MAHARASHTRA JUDICIAL SERVICES PRELIMINARY EXAMINATION 2019

1. As per the provisions of the Code of Criminal Procedure, which of the following are acquittals?

A. Disposal under Section 256
B. Disposal under Section 245
C. Disposal under Section 203
D. Disposal under Section 320

(a) A and B
(b) B and C
(c) C and D
(d) A and D.

Ans [d]

2. The period of limitation for taking cognizance of an offence punishable with imprisonment of one year is:

(a) Six months
(b) One year
(c) Two years
(d) Three years.

Ans [b]

3. Magistrate convicted an accused for dishonuor of cheque of Rs. 1,00,000. As per Section 357 of the Code of Criminal Procedure, he can impose a fine of:

(a) not more than Rs. 50,000
(b) Rs. 50,000 and also compensation of Rs. 1,00,000
(c) Rs. 2,00,000 and out of it, Rs. 1,00,000 as compensation
(d) Rs. 2,00,000 and also compensation of Rs. 1,00,000 other than fine.

Ans [c]

4. As per Section 239 of the Code of Criminal Procedure, Magistrate can consider .....

(a) The charge-sheet and its accompanying documents only
(b) The documents produced by the accused also
(c) The documents collected from the accused during investigation, but produced on application by him
(d) Discharge of an accused summoned vide Section 319 of the Code of Criminal Procedure.

Ans [a]

5. A and B are on bail. The Magistrate has sentenced A to three years imprisonment and B to a fine of Rs. 10,000 with default imprisonment of one month. They intend to file appeal and hence applied for bail. The Magistrate:

(a) Can suspend the conviction and grant bail to both
(b) Can suspend the conviction and grant bail to B only
(c) Can suspend the sentence and grant bail to both
(d) Can suspend the sentence and grant bail to A only.

Ans [c]

6. Set-off to a convicted person:

(a) Does not apply to the period of police custody
(b) Applies to substantive sentence only
(c) Applies to default sentence only
(d) Applies to both the substantive and default sentences.

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Ans [b]

7. As per the definition given in the Indian Penal Code, the word "injury" denotes any harm illegally caused to any person:

A. in body
B. in mind
C. in reputation
D. in property

Choose the correct option out of the above:

(a) A only
(b) A and B
(c) A, B and C
(d) All of the above.

Ans [d]

8. A. A company cannot be prosecuted for an offence prescribing mandatory punishment of imprisonment.

B. A thing which has been obtained by criminal misappropriation cannot be termed as stolen property.

Choose the correct option:

(a) A is correct and b is incorrect
(b) A is incorrect and b is correct
(c) Both are correct
(d) Both are incorrect.

Ans [d]

9. A shakes his fist at Z, intending that thereby he may cause Z to believe that A is about to strike Z. A committed:

(a) Criminal Intimidation and Hurt
(b) Criminal Force
(c) Assault
(d) Affray.

Ans [c]

10. An unlawful assembly requires assembly of at least ..... persons with a common object.

(a) Two
(b) Four
(c) Five
(d) Six.

Ans [c]

11. A is a cement dealer. He enters into a contract with Z to deliver 100 bags of cement and obtains money from Z. Afterwards, A breaks his contract and does not deliver the cement bags.

(a) A cheated Z
(b) A did not cheat Z, but is only liable to a civil action for breach of contract
(c) A committed criminal misappropriation of property
(d) A committed criminal breach of trust

Ans [b]

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12. A finds the key of Z's house-door, which Z had lost, and commits house-trespass by entering Z's house, having opened the door with the key. This is:

(a) House-trespass
(b) House breaking
(c) Theft
(d) Mischief.

Ans [b]

13. A gives a fist blow and causes dislocation of tooth of Z. A committed an offence punishable under Section of the Indian Penal Code.

(a) 323
(b) 324
(c) 325
(d) 326

Ans [c]

14. The maximum default sentence for an offence punishable under Section 510 of the Indian Penal Code is:

(a) Two months
(b) Four months
(c) Six months
(d) One year.

