ODISHA JUDICIARY PRELIMINARY EXAMINATION 2024				
Sr. No	Subjects	Question Number	Total Q.	Weightage
	I. Civil Major Law			
1.	Constitution of India	1-11	11	11%
2.	Code of Civil Procedure, 1908	12-20	9	9%
	II. Criminal Major Law			
3.	Indian Penal Code, 1860	31-40	10	10%
4.	Code of Criminal Procedure, 1973	21-30	10	10%
5.	Indian Evidence Act, 1872	41-50	10	10%
	III. Civil Minor Law			
6.	Indian Contract Act, 1872	65-73	9	9%
7	Transfer of Property Act, 1882	83-91	9	9%
8..	Specific Relief Act, 1963	74-82	9	9%
9.	Limitation Act, 1963	56-64	9	9%
10.	Law of Succession (Indian Succession Act & Hindu Succession Act)	92-100	9	9%
	IV. Criminal Minor Law			
11.	Protection of Women from Domestic Violence Act, 2005 and any other relevant law (s), as the High Court may specify from time to time."	51-55	5	5%
Total			100	100%

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Constitution of India

1. Through 42nd Constitutional Amendment, which of the following expressions were added to the Preamble?

a. Sovereign
b. Socialist
c. Secular
d. Integrity

Codes:

(A) Only a, b and c
(B) Only b, c and d
(C) Only a, c and d
(D) a, b, c and d

Ans. [B]

2. The constitution of Election Commission is provided in the Constitution under

(A) Article 323
(B) Article 324
(C) Article 327
(D) Article 329

Ans. [B]

3. Which of the following Judges of the Supreme Court is famously known as the "Green Judge"?

(A) Justice V.R. Krishna Iyer
(B) Justice P.N. Bhagwati
(C) Justice Kuldip Singh
(D) Justice B.N. Kirpal

Ans. [C]

4. Can fundamental rights under Indian Constitution, be waived by a person?

(A) Yes, by every person
(B) Yes, but only by a certain group of persons
(C) Only right conferring a benefit on the individual can be waived
(D) Fundamental rights cannot be waived

Ans. [D]

5. Sixth Schedule of the Indian Constitution contains provisions with regard to administration of tribal areas of some States. Which of the following State is not included in it?

(A) Meghalaya
(B) Mizoram
(C) Tripura
(D) Manipur

Ans. [D]

6. President's Rule under Article 356 of Constitution remains valid in the State for the maximum period of

(A) One year
(B) Two years
(C) Six months
(D) Three years

Ans. [D]

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

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

Ans. [C]

8. Which Schedule of the Constitution of India contains the list of recognized languages?

(A) Sixth Schedule
(B) Seventh Schedule
(C) Eighth Schedule
(D) Fourth Schedule

Ans. [C]

9. Under Indian Constitution, what is not included in freedom to manage religious affairs?

(A) To establish and maintain institutions for charitable and religious purposes
(B) To own and acquire immovable property
(C) To manage its own affairs in matters of religion
(D) To construct a religious place on government land

Ans. [B]

10. The decision of Union of India v. H.S. Dhillon, AIR 1972 SC 1061 concerns

(A) The power of the Parliament to make law with respect to a matter not enumerated in Concurrent List or State List.
(B) The exclusive powers of State Legislature to make law with respect to a matter enumerated in the State List.
(C) The scope of Parliament or Legislature of State to make law in respect of a matter enumerated in Concurrent List.
(D) The relation of Fundamental Rights and Directive Principles of State Policy.

Ans. [A]

11. Which of the following remedies is available against a court's order under Section 10?

(A) Appeal
(B) Revision
(C) Both (A) and (B)
(D) None of the above

Ans. [C]

12. Which of the following Sections of the Code expressly prohibits a suit under certain circumstances?

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(A) Section 10
(B) Section 11
(C) Section 47
(D) All of the above

Ans. [D]

Code of Civil Procedure, 1908

13. Which Order of the Civil Procedure Code provides for a "Representative Suit"?
(A) Order I, Rule 8
(B) Order I, Rule 1
(C) Order II, Rule 1
(D) Order IV, Rule 4

Ans. [A]

14. Order XXXIX, Rule 2 of the Civil Procedure Code deals with
(A) Attachment before judgement
(B) Temporary Injunction
(C) Execution of Decree
(D) Appointment of Receiver

Ans. [B]

15. Under which Section/Order of the Civil Procedure Code, a Provision is made to provide "free legal services to indigent persons"?
(A) Section 151
(B) Section 115
(C) Order XXXIII, Rule 18
(D) Order XXXIII, Rule 2

Ans. [C]

16. Mark the incorrect statement.
(A) Res judicata estops the parties from proving the previous decision to be incorrect.
(B) Res judicata corresponds to that part of the doctrine of estoppel which is known in English law as 'estoppel by record'.
(C) Res judicata is similar to estoppel.
(D) Res judicata ousts the jurisdiction of the court to try the case, while estoppel shouts the mouth of a party, being a rule of evidence.

