
- (b) pledge
- (c) guarantee
- (d) Indemnity Ans. B

**Exp.** Bailment of goods as security for payment of a debt or performance of a promise is called pledge-Sec. 172. ICA

**126. Who may employ an agent?**

- (a) Any major person
- (b) Any person who is of sound mind
- (c) Any major and person of sound mind
- (d) A citizen of India Ans. c

**Exp.** Sec. 183 provides for who may employ agent. Any person who is of the age of majority according to the law to which he is subject, and who is of sound mind, may employ an agent.

**127. In which of the following conditions can an agent sub-delegate his authority to another person?**

- (a) When it benefits the principal
  - (b) When it suits the agent
  - (c) when the agent becomes
  - (d) when commercial practice involves Such delegation
- Ans. D

**128. 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 Ans. D

**Exp** Sec. 125 ICA says that indemnity holder. acting within the scope of his authority. is entitled to recover from the promisor all damages which he may be compelled to pay in any suit in respect of any matter to which the promise to indemnify applies, all costs which he may be compelled to pay In any suit, all sums which he may have paid under the terms of any compromise of any suit.

**129. The case of Moses vs. Mac Ferlan deals with which of the following?**

- (a) Quasi-contract
- (b) Contingent contract
- (c) Doctrine of frustration
- (d) Contract of indemnity Ans A





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**Exp.** According to Section 68-72 of ICA 1873 deals with Quasi-Contract.

**130. When the parties to a contract agree to substitute the existing contract with new contract, it is known as**

- (a) substitution
- (b) novation
- (c) frustration
- (d) breach Ans.B

**Exp.** If the parties to contract agree to substitute a new contract for it, or to rescind or alter it, the original contract need not be performed. This is known as novation under Sec. 62.

**131. An unpaid seller can exercise the right of lien**

- (a) when he has delivered goods to the buyer
- (b) when the buyer has lawfully obtained possession of goods
- (c) when the seller has waived the right of lien
- (d) when the buyer has become insolvent Ans. D

**Exp.** Unpaid seller may retain goods until payment or tender of the price in the following cases, namely

- (a) where the goods have been sold without any stipulation as to credit.
- (b) where the goods have been sold on credit, but the term of credit has expired;
- (c) where the buyer becomes insolvent Sec.47 of SOGA.

**132. Which of the following is not included in the definition of goods?**

- (a) Actionable claims
- (b) All movable properties
- (c) Growing crops
- (d) Grass Ans. A

**Exp.** Actionable claim is not included in the

definition of Sale of Goods Act. According to Sec. 2(7), every kind of movable property other than actionable claims and money, and includes stock and shares, growing crops, grass, and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale is goods.

**133. Which of the following statements is not correct?**

- (a) Conditions and warranties are stipulations in the contract of sale.
- (b) A stipulation as a warranty may not be treated as condition
- (c) Condition is a stipulation essential to main purpose of contract
- (d) Warranty is a stipulation collateral main purpose of contract Ans. B

**134. A seller sells undergarments which cause skin disease to buyer. What is the liability of the seller?**

- (a) He is liable for breach of warranty
- (b) He is liable for breach of a condition
- (c) He is not liable
- (d) The buyer should be careful Ans. B

**135. Which of the following is not an exception to the doctrine of 'nemo dat quod non habet'?**

- (a) Sale by person in possession under voidable contract
- (b) Sale by seller in possession after sell
- (c) Sale by buyer in possession before sell
- (d) Sale by buyer in possession after sell Ans. c

**136. Who among the following is a partner?**

- (a) A moneylender sharing the profits
- (b) A person sharing the profits of business carried on by all or any of them
- (c) A person sharing the return arising





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From joint property

(d) A seller of goodwill sharing the profits of business Ans. B

**137. A partnership is partnership at will**

- (a) when no provision is made for duration of partnership
- (b) when no provision is made for determination of partnership
- (c) Both (a) and (b) are true
- (d) Either (a) or (b) is true Ans. D

**Exp.** Where no provision is made by the contract between the partners for the duration of their membership, or for the determination of their partnership, the partnership is partnership at will-Sec. 7.

**138. Which of the following is not essential ingredient of holding out u/s 28 of the Partnership Act?**

- (a) Representation as a partner
- (b) Knowledge of representation
- (c) Giving credit to the firm
- (d) Representation without knowledge Ans.D

**Exp.** Sec. 28 Partnership Act, 1932 pro for Holding-Out, if any person who represents himself as a partner in a firm. liable as a partner in that firm to any one who has on the faith of such representation given credit to the firm.