Ans [*]

15. A person born on 14.01.2001 committed an offence punishable under Section 379 of the Indian Penal Code on 14.01.2019. Which court is competent to deal with his case of trial?

(a) Judicial Magistrate First Class
(b) Juvenile Justice Board
(c) Chief Judicial Magistrate
(d) Sessions Court.

Ans [a]

16. In a case of offences punishable under Sections 143, 147, 148 and 326 read with 149 of the Indian Penal Code, which of the following charges will be be proper?

(a) 143 read with 149, 147 read with 149, 148 read with 149 and 326 read with 149
(b) 143, 147, 148 read with 149 and 326 read with 149
(c) 143, 147, 148 and 326 read with 149
(d) 143 read with 149, 147, 148 and 326 read with 149.

Ans [c]

17. Match the following:

List I

A. Obiter Dicta
B. Sub Silentio
C. Stare decisis
D. Per incuriam

List II

I. Resulting from ignorance
II. Persuasive value
III. Particular legal point was not discussed

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IV. Stand by precedent

Answer Options:

A B C D

(a) (II), (IV), (I), (III)
(b) (III), (IV), (I), (II)
(c) (IV), (I), (II), (III)
(d) (II), (III), (IV), (I)

Ans [d]

18. In Shayara Bano v. Union of India (2017) 9 SCC 1, the practice of has been declared as illegal.

(a) Talaq-e-ahsan
(b) Talaq-e-hasan
(c) Talaq-e-biddat
(d) Tafwid.

Ans [c]

19. Match the following:

List I	List II
(A) Sexual intercourse by husband	(i) State of Punjab v. Gurmit Singh with minor wife
(B) In-camera trial of rape cases	(ii) Vishakha v. State of Rajasthan
(C) Sexual harassment of women at workplace	(iii) Sakshi v. Union of India
(D) In-camera trial of IPC cases	(iv) Independent Thought v. Union of India of Sections 354 and 377

A B C D

(a) (I), (II), (III), (IV)
(b) (II), (III), (IV), (I)
(c) (III), (II), (I), (IV)
(d) (IV), (I), (II), (III).

Ans [d]

20. Match the following:

List I	List II
(A) Mandamus	(i) 'To be certified'
(B) Habeas corpus	(ii) 'We command'
(C) Certiorari	(iii) To prohibit inferior court
(D) Prohibition	(iv) You may have the body

A B C D

(a) (III), (IV), (I), (II)
(b) (II), (IV), (III), (I)
(c) (II), (IV), (I), (III)
(d) (I), (II), (III), (IV).

Ans [c]

21. Match the following with the Articles of Constitution of India:

List I	List II
(A) Protection from self-incrimination	Article 20(2)
(B) Protection of life and personal liberty	Article 20(1)
(C) Protection from double punishment	Article 20(3)
(D) Protection from ex-post facto legislation	Article 21

A B C D

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(a) (I), (II), (III), (IV)
(b) (II), (III), (IV), (I)
(c) (III), (IV), (I), (II)
(d) (IV), (I), (II), (III)

Ans [c]

22. What is the objective of the Constitution (103rd Amendment) Act 2019?
(a) National Commission for Backward Classes
(b) National Judicial Appointments Commission
(c) 10% Reservation in Education and appointments for E.W.S.
(d) Muslim women protection of rights on marriage.

Ans [c]

23. According to the judgment in Selvi and Others v. State of Karnataka, does not violate the personal liberty.
(a) Narco Analysis Test
(b) Polygraph Test
(c) BEAP (Brain Electrical Activation Profile)
(d) Collection of specimen signature and handwriting.

Ans [d]

24. Civil Judge Junior Division is appointed by .....
(a) State Public Service Commission
(b) High Court
(c) Chief Minister
(d) State Governor.

Ans [d]

25. Constitution Day is observed in India on .....
(a) 26th January
(b) 15th August
(c) 26th October
(d) 26th November.

Ans [d]

26. .....has power to exercise writ jurisdiction.
(a) High Court
(b) Governor of State
(c) President of India
(d) Prime Minister of India.