Ans. [A]

17. The place of suing in a suit for restitution of conjugal rights is the place
(A) Where the husband resides
(B) Where the wife resides
(C) If the wife has never lived at the husband's place the suit must be brought in the court of the place where the wife resides
(D) All of the above

Ans. [D]

18. A party may approach the court for an amendment of his opponent's pleading. Also known as 'compulsory amendment', it is provided for under
(A) Order 6, Rule 14
(B) Order 6, Rule 15
(C) Order 6, Rule 17
(D) Order 6, Rule 18

Ans. [C]

19. If a party who has obtained an order for leave to amend pleading does not amend the same within how many days, he shall not be permitted to do without leave of the court?
(A) Fifteen days
(B) Fourteen days
(C) Twenty days
(D) Thirty days

Ans. [B]

20. Abatement of proceedings is provided for under
(A) Order 22
(B) Order 23
(C) Order 24
(D) Order 25

Ans. [A]

Indian Penal Code, 1860

41. Wrongful confinement in secret is dealt under
(A) Section 344 of IPC
(B) Section 345 of IPC
(C) Section 346 of IPC
(D) Section 347 of IPC

Ans. [C]

42. 'A' is tried for voluntarily causing grievous hurt and convicted. The victim subsequently dies. The State wants to try 'A' for the offence of culpable homicide amounting to murder under IPC. Which one among the following is the correct legal position?
(A) 'A' cannot be tried for the second time as per Section 300 of Code of Criminal Procedure.
(B) 'A' was already convicted and punished and hence can not be tried second time under the law.
(C) 'A' can be tried for the second time for culpable homicide amounting to murder.
(D) 'A' can be tried once again for the same offence that caused his death.

Ans. [C]

43. Extortion by threat of accusation of an offence punishable with death, imprisonment for life or imprisonment for ten years is dealt under
(A) Section 385 of IPC
(B) Section 386 of IPC

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(C) Section 387 of IPC
(D) Section 388 of IPC

Ans. [D]

44. 'A' holds 'B' down and fraudulently takes 'B's cell phone from B's trouser without his consent. Under IPC, 'A' commits the offence of
(A) Robbery
(B) Extortion
(C) Dacoity
(D) Criminal misappropriation

Ans. [A]

45. 'A' obtain a decree against 'B' for a sum not due. It may be an offence under IPC, if 'A' has done so
(A) Negligently
(B) Fraudulently
(C) In good faith
(D) All of the above

Ans. [B]

46. Giving or fabricating false evidence with intent to procure conviction of capital offence is provided under
(A) Section 193 of IPC
(B) Section 194 of IPC
(C) Section 195 of IPC
(D) Section 196 of IPC

Ans. [B]

47. What punishment is provided under Section 298 of IPC for giving or fabricating false evidence with intent to procure conviction of capital offence?
(A) One year
(B) Two years
(C) Three years
(D) Six months

Ans. [A]

48. 'A' finds a gold ring on the road, knowing it to be the property of 'Z, he having unknowingly lost it there 'A' picks up the ring and pledges it with a money lender to raise a loan, 'A' has committed
(A) Dishonest misappropriation of property
(B) Criminal breach of trust
(C) Theft
(D) No offence

Ans. [A]

49. 'A' is carried off by the tiger. 'Z' fires at the tiger in good faith intending to rescue 'A', knowing it to be likely that the shot My kill 'A'. The shot fired by 'Z' gives 'A' a mortal wound. 'Z' has committed
(A) No offence
(B) Culpable homicide not amounting to murder
(C) Offence of causing death by negligence
(D) Murder

Ans. [A]

50. 'A', a police officer tortures 'Z' in order to induce 'Z' to confess that he has committed a crime, here 'A' is guilty of offence of
(A) Criminal force
(B) Assault
(C) Hurt
(D) Extortion

Ans. [C]

Code of Criminal Procedure, 1973

21. The Bharatiya Nagrik Suraksha Sanhita 2023 received the assent of the President on
(A) 24th December, 2023
(B) 25th December, 2023
(C) 26th December, 2023
(D) 27th December, 2023

Ans. [B]

22. Offences against other laws (except I.P.C.) if punishable with imprisonment for 3 years and upward but not more than 7 years, then
(A) It will be cognizable and non-cognizable
(B) Non-cognizable and bailable
(C) Cognizable and bailable
(D) Non-cognizable and non-bailable

Ans. [A]

23. Consider the following statements:
1. A court has no power to release a woman on bail if the offence is punishable with death or imprisonment for life.
2. An accused shall not be released on bail by a court if he had been convicted previously on two or more occasions of a cognizable offence punishable with imprisonment for three years or more.
3. Necessity for identification by witnesses during investigation shall not be sufficient ground for rejection of bail.
Which of the statements given above are correct?
(A) 2 only
(B) 1 and 2 only
(C) 2 and 3 only
(D) 3 only

Ans. [C]

24. The Magistrate's power to order imprisonment in default under Section 30
(A) Cannot be in excess of the Magistrate's power to order sentence under Section 29

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(B) Cannot exceed one-fourth of the period of imprisonment which the Magistrate is competent to sentence
(C) Both (A) and (B)
(D) Only (A)

Ans. [B]

25. Under Section 428, the period of detention undergone by a convict cannot be set off during
(A) Investigation of the case
(B) Trial of the case
(C) Enquiry of the case
(D) Any other case