**139. Which of the following is not correct about a minor?**

- (a) He cannot become a partner.
- (b) He can be admitted to the benefits of partnership.
- (c) He is personally liable for the acts of A the firm.
- (d) He can elect to become or not to become a partner on attaining the majority.

Ans. C

**Exp.** According to Sec. 30(3) minor is not personally liable for any act of the firm.

**140. Which of the following is not a condition precedent for filing a suit u/s 69 of the Partnership Act?**

- (a) The firm should be registered
- (b) Person suing should be shown as a partner in the register of firms
- (c) The enforcement of a right arising from contract or conferred by the Act
- (d) The enforcement of any statutory right Ans. D

**Exp.** Sec. 69 provides for consequences of non-registration of the firm.

**141. When a Negotiable Instrument is dishonoured, the liable party pays compensation to**

- (a) holder
- (b) bank
- (c) endorser
- (d) court

Ans. A

**Exp.** Under sec. 138 of NIA, the liable party pays compensation to the holder of the instrument.

**142. Which of the following is not an example of Negotiable Instrument?**

- (a) Promissory Note
- (b) Bill of Exchange
- (c) Share Certificate
- (d) Cheque Ans. c

**Exp.** Sec. 13 of NIA declares that a Negotiable Instrument means a promissory note, bill of exchange or cheque payable either to order or to bearer.

**143. A draws a cheque in favour of B, a minor. B endorses it in favour of C and C endorses in favour of D. The cheque is dishonoured. Which of the following is not correct about liabilities of the parties?**

- (a) C and D can claim from B



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- (b) C and claim payment from A
- (c) D can claim against C and A
- (d) C and D cannot claim from B Ans. A

**144. Which of the following is not correct with regard to presentment for acceptance?**

- (a) Only holder of the bill or his agent can present the bill
- (b) Drawer himself can present the bill
- (c) If the bill has been negotiated before acceptance, endorsee can present the bill
- (d) The bill cannot be presented to legal presentations in case of death of drawee Ans. D

**145. Which of the following statements is correct in relation to bouncing of a cheque?**

- (a) Offence of cheque bouncing is a compoundable offence.
  - (b) Every trial of cheque bouncing shall be concluded within 3 months.
  - (c) In trial of such cases, provisions of u/s 262 to 265 of CrPC will not apply.
  - (d) In case of conviction in summary trial of such cases, Magistrate shall pass a sentence of imprisonment for a term of 2 years. Ans. A
- Exp.** (i) Dishonour of cheque is a compoundable offence.
- (ii) Every trial of cheque bouncing is concluded within 6 months from the date of filing of complaint.
- (iii) In trial of such cases, provisions of sections 262-265 Cr.P.C. will apply.
- (iv) Conviction under summary trial, it shall be lawful for the Magistrate to pass a sentence of imprisonment for a term not exceeding one year and an amount of fine exceeding Rs. 5000 Sec. 143.

**146. An application for prevention of ill oppression and mismanagement in a company should be made to the**

- (a) High Court
- (b) Central Government
- (c) National Company Law Tribunal
- (d) Registrar of Companies Ans. c

**147. For dissolution of a company, the Tribunal shall pass order**

- (a) immediately after winding-up order
- (b) when affairs of the company are completely wound up
- (c) at the instance of the Central Government
- (d) at the instance of the Company Law Board Ans. B

**148. Which of the following statements is not correct?**

- (a) A company cannot have more than one Manager at the same time.
- (b) A company can have more than one Manager at the same time.
- (c) A firm cannot be appointed as Manager of a company.
- (d) A Manager can be appointed for a period of 5 years at a time. Ans. B

**149. A Director appointed to fill up casual vacancy will hold office**

- (a) for a term of 5 years
- (b) for a term of 3 years
- (c) up to next meeting of the Board
- (d) up to date of expiry of term of office of outgoing Director Ans. D

**150. Match List-I with List-II an correct answer using the con below the Lists:**

List I

- A. Royal British Bank v. Turquand
- B. Salomon v. Salomon & Co, Ltd
- C. Foss v. Harbottle
- D. Ashbury Railway Carriage and Iron Co. Ltd. V. Riche

List II

- 1. Corporate personality

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2. Rule of majority
3. Doctrine of ultra vires
4. Indoor management

Code:

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



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