Ans [a]

27. A issued a cheque to B towards repayment of a five-year-old promissory note. It is dishonoured. Hence, A filed a money suit and a complaint case under Section 138 of the Negotiable Instruments Act. Choose the correct option.
(a) Complaint is tenable, but suit is not tenable
(b) Suit is tenable, but complaint case is not tenable
(c) Both are tenable
(d) Both are not tenable.

Ans [*]

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28. Vendee (Defendant) paid Rs. 1,000 as earnest money and then Rs. 24,000 after 7 days, as out of sale price. If the vendee does not pay the balance by the agreed date, the whole amount of Rs. 25,000 is deemed to be forfeited as per the agreement. He failed to pay the balance amount. Which amount is liable to be forfeited as earnest money?

(a) Rs. 1,000
(b) Rs. 24,000
(c) Rs. 25,000
(d) Nothing.

Ans [a]

29. A executes a registered agreement promising his son B to give Rs. 5,00,000 out of natural love and affection.
Choose the correct option:

(a) It is void
(b) It is valid and enforceable
(c) It is voidable at the option of A
(d) It is a contingency contract.

Ans [b]

30. In a suit by seller for the amount of price, in absence of contract to the contrary, the court...

(a) Can award interest from the date on which the price was payable
(b) Can award interest from the date of the demand notice only
(c) Can award interest from the date of institution of suit only
(d) Cannot award interest at all.

Ans [a]

31. When a buyer refuses to accept the delivery of goods which are not in conformity with the contract, ...

(a) The buyer is bound to arrange to send back the goods
(b) The buyer will have lien over the goods to secure return of the consideration paid by him
(c) The buyer shall give intimation of rejection of the goods to the seller
(d) None of the above.

Ans [c]

32. As per the Indian Partnership Act, the relation of partnership arises by .....

(a) Inheritance
(b) Marriage
(c) Status
(d) Contract.

Ans [d]

33. A. A minor admitted to the benefits of a partnership with consent of all partners, becomes a partner after six months of attaining majority, unless he determines his relation.
B. An outgoing partner may, in absence of a contract to the contrary, carry on a business competing with that of the firm.
Choose the correct option in respect of the above statements:

(a) A is correct and B is incorrect
(b) A is incorrect and B is correct
(c) Both are correct

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(d) Both are incorrect.

Ans [c]

34. Continuing guarantee means:
(a) Surety's co-extensive liability with that of borrower
(b) Surety's guarantee to future transactions
(c) Continuation of guarantee after revocation of surety
(d) Continuation of surety after his death.

Ans [b]

35. A. To create an agency, consideration is necessary.
B. The authority of an agent may be implied also.
Choose the correct option:
(a) A is correct and B is incorrect
(b) A is incorrect and B is correct
(c) Both are correct
(d) Both are incorrect.

Ans [b]

36. A. A debtor's payment without any direction as to its appropriation, may be appropriated towards time-barred debt by the creditor.
B. Pawnee is not entitled to receive from the pawnor the extraordinary expenses incurred by him for preservation of the pledged goods.
Choose the correct option:
(a) A is correct and B is incorrect
(b) A is incorrect and B is correct
(c) Both are correct
(d) Both are incorrect.

Ans [a]

37. A. The presumption under Section 90 of the Evidence Act is in respect of truthfulness of the contents of the document.
B. 30 years period of it is to be reckoned from the date of production in the court and not from the date of tendering in evidence.
Choose the correct option in respect of the above statements:
(a) A is correct and B is incorrect
(b) A is incorrect and B is correct
(c) Both are correct
(d) Both are incorrect.

Ans [d]

38. Section 165 of the Indian Evidence Act empowers the judge:
(a) To allow the party to put questions to own witness
(b) To allow the party to put questions to opponents witness
(c) To put himself questions to a party
(d) To allow re-examination of a witness.

Ans [c]

39. A. The presumption under Section 112 of the Indian Evidence Act can be rebutted by DNA Test.
B. Falsus in uno, falsus in omnibus is a rule of law.