Ans. [D]

26. Compounding of offence under the provisions of the Code in criminal case when charge was framed, results in
(A) Acquittal of accused
(B) Discharge of accused
(C) Release only
(D) Case filed only

Ans. [A]

27. A charge-sheet is filed under Section 302 of the I.P.C, against five accused 'A', 'B', 'C', 'D' and 'E'. 'A' and 'B' are absconding, 'C' is exempted from personal appearance by the order of the Court, 'D' and 'E' are present in the Court.
The case can be committed to Sessions Court against:
(A) 'A' and 'B'
(B) 'D' and 'F"
(C) 'D' and 'E'
(D) All the accused

Ans. [D]

28. The Court can record demeanor of a witness under which Section of Cr.P.C.?
(A) Section 280
(B) Section 279
(C) Section 278
(D) Section 281

Ans. [A]

29. It is obligatory upon the Court to grant bail to the person convicted pending presentation of an appeal under
(A) Section 389(1)
(B) Section 389(2)
(C) Section 389(3)
(D) Section 389(4)

Ans. [A]

30. Which of the following has been specifically excluded from the definition of complaint under Section 2(d) of the Code of Criminal Procedure, 1973?
(A) Protest petition
(B) Joint complaint
(C) Police report
(D) None of these

Ans. [C]

Indian Evidence Act, 1872

31. As per the Indian Evidence Act, 1872, how old should the electronic record be in order to attract Section 90 A?
(A) Five years
(B) Twelve years
(C) Twenty years
(D) Thirty years

Ans. [A]

32. According to the Indian Evidence Act, which one among the following statements is not correct?
(A) When it is shown that a person was alive within thirty years, the burden of proving that he is dead is on the person who affirms it.
(B) When it is shown that a person was not heard of for seven years by those who would naturally have heard of him if he had been alive, the burden of proving that he is alive is on the person who affirms it.
(C) When it is shown that a person is in possession of anything, the burden of proving that he is not the owner is on the person who affirms that he is not the owner.
(D) When it is shown that one person stands to the other in a position of active confidence, the burden of proving the good faith of a transaction between them is on the party that reposed confidence in the other.

Ans. [D]

33. What does Section 3 of the Indian Evidence Act deal with?
(A) Relevancy of facts
(B) Facts which need not be proved
(C) Facts in issue
(D) None of the above

Ans. [A]

34. Under which Section of the Indian Evidence Act can a witness be cross-examined on previous statements made by them in writing or reduced into writing?
(A) Section 145
(B) Section 146
(C) Section 147
(D) Section 148

Ans. [A]

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35. What is the rule regarding the admissibility of evidence of character in civil cases under the Indian Evidence Act?
(A) Character evidence is always admissible
(B) Character evidence is never admissible
(C) Character evidence is admissible in certain circumstances
(D) None of the above

Ans. [B]

36. Which Section of the Indian Evidence Act deals with the relevancy of statements made in the course of business?
(A) Section 32
(B) Section 33
(C) Section 34
(D) Section 35

Ans. [A]

37. Which of the following document is not a Public Document'?
(A) Judgement of a court
(B) Police charge-sheet
(C) Mercantile Contract
(D) Will

Ans. [D]

38. Section 92 of Indian Evidence Act is applicable to disputes between
(A) the parties to the instrument only
(B) two strangers where the document is in question
(C) a party to the instrument and a stranger
(D) all of the above

Ans. [A]

39. Relevancy and admissibility under Evidence Act are
(A) Synonymous
(B) Coextensive
(C) Neither synonymous nor extensive
(D) None of the above

Ans. [C]

40. The Indian Evidence Act, 1872 was drafted by
(A) Lord Macaulay
(B) Sir James F. Stephen
(C) Lord Huxley
(D) Sir Henry Summermaine

Ans. [B]

Indian Contract Act, 1872

65. Indemnity-holder, acting within the scope of his authority, is entitled to recover from the promisor
(A) All damages which he may be compelled to pay in any suit
(B) All costs which he may be compelled to pay in any suit
(C) All sums which he may have paid under the terms of any compromise of any suit
(D) All of the above

Ans. [D]

Linked Provisions: -
Section 124-147 – Contract of Indemnity or Guarantee.
Explanation: -
Under Section 125 of The following rights are available to an indemnity holder acting within the scope of his authority:
1. Damages Recovery
2. Costs Recovery
3. Right to recoup funds paid under compromise
4. Right to claim for specific performance.

66. Continuing Guarantee has been defined under
(A) Section 124 of the Indian Contract Act
(B) Section 129 of the Indian Contract Act
(C) Section 146 of the Indian Contract Act
(D) Section 148 of the Indian Contract Act

Ans. [B]

Linked Provisions: -
1. Section 124 - "Contract of indemnity" defined.
2. Section 146 - Co-sureties liable to contribute equally.
3. Section 148 - "Bailment", "bailor" and "bailee" defined.

Explanation: -
Under Section 129 of a guarantee which extends to a series of transactions, is called a "continuing guarantee".

67. Who said that "An offer need not be made to an ascertained person, but no contract can arise until it has been accepted by an ascertained person"?
(A) Lord Atkin
(B) Lord Goddard
(C) Chashre and Fifoot
(D) Anson

Ans. [D]

Explanation: -
Anson **said that an offer need not be made to an ascertained person, but no contract can arise**

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until it has been accepted by an ascertained person.

68. Quasi-contract emerged from

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

Ans. [B]

Linked Provisions: -
Chapter-V, Section 68 – 72 is mentioned quasi-contract in the Indian contract Act.

Explanation: -
In the quasi-contract can be traced to the medieval form of action known as indebitatus assumpsit. In essence, the plaintiff would recover a money sum from the defendant as if the defendant had promised to pay it: that is, as if there were a contract subsisting between the parties.

69. Which of the following is not a quasi-contract?

(A) Obligation of person enjoying benefit of non-gratuitous act
(B) Responsibility of finder of goods
(C) Quantum meruit
(D) Novation

Ans. [D]

Linked Provisions: -
Chapter-V, Section 68 – 72 is mentioned quasi-contract in the Indian contract Act.

Explanation: -
Novation means the process of substituting an existing contract with a replacement contract, where the contracting parties reach a consensus but it not related to Quasi-contract.

70. 'X' contracted with a tent house for erecting a shamiana for performing the marriage of his daughter. On the day of marriage, a curfew was clamped in the area preventing the celebration of the marriage. The shamiana owner claims the charges agreed to be paid by 'X'. In the light of the above, which one of the following is correct?

(A) 'X' has to pay the contracted charges
(B) 'X' need not pay the agreed charges but only reasonable charges
(C) 'X' can require the state to bear the claim for damages
(D) 'X' need not pay anything as the celebration of the marriage was impossible on account of the curfew

Ans. [D]

Explanation: -
The shamiana owner claims the charges agreed to be paid by 'X'. In the light of the above, 'X' need not pay anything as the celebration of the marriage was impossible on account of the curfew .

71. 'X' and 'Y' jointly take a loan from "Z with promise to repay the loan amount with interest within two years. Soon after taking the loan, 'X' is declared as an insolvent and remains insolvent till the date of repayment of loan. 'Y' also fails to repay the loan. 'X' on account of his status as insolvent enjoys immunity from legal proceedings. In these circumstances

(A) 'Z' can in law institute a suit for recovery of, only 50% of the outstanding from Y
(B) 'Z' is entitled in law to sue Y alone for recovery of the entire outstanding amount
(C) 'Z' is not entitled to sue 'Y' also for recovery of loan amount till the order of insolvency of 'X' ceases to operate
(D) 'Z' is entitled in law to sue 'Y' for 50% of the principal amount due and the entire interest outstanding

Ans. [B]

Explanation: -
If 'Y' also fails to repay the loan. 'X' on account of his status as insolvent enjoys immunity from legal proceedings. In these circumstances 'Z' is entitled in law to sue Y alone for recovery of the entire outstanding amount.

72. Where two parties have made a contract which one of them has broken, the damages which the other party ought to receive in respect of such breach should be such as may fairly and reasonable be considered either arising naturally or reasonable be supposed to have been in contemplation of both the parties at the time of entering the contract. This statement was laid down in the case of

(A) Frost v. Knight
(B) Hadley v. Baxendale
(C) Dunlop Pneumatic Tyre Ltd. v. New Garage and Motor Co. Ltd.
(D) General v. Barker

Ans. [B]

Linked Provisions: -
Section 73 – Compensation for loss or damage caused by breach of contract.

Explanation: -
Above the given statement was laid down in the case of the rule of Hadley v. Baxendale is incorporated in the first proviso of Section 73 of the Indian Contract Act, 1872.

73. Section 73 of the Indian Contract Act, 1872 is based on the law of

(A) Lumley v. Wagner case

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(B) Paradine v. Jane case
(C) Taylor v. Caldwell case
(D) Hadley v. Baxendale case

Ans. [D]

Linked Provisions: -

Section 73. Compensation for loss or damage caused by breach of contract.

Compensation for failure to discharge obligation resembling those created by contract.

Explanation: -

The Court of Exchequer, led by Baron Sir Edward Hall Alderson, declined to allow Hadley to recover lost profits, holding that Baxendale could be held liable only for losses that were generally forceable, or if Hadley had mentioned his special circumstances in advance.

Transfer of Property Act, 1882

83. Doctrine of 'lis pendens' embodied in Section 52, Transfer of Property Act

(A) Invalidate the transfer of immovable property during pending of the suit
(B) It only enacts that the purchaser pendente lite suit is bound by the result of the litigation
(C) It bars the transfer of property during pending of the suit
(D) It protects the right of collusive transferee

Ans. [B]

Linked Provisions: -

1. Section 52 was laid down from the case of Bellamy v. Sabine, the principle of lis pendens
2. Section 52 - Order of performance of reciprocal promises.

Explanation: -

The maxim is "pendente lite nihil innovature" which means nothing new should be introduced during the pendency of litigation. This doctrine prohibits the transfer of property in pending litigation.