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Choose the correct option:

(a) A is correct and B is incorrect
(b) A is incorrect and B is correct
(c) Both are correct
(d) Both are incorrect.

Ans [a]

40. A man is presumed to be dead if he is not heard of as alive for:

(a) Five years
(b) Seven years
(c) Nine years
(d) Ten years.

Ans [b]

41. A is charged with voluntarily causing grievous hurt under Section 325 of the Indian Penal Code. The burden of proving the sudden and grave provocation by the injured is on .....

(a) A
(b) Prosecution
(c) Injured
(d) None of the above.

Ans [a]

42. An email was forwarded by the originator through an email server to the addressee. The court may presume that the message .....

(a) Corresponds with the message fed into the originator's computer
(b) Was sent by the originator
(c) Both (a) and (b) above
(d) None of the above.

Ans [a]

43. A prepared a letter on his laptop and sent by email. The letter may be proved by:

(a) Producing print-out of letter along with certificate under Section 65B of the Indian Evidence Act and oral evidence of A
(b) Producing the laptop, and oral evidence of A
(c) Producing a pen drive or CD containing the letter copied from the laptop and oral evidence of A with Section 65B certificate
(d) Any of the above.

Ans [d]

44. First Information Report can be used for:

(a) Corroborating the evidence of Informant
(b) Contradicting and confronting other witnesses
(c) Confession purpose
(d) Substantive evidence.

Ans [a]

45. A. A statement of an accused to police under Section 27 of the Indian Evidence Act cannot be used as confession.

B. To constitute discovery of a fact, there must be discovery of some physical object.

Choose the correct option.

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(a) A is correct and B is incorrect
(b) A is incorrect and B is correct
(c) Both are correct
(d) Both are incorrect.

Ans [a]

46. Leading questions are not permissible:
A. In cross-examination.
B. In examination-in-chief, without permission of the court.
Choose the correct option.
(a) A is correct and B is incorrect
(b) A is incorrect and B is correct
(c) Both are correct
(d) Both are incorrect.

Ans [d]

47. In a proceeding before Rent Controller, the tenant disclaimed landlord's title. Landlord issued quit notice under Section 116(g) of the Transfer of Property Act and filed regular civil suit for eviction on forfeiture ground. Landlord accepted the rent, but continued the suit.
A. Eviction decree can be passed by regular civil court.
B. Acceptance of rent did not amount to waiver of forfeiture ground.
(a) A is correct and B is incorrect
(b) A is incorrect and B is correct
(c) Both are correct
(d) Both are incorrect.

Ans [c]

48. A. An oral agreement to sell is invalid.
B. An agreement to sell, signed by vendor alone, in evidence of oral agreement, is valid.
Choose the correct option.
(a) A is correct and B is incorrect
(b) A is incorrect and B is correct
(c) Both are correct
(d) Both are incorrect.

Ans [b]

49. As per the Transfer of Property Act, monthly tenancy is terminable on notice of:
(a) One month from the date of notice
(b) One month from the date of receipt
(c) 15 days from the date of notice
(d) 15 days from the date of receipt.

Ans [d]

50. Lis pendens:
(a) prohibits transfer of property involved in the pending suit
(b) mandates prior permission of the court to transfer of immovable property
(c) makes the transfer made pending the lis subject to decree
(d) annuls the conveyance made pending the suit.

Ans [c]

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51. A tenant who continues possession with landlord's consent, after determination of lease is:

(a) a tenant holding over
(b) a tenant at will
(c) a tenant at sufferance
(d) None of the above.

Ans [c]

52. One of the requirements of Section 53A of the Transfer of Property Act is:

(a) Transferee is in adverse possession of the property
(b) Transferee has been or is willing to perform his part of contract
(c) Transferee's right to set the specific performance has been declared as unenforceable
(d) Transferee has paid the whole amount of consideration.

Ans [b]

53. A contract for sale of immovable property creates:

(a) interest in such property
(b) charge on such property
(c) Both (a) and (b) above
(d) Neither interest nor charge.