84. 'A' makes a gift of land to 'B'. 'C' sues 'A' for possession of the land. While the suit is pending, 'B' transfers the land to 'D'. 'A' dies and 'C' obtain a decree for possession against 'B' as legal representative of 'A'. Is 'D's title affected by the rule of lis pendens so as to be subject of 'C's decree?

(A) Yes, because transfer is without consideration
(B) No, because 'B' was not a party to the suit at the time of transfer by 'B' to 'D'
(C) 'B' is not legal representative of 'A' for 'C's decree
(D) After gift made to 'B', 'C' cannot sue 'A' for possession of the land

Ans. [B]

85. Match List-I with List - II and select the correct answer using the codes given below the lists.

List - I	**List - II**
a. Sale	**1. Section 21**
b. Marshalling	**2. Section 122**
c. Gift	**3. Section 54**
d. Contingent interest	**4. Section 81**

Codes:

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

Ans. [B]

Linked Provisions: -

1. Section 54-57- Of Sales Of Immoveable Property.
2. Section 21 - Contingent interest.
3. Section 81 - Marshalling securities.
4. Section 122-129 – Gifts.

86. 'A' takes a loan of Rs. 5,000 from 'B' and mortgages his house as security. In the mortgage deed, it was also mentioned that if he could not pay the amount within 5 years, then 'B' will have right to sell the house and recover his amount. If the money could not be recovered from sale of house, then 'A' will be personally liable. It is

(A) Mortgage by conditional sale
(B) English mortgage
(C) Usufructuary mortgage
(D) Simple mortgage

Ans. [D]

Linked Provisions: -

Section 58 - "Mortgage", "mortgagor", "mortgagee", "mortgage-money"and "mortgagedeed"defined.

1. Simple mortgage.
2. Mortgage by conditional sale.
3. Usufructuary mortgage.
4. English mortgage.
5. Mortgage by deposit of title-deeds.
6. Anomalous mortgage.

Explanation: -

A simple mortgage is a system wherein the borrower gives his/her property to the lender to get a loan. Both the parties sign the agreement for the transaction. In a simple mortgage arrangement, the borrower gives rights to sell the property to the lender in case 'A' fails to repay the loan.

In the above scenario If the money could not be recovered from sale of house, then 'A' will be personally liable. It is Simple Mortgage.

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87. The mortgagor's right to redeem the mortgage property accrues

(A) at any time after the mortgage
(B) at any time after the mortgage money has become due
(C) at any time when the mortgagor wants
(D) at any time, mortgagee demands the money

Ans. [B]

Linked Provisions: -

Under Section 60 Essential elements of Right of Redemption.

1. Legal validity of mortgage.
2. Due to principle
3. Payment of dues money.
4. Filing of the suit.

Explanation: -

Right of redemption section 60 of Transfer of Property Act describes the right of redemption- Right of the mortgagor to redeem at any time once the principal cash has become due.

88. The mortgagee has a right to sue for the mortgage money in the following cases namely

(A) Section 68 (1) (c) where the mortgage is deprived of the whole or part of his security by or in consequence of the wrongful act or default of the mortgagor
(B) Section 68 (1) (d) where, the mortgagee being entitled to possession of the mortgaged property, the mortgagor fails to deliver the same to him or to secure the possession thereof to him without disturbance by the mortgagor or any person claiming under a title superior to that of the mortgagor
(C) Both (A) and (B)
(D) None of the above

Ans. [C]

Linked Provisions: -

Section 67-77 - Rights and liabilities of Mortgagee.

Explanation: -

Under Section 68 - Right to sue for mortgage-money –

(1) (a) where the mortgagor binds himself to repay the same;
(b) where by any cause other than the wrongful act or default of the mortgagor or mortgagee, the mortgaged property is wholly or partially destroyed or the security is rendered insufficient within the meaning of section 66, and the mortgagee has given the mortgagor a reasonable opportunity of providing further security enough to render the whole security sufficient, and the mortgagor has failed to do so;
(c) where the mortgagee is deprived of the whole or part of his security by or in consequence of the wrongful act or default of the mortgagor;
(d) where, the mortgagee being entitled to possession of the mortgaged property, the mortgagor fails to deliver the same to him, or to secure the possession thereof to him without disturbance by the mortgagor or any person claiming under a title superior to that of the mortgagor.

89. Match List-I with List-II and select the correct answer using the codes given below the lists.

List - I

a. Doctrine of Subrogation
b. Doctrine of Consideration
c. Doctrine of Accumulation
d. Doctrine of lis pendens

List - II

1. Section 17, TPA
2. Section 52, TPA
3. Section 61, TPA
4. Section 92, TPA

Codes:

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

Ans. [D]

Linked Provisions: -

Section 61 - **Doctrine of Consideration.**
Section 17 - **Doctrine of Accumulation.**
Section 92 – Doctrine of Subrogation.
Section 52 – Doctrine of lis pendes.

90. 'A' owes money to 'B', who transfers the debt to 'C'. 'B', then demands the debt from 'A', who not having received notice of the transfer, as prescribed in Section 131 of T.P. Act, pays 'B'. The payment is

(A) Void
(B) Voidable
(C) Valid and 'C' can sue 'A' for debt
(D) Valid and 'C' cannot sue 'A' for the debt

Ans. [D]

Linked Provisions: -

Sections 130-137 - Actionable Claims.

Explanation: -

Under Section 130 of Illustration (1) A owes money to B, who transfers the debt to C, B then demands the debt from A, who, not having received the notice of the transfer, as prescribed in section 131, pays B.

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The payment is valid, and C cannot sue A for the debt.

91. Which of the following gifts is valid?

(A) 'A' gives Rs. 5,000 to 'B' on condition that he shall murder 'C'

(B) 'A' makes a gift of his field to 'B' with a proviso that if 'B' becomes insolvent, 'B's interest in the field shall cease

(C) 'A' makes a gift of his field to 'B' with a condition that if 'B' does not within a year set fire to 'C's house, his interest shall cease

(D) 'A' makes a gift of a house to 'B' on the condition that the gift will be forfeited if 'B' does not reside in it

Ans. [D]

Linked Provisions: -

Sections 122-129 – Gifts.

Explanation: -

A makes a gift of a house to B on condition that the gift will be forfeited if B does not reside in it. The condition is valid, for the gift is not an absolute gift but it is a gift subject to a condition of a defeasance, or of revocation.

Specific Relief Act, 1963

74. For the purposes of the Specific Relief Act, 1963 the word "settlement" means

(A) An instrument whereby the destination or devolution of successive interests in movable property is disposed of

(B) An instrument including codicil or will whereby the destination or devolution of successive interests in immovable property is disposed of or is agreed to be disposed of

(C) An instrument including codicil or will whereby the devolution of successive interests in movable or immovable property is disposed of

(D) An instrument including codicil or will whereby the destination or devolution of successive interests in movable or immovable property is disposed of or is agreed to be disposed of

Ans. [D]

Linked Provisions: -

Section 25 - Application of preceding sections to certain awards and testamentary directions to execute settlements.

Explanation: -

Under Section 2(b) "settlement" means an instrument (other than a will or codicil as defined by the Indian Succession Act, 1925 (39 of 1925), whereby the destination or devolution of successive interests in movable or immovable property is disposed of or is agreed to be disposed of.

75. The Specific Relief Act, 1963 is the provide of

(A) 8th Report of the Law Commission of India on Specific Relief on 1958

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

(C) 10th Report of the Law Commission of India on Specific Relief on 1958

(D) None of the above

Ans. [D]

Explanation: -

The Specific Relief Act, 1963 is an Act of the Parliament of India which provides remedies for persons whose civil or contractual rights have been violated. It replaced an earlier Act of 1877.

76. An order or decree passed in a suit presented under Section 6 of the Specific Relief Act is

(A) Appealable

(B) Reviewable

(C) Neither appealable nor reviewable

(D) Appealable and reviewable both

Ans. [C]

Linked Provisions: -

Section 6 - Suit by person dispossessed of immovable property.

Explanation: -

Section 6 is only applicable if the plaintiff proves –

i. That he is in juridical possession of the immovable property in dispute.

ii. That he had been dispossessed of without his consent and without due process of law.

iii. That dispossession took place within six months from the date of suit.

Under Section 6 was introduced to expeditiously resolve matters hence, there shall lie no appeal against any order or decree in any suit instituted under this section, nor shall any review of such decree or order be allowed –

Section 6(3). This clearly emphasizes that the order or decree passed under this section is a case decided and only Revision as under Section 115 of the CPC ,1908 shall be allowed.

77. A defendant in a suit for recovery of possession of immovable property

(A) Can take the plea of lawful title and in the alternative the plea of adverse possession

(B) Cannot take the plea of lawful title and in the alternative the plea of adverse possession as the two are antithetical to each other

(C) Can take a plea of lawful title and in the alternative the plea of adverse possession and succeed on both

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(D) Can take a plea of lawful title and in the alternative the plea of adverse possession and succeed on either

Ans. [B]

Linked Provisions: -

1. Section 5-8 - Recovery of specific immovable property.
2. The law of Adverse Possession is contained in the Article 65 Sch-I of the Limitation Act, 1963

Explanation: -

A defendant in a suit for recovery possession cannot take the plea of lawful title and in the alternative the plea of adverse possession as the two are antithetical to each other.

78. If any person is dispossessed of immovable property without his consent otherwise than in due course of law, he may, by a suit, recover possession thereof, not withstanding any other title that may be set up in such suit, within a period of

(A) Six months from the date of dispossession
(B) Three months from the date of dispossession
(C) One year from the date of dispossession
(D) Three years from the date of dispossession

Ans. [A]

Linked Provisions: -

Section 5-8 - Recovery of specific immovable property.

Explanation: -

Under Section (2) No suit under this section shall be brought—

(a) after the expiry of six months from the date of dispossession; or
(b) against the Government.

79. Which of the following proposition is correct?

(A) Where a party to the contract has not obtained substituted performance of contract in accordance with the provisions of Section 20 of the Specific Relief Act, 1963
(B) A contract, the performance of which involves the performance of a continuous duty which the court cannot supervise
(C) A contract, which is in its nature not determinable
(D) All of the above

Ans. [B]

Linked Provisions: -

1. Section 14 - Contracts not specifically enforceable.
2. Section 2(h) – Contract – An Agreement enforceable by law is a contract. (ICA)

Explanation: -

Section 14(b) now states that a contract cannot be specifically enforced "the performance of which involves the performance of a continuous duty which the court cannot supervise.