Ans [d]

54. The rents and profits of the immovable property from the date of agreement till the ownership passes to the buyers, go to:

(a) the seller or buyer, as per the agreement's paid consideration, when agreement is silent about it
(b) both equally, in absence of such agreement
(c) the buyer, in absence of such agreement
(d) the seller, in absence of such agreement.

Ans [d]

55. Unless there is something contrary in the subject and context in the Transfer of Property Act,:

A. "Immovable property" includes standing timber.
B. "Instrument" means testamentary instrument. Choose the correct option.

(a) A is correct and B is incorrect
(b) A is incorrect and B is correct
(c) Both are correct
(d) Both are incorrect.

Ans [d]

56. Plaintiff succeeded in proving that defendant no. 1 accepted Rs. 1 Lakh and entered into agreement to sell the suit property for Rs. 5 Lakh. But, defendant 2 purchased it for Rs. 4 Lakh with knowledge of the plaintiff's agreement. Defendant no. 1 executed sale deed in favour of defendant no. 2. Now what will be the proper course?

(a) To decree the suit, direct defendant no. 1 to execute sale deed and plaintiff to pay the balance price to defendant no. 2
(b) To dismiss the suit
(c) To decree the suit, direct defendant no. 2 to execute sale deed and plaintiff to pay the balance price to defendant no. 2
(d) To decree the suit and direct defendant no. 2 to join defendant no. 1 to execute sale deed and plaintiff to pay balance price to defendant no. 2.

Ans [d]

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57. A suit by vendee for specific performance of contract to sell an agricultural land with condition of the vendor obtaining Collector's permission:

(a) cannot be decreed as the agreement is void
(b) cannot be decreed as the agreement is voidable at the option of the vendor
(c) can be decreed, but execution is subject to obtaining the Collector's permission
(d) can be decreed as the agreement is voidable at the option of vendee.

Ans [c]

58. Application to amend plaint to include alternate claim of refund of earnest money and compensation:

(a) can be allowed as regards earnest money subject to limitation
(b) can be allowed as regards compensation subject to limitation
(c) cannot be allowed
(d) Both can be allowed even if time-barred.

Ans [d]

59. Two daughters and their parents agreed to sell an immovable property jointly owned with a minor daughter, to P with permission of court. The court rejected permission for sale of minor's share. P sued for specific performance of agreement to the extent of parents and major daughters. Specific performance shall be:

(a) refused
(b) allowed to the extent of share of parents only
(c) allowed to the extent of share of two daughters only
(d) allowed to the extent of share of two daughters and parents.

Ans [d]

60. A. An agreement to sell an immovable property mortgaged for less than sale price can be enforced.

B. A landlord can recover possession of the property from the person who unlawfully dispossessed his tenant, under Section 6 of the Specific Relief Act.

Choose the correct option in respect of the above statements.

(a) A is correct and B is incorrect
(b) A is incorrect and B is correct
(c) Both are correct
(d) Both are incorrect.

Ans [c]

61. A. Absence of averment of ready and willingness makes the suit for specific performance of contract liable to be dismissed.

B. Where, granting injunction would cause delay in completion of project of Electricity Distribution, no injunction should be granted.

Choose the correct option in respect of the above statements.

(a) A is correct and B is incorrect
(b) A is incorrect and B is correct
(c) Both are correct
(d) Both are incorrect.

Ans [d]

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62. **A. Court can extend time to deposit the balance price in spite of order in decree to pay it by a certain date and on failure, the suit stands dismissed.**
B. As regards a suit for specific performance of contract of sale of immovable property, the prayer for possession can be made in final decree proceeding.
Choose the correct option in respect of the above statements.
(a) A is correct and B is incorrect
(b) A is incorrect and B is correct
(c) Both are correct
(d) Both are incorrect.

Ans [c]

63. **As per the Specific Relief Act:**
A. Unless and until the contrary is proved, court shall presume that a contract to transfer immovable property cannot be adequately released by monetary compensation.
B. A contract which is in its nature determinable cannot be specifically enforced.
Choose the correct option in respect of the above statements.
(a) A is correct and B is incorrect
(b) A is incorrect and B is correct
(c) Both are correct
(d) Both are incorrect.

Ans [b]

64. **A. Perpetual injunction can be granted by a decree only upon merits of the suit.**
B. Temporary injunction may be granted after the judgment also.
Choose the correct option.
(a) A is correct and B is incorrect
(b) A is incorrect and B is correct
(c) Both are correct
(d) Both are incorrect.

Ans [c]

65. **A suit for cancellation of a written instrument, by a party against whom it is:**
A. Void, is tenable.
B. Voidable, is not tenable. Choose the correct option.
(a) A is correct and B is incorrect
(b) A is incorrect and B is correct
(c) Both are correct
(d) Both are incorrect.

Ans [a]

66. **A. An injunction cannot be granted when the plaintiff has no personal interest in the matter.**
B. A suit by a coparcener against Karta of the family restraining from alienating the house property of the joint family for legal necessity, is not tenable.
Choose the correct option.
(a) A is correct and B is incorrect
(b) A is incorrect and B is correct
(c) Both are correct
(d) Both are incorrect.

Ans [c]

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67. A, a tenant of a residential premises died last year. At the time of his death, his married daughter was residing with him and his unmarried daughter, was residing away and separate from him. Upon his death, as per Section 7(15) of the Maharashtra Rent Control Act, 1999, who becomes "tenant"?

(a) Married daughter
(b) Unmarried daughter
(c) Both
(d) None of the above.

Ans [a]

68. A is a licensee of B under a written agreement of licence for a certain period under the Maharashtra Rent Control Act, 1999. The property is situated in Pune. A continued possession even after expiry of the licence period. Which is the legal forum for B to file eviction proceeding?

(a) Small Causes Court, Pune
(b) Civil Judge Senior Division, Pune
(c) Joint Civil Judge Junior Division, Pune
(d) Competent Authority

Ans [d]

69. In a suit for eviction under the Maharashtra Rent Control Act on wilful default and bonafide requirement grounds, the tenant already paid the arrears of rent till the date of reply to the demand notice but did not regularly deposit rent during the pendency of the suit. The plaintiff could not prove his bonafide need.

(a) Suit is liable to be dismissed as the rent was paid as per the demand notice
(b) Suit is liable to be dismissed by granting one chance to the tenant
(c) Suit is liable to be decreed on wilful default ground
(d) Suit is liable to be decreed on both grounds.

Ans [c]

70. Under the Maharashtra Rent Control Act, in absence of a contract to the contrary, a tenant is not to do the following:

A. Sub-letting
B. Giving on licence
C. Assignment
D. Transfer

Choose the correct option.

(a) A and B
(b) A, B and C
(c) B, C and D
(d) All of the above.

Ans [d]

71. An agreement of leave and licence under the Maharashtra Rent Control Act for ..... needs to be compulsorily registered.

(a) 10 months
(b) 11 months
(c) 12 months
(d) Any period.

Ans [d]

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72. **A. In the absence of written agreement of lease, the landlord is precluded from giving evidence of terms and conditions of lease, under the Maharashtra Rent Control Act.**
B. A suit under the Maharashtra Rent Control Act has to be decided in 9 months.
Choose the correct option.
(a) A is correct and B is incorrect
(b) A is incorrect and B is correct
(c) Both are correct
(d) Both are incorrect.

Ans [d]

73. **As per the Maharashtra Rent Control Act:**
A. It is unlawful for a landlord to accept a deposit to grant lease.
B. It is unlawful for a tenant to claim a sum for relinquishment of tenancy. Choose the correct option.
(a) A is correct and B is incorrect
(b) A is incorrect and B is correct
(c) Both are correct
(d) Both are incorrect.

Ans [d]

74. **As per the Maharashtra Rent Control Act:**
A. Closing of balcony of the tenanted premises without landlord's written consent amounts to causing damage to the building.
B. Erecting a permanent structure by tenant on the let-out premises without landlord's consent is a legal ground for eviction.
Choose the correct option.
(a) A is correct and B is incorrect
(b) A is incorrect and B is correct
(c) Both are correct
(d) Both are incorrect.