80. Mr. 'A' makes an allegation that Mr. 'B' assaulted him and physically injured him. Mr. 'B' states that the allegation is mischievous and false. He seeks to file a suit to restrain Mr. 'A' from instituting or prosecuting any proceedings in a criminal matter. In view of Section 41 of the Specific Relief Act, 1963, which one of the following is true?

(A) The court can restrain Mr. 'A' from instituting or prosecuting any proceedings in a criminal matter
(B) The court can pass a restrain order provided it is proved that Mr. 'A' is making a false allegation
(C) The court can pass a restrain order in favour of Mr. 'B' provided he deposits appropriate security in court
(D) No such injunction can be granted

Ans. [D]

Linked Provisions: -

1. Section 36-37 – injunction generally.
2. Section 38-42 – Perpetual injunction.
3. Section 41 - Injunction when refused.

Explanation: -

Above given that statement in the context of Section 41 no such injunction can be granted.

81. In which of the following case, Supreme Court ruled that a suit seeking merely declaration to title of ownership about a property without seeking possession, when the plaintiff is not in possession of the property is not maintainable?

(A) Union of India v. Ibrahim, (2012) 8 SCC 148
(B) Rukhmabal v. Lala Laxminarayan, AIR (1960) SC 335
(C) Mayawanti v. Kaushalya Devi, (1990) 3 SCC 1
(D) Ramzan v. Hussaini, (1990) 1 SCC 104

Ans. [A]

Linked Provisions: -

Section 5 of the Specific Relief Act, 1963, provides that a person entitled to the possession of specific immovable property may recover it in the matter provided by the Code of Civil Procedure, 1908.

This is a suit on the basis of title-as is clear from the word "entitled". In such a suit, possession is not a fact in issue; the fact in issue is title, but possession creates a presumption by virtue of section 110 of the Evidence Act

Explanation: -

Union of India v. Ibrahim held that Supreme Court ruled that a suit seeking merely declaration to title of ownership about a property without seeking

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possession, when the plaintiff is not in possession of the property is not maintainable.

82. In which of the following cases, injunction cannot be granted?

i. If it would impede or delay the progress or completion of any infrastructure project or interfere with the continued provision of relevant facility related thereto or services being the subject matter of such project

ii. When the plaintiff has personal interest in the matter

iii. To prevent the breach of a contract, the performance of which would not be specifically enforce iv. To restrain any person from instituting or prosecuting any proceeding in a civil matter

Codes:

(A) i and iv
(B) ii, iii and iv
(C) i and iii
(D) i, ii and iv

Ans. [C]

Linked Provisions: -

1. Order XXXIX Rule 1-10 – Temporary Injunction (CPC)
2. Section 36-37 – injunction generally.
3. Section 38-42 – Perpetual injunction.

Explanation: -

When the plaintiff has personal interest in the matter cannot be granted.

Limitation Act, 1963

56. Where the prescribed period of limitation for any application is expiring on a holiday, the application

(A) should be made a day prior to holiday
(B) may be made on the day when the court reopens
(C) may be made within thirty days of reopening of the court
(D) may be made on any day after the court reopens

Ans. [B]

Linked Provisions: -

Section 4 - Expiry of prescribed period when court is closed —

Where the prescribed period for any suit, appeal or application expires on a day when the court is closed, the suit, appeal or application may be instituted, preferred or made on the day when the court reopens.

Explanation. —

A court shall be deemed to be closed on any day within the meaning of this section if during any part of its normal working hours it remains closed on that day.

57. Section 5 of the Limitation Act applies to

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

Ans. [B]

Linked Provisions: -

Section 5 - Extension of period in certain cases. L/w Order XXI of CPC .

Explanation: -

According to Section 5 of the Limitation Act, 1963, any appeal or application. may be accepted even after the limitation period for the same is over, if the appellant/applicant assures the court that he had a sufficient cause for not being able to file the appeal/application during the limitation period.

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

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

Ans. [A]

Linked Provisions: -

Section 5 - Extension of period in certain cases

Explanation: -

Section 5 does not apply to suits, but only to appeals and to applications except for applications under Order XXI of the Civil Procedure Code.

59. Which of the following proposition is incorrect?

(A) Where the disability continues up to the death of that person, his legal representative may institute the suit within the same period after the death, as would otherwise have been allowed from the time so specified
(B) Where once time has begun to run, no subsequent disability or inability to institute a suit or make an application stops it
(C) In computing the period of limitation for any suit, the day from which such period is to be reckoned, shall not be excluded
(D) In computing the period of limitation for an application to set aside an award, the time requisite for obtaining a copy of award shall be excluded

Ans. [C]

Linked Provisions: -

1. Section 6 – Legal Disability.
2. Section 9 - Continuous running of time.
3. Section 12 Exclusion of time in legal proceedings.

Explanation: -

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Above the given proposition is incorrect but this Section 12(1) provides that 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.