Ans [b]

75. **Under the Maharashtra Rent Control Act, for eviction of tenant on non-user grounds, the landlord has no burden to prove the following fact:**
(a) The premises were not used continuously for six months just before the suit
(b) It was not used for the purpose for which it was let-out
(c) The non-user was without reasonable cause
(d) None of the above.

Ans [c]

76. **Assignment of decree of the following ground, under the Maharashtra Rent Control Act is unlawful:**
(a) Tenant contravened Section 108(o) of the Transfer of Property Act
(b) Tenant unlawfully sub-let the premises
(c) Decree was for bonafide occupation of landlord
(d) The premises are required for immediate demolition ordered by Municipal Authority.

Ans [c]

77. **A. In absence of defence of bar of limitation, the court shall not dismiss a suit, appeal or application.**

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B. In computing the period of limitation for any suit, appeal or application, the day from which such period is to be reckoned shall be excluded.

Choose the correct option in respect of the above statements.

(a) A is correct and B is incorrect
(b) A is incorrect and B is correct
(c) Both are correct
(d) Both are incorrect.

Ans [b]

78. A. Period of limitation for suit to recover arrears of rent is three years from the date of demand notice.

B. Period of limitation for suit for specific performance of a contract, in which no date is fixed for the performance, is three years from the date of contract.

Choose the correct option in respect of the above statements.

(a) A is correct and B is incorrect
(b) A is incorrect and B is correct
(c) Both are correct
(d) Both are incorrect.

Ans [d]

79. Limitation to file application for Review of Judgment by a Civil Judge Junior Division is:

(a) 30 days
(b) 60 days
(c) 90 days
(d) 120 days.

Ans [a]

80. Application to bring legal representatives of deceased defendant is to be filed within:

(a) 60 days from the date of knowledge of death
(b) 60 days from the date of death
(c) 90 days from the date of knowledge of death
(d) 90 days from the date of death.

Ans [d]

81. Limitation to enforce payment of money secured by mortgage of property is:

(a) Three years
(b) Twelve years
(c) Twenty years
(d) Thirty years.

Ans [b]

82. Suit for possession under Section 6 of the Specific Relief Act is to be filed within..... from the date of dispossession.

(a) Six months
(b) Three years
(c) Twelve years
(d) Twenty years.

Ans [a]

83. The Statute of Limitation regarding debt.

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(a) bars the remedy
(b) extinguishes the right
(c) bars the remedy and extinguishes the right
(d) bars neither remedy nor right.

Ans [a]

84. Limitation for application under the Code of Civil Procedure for setting aside an abatement is:
(a) 30 days from date of abatement
(b) 30 days from the date of death
(c) 60 days from date of abatement
(d) 30 days from the date of knowledge.

Ans [c]

85. Limitation to file appeal under the Code of Criminal Procedure, to Sessions Court against a sentence is:
(a) 30 days
(b) 60 days
(c) 90 days
(d) 120 days.

Ans [a]

86. Limitation for filing application for setting aside ex-parte decree when the summons was served through substituted service is:
(a) 30 days from the date of decree
(b) 30 days from the date of knowledge
(c) 60 days from the date of decree
(d) 60 days from the date of knowledge.

Ans [b]

87. To which processes, can a court refer the parties to a suit, without the consent of a party?
A. Lok Adalat
B. Mediation
C. Judicial Settlement
D. Conciliation
Choose correct options:
(a) A, B and C
(b) B, C and D
(c) A, B and D
(d) A, C and D.

Ans [a]

88. The "specified value" under the Commercial Courts Act as amended in 2018 means a "commercial dispute" of subject-matter of not less than Rupees which are not to be tried by ordinary civil court.
(a) Three Lakh
(b) Five Lakh
(c) Twenty-five Lakh
(d) One Crore.

Ans [a]

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89. The principal sum adjudged as "such principal sum" referred to in Section 34 of the Code of Civil Procedure, 1908 means:

(a) the principal sum actually advanced
(b) the principal sum actually advanced coupled with interest with periodical rests as per the agreement, till filing of the suit
(c) the principal sum actually advanced coupled with the interest excluding the periodical rests, till filing of the suit
(d) the whole decretal amount.

Ans [b]

90. A. Objection relating to deficit stamp duty must be decided before exhibiting the document.
B. Objection relating to proof of document of which admissibility is not in dispute, may be taken and determined after exhibiting the document.
C. Objection to document which in itself is inadmissible cannot be admitted after exhibiting the document.
Choose the correct option in respect Of the above statements.

(a) A and B are incorrect
(b) B and C are incorrect
(c) C and A are incorrect
(d) All are incorrect.

Ans [b]

91. Where the plaintiff appears and the defendant does not appear in spite of due service of suit summons for settlement of issues, then the court shall:

(a) issue arrest warrant against the defendant
(b) pass an order to proceed ex parte
(c) decree the suit
(d) dismiss the suit.

Ans [b]

92. In which suit may summons for judgment be issued?

(a) Small causes suit
(b) Summary suit
(c) Partition suit
(d) Tenancy suit.

Ans [b]

93. A. A judgment against a defendant who died after the arguments but before the judgment, is not a nullity.
B. Sending a decree to collector for effecting partition as per the decree is called 'precept'.
Choose the correct option in respect of the above statements.

(a) A is correct and B is incorrect
(b) A is incorrect and B is correct
(c) Both are correct
(d) Both are incorrect.

Ans [c]

94. Detention of a judgment debtor in civil imprisonment in an execution of a decree is not permissible:
A. when the judgment debtor intends to apply to be declared as insolvent.
B. where it is a money-decree against a woman.

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C. when the judgment debtor has already undergone civil imprisonment of three months for the same decree.
D. when the money-decree is for not more than 5,000.
Choose the correct option in respect of the above statements.
(a) A only
(b) A and B
(c) A, B and C
(d) All of the above.

Ans [c]

95. A. Filing of appeal operates as stay of proceeding under a decree or order appealed.
B. The court which passed the decree has power to stay the execution at any time if no appeal is filed within limitation.
Choose the correct options in respect of the above statements.
(a) A is correct and B is incorrect
(b) A is incorrect and B is correct
(c) Both are correct
(d) Both are incorrect.

Ans [d]

96. Which of the following are not liable to attachment or sale in execution of a decree?
A. Bullocks and cart of an agriculturist
B. Pay and allowances of Armed Forces' members
C. Voluntary deposits in provident fund
D. Two-third of salary, in execution of maintenance decree
Choose the correct option in respect of the above statements.
(a) A and B
(b) B and C
(c) C and D
(d) A and D.

Ans [a]

97. Cognizable offence means an offence:
A. in which a police officer may arrest without warrant.
B. which may be investigated by police without order of a magistrate.
C. in which police cannot grant bail.
D. cognizance of which can be taken by Magistrate upon police report only.
Choose correct option in respect of the above statements.
(a) A and B
(b) B and C
(c) C and D
(d) A and D.

Ans [a]

98. A Judicial Magistrate First Class convicted an accused for offences punishable under Sections 420 and 468 of the Indian Penal Code. How much maximum imprisonment can he award him?
(a) Three years
(b) Six years
(c) Ten years

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(d) Fourteen years

Ans [b]

99. Out of the following statements, which one is incorrect?

(a) Summons-case procedure shall be followed while trying summons-case.
(b) Warrant-case procedure shall be followed while trying warrant-case.
(c) Summons-case procedure shall be followed while trying warrant-case in a summary way.
(d) Warrant-case procedure shall be followed while trying warrant-case in a summary way.

Ans [d]

100. Judicial Magistrate First Class can grant police custody under Section 167 of the Code of Criminal Procedure for a maximum period of:

(a) Fourteen days from the date of arrest
(b) Fifteen days from the date of arrest
(c) Fourteen days from the date of first production before Magistrate
(d) Fifteen days from the date of first production before Magistrate.

Ans [d]

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