60. In which of the following circumstance, the plaintiff shall not get the benefit as provided under Section 14 of the Limitation Act?

(A) Where another civil proceeding is disposed of after adjudication on merits by the competent court
(B) Where another civil proceeding is disposed of for want of jurisdiction to the said court
(C) Where another civil proceeding was diligently prosecuted by the plaintiff in good faith in a court having no jurisdiction to try the said matter
(D) None of the above

Ans. [A]

Linked Provisions: -

1. Order XXXIII Rule 2 – Contents of Application. (CPC)
2. Section 14 - Exclusion of time of proceeding bona fide in court without jurisdiction.

Explanation: -

Under Section 14(2) In computing the period of limitation for any application, the time during which the applicant has been prosecuting with due diligence another civil proceeding, whether in a court of first instance or of appeal or revision, against the same party for the same relief shall be excluded, where such proceeding is prosecuted in good faith in a court which, from defect of jurisdiction or other cause of a like nature, is unable to entertain it.

61. The important case of the Supreme Court N. Balakrishnan v. M. Krishnamurthy, (1998) 7 SCC 123 is related to

(A) Length of delay is no matter; acceptability of the explanation is the only criterion
(B) The condonation of delay is a matter of discretion of the court
(C) Widened the scope and ambit of law of limitation
(D) All of the above.

Ans. [D]

Explanation: -

In this **N. Balakrishnan v. M. Krishnamurthy** SC held: "It is axiomatic that condonation of delay is a matter of discretion of the court. Section 5 of the Limitation Act does not say that such discretion can be exercised only if the delay is within a certain limit.

62. A suit for possession of immovable property based on title can be brought within 12 years from

(A) the date of dispossession
(B) the date of demand of possession
(C) the date on which the defendant refuses to deliver possession
(D) the date on which possession of defendant becomes adverse

Ans. [A]

Explanation: -

Article 64 governs suits for possession based on possessory right. Twelve years from the date of dispossession is the starting point of limitation under Article 64.

63. If the defendant is abroad during the period of limitation

(A) such period is excluded from the period of limitation
(B) such period is included in the period of limitation
(C) such period is excluded from the period of limitation only if the period to stay abroad is more than thirty days
(D) none of these

Ans. [A]

Linked Provisions: -

Section 15 - Exclusion of time during which proceedings are suspended.

Explanation: -

Section 15(5) - In computing the period of limitation for any suit the time during which the defendant has been absent from India and from the territories outside India under the administration of the Central Government, shall be excluded.

64. Which of the following amount to presenting civil proceedings with 'due diligence and in good faith' within the meaning of Section 14 of the Limitation Act?

(A) Failure to pay the requisite court fee found deficient
(B) Error of judgement in valuing a suit
(C) Both (A) and (B)
(D) Neither (A) nor (B)

Ans. [D]

Explanation: -

Section 14 of the Limitation Act, 1963 are that the party should be prosecuting another civil proceedings with due diligence and that the prosecution should be in good faith. It is not enough that one part is satisfied. Both due diligence and good faith must be established.

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Law of Succession (Indian Succession Act & Hindu Succession Act)

92. Under the provisions of Hindu Succession Act, 1956, any property inherited by a female Hindu from her father or mother shall devolve, in absence of any son or daughter of the deceased (including the children of any pre-deceased son of daughter)

(A) Upon the heirs referred to in Section 15(1) of the Act
(B) Upon the heirs of deceased female Hindu's father
(C) Upon the heirs of deceased female Hindu's husband
(D) None of the above

Ans. [B]

Explanation: -

Under Section 15 Notwithstanding anything contained in sub-section (1)—

(a) any property inherited by a female Hindu from her father or mother shall devolve, in the absence of any son or daughter of the deceased (including the children of any pre-deceased son or daughter) not upon the other heirs referred to in sub-section (1) in the order specified therein, but upon the heirs of the father; and

(b) any property inherited by a female Hindu from her husband or from her father-in-law shall devolve, in the absence of any son or daughter of the deceased (including the children of any pre-deceased son or daughter) not upon the other heirs referred to in sub-section (1) in the order specified therein, but upon the heirs of the husband.

93. Proceedings to be in camera and may not be printed or published, is provided in Section of the Hindu Marriage Act, 1955?

(A) Section 24
(B) Section 22
(C) Section 21
(D) Section 23

Ans. [B]

Linked Provisions: -

1. Section 21 - Application of Act 5 of 1908.
2. Section 23 - Decree in proceedings.
3. Section 23A - Relief for respondent in divorce and other proceedings.
4. Section 24 - Maintenance pendente lite and expenses of proceedings.

Explanation: -

Under Section 22(1) Every proceeding under this Act shall be conducted in camera and it shall not be lawful for any person to print or publish any matter in relation to any such proceeding except a judgment of the High Court or of the Supreme Court printed or published with the previous permission of the court.

94. Escheat under Hindu Succession Act means -

(A) Individual dies intestate and doesn't leave behind an heir
(B) Individual dies intestate and doesn't leave behind an heir, who is qualified to succeed to the property
(C) Individual dies intestate and doesn't leave behind an heir, who is qualified to succeed to the property, the property devolves on the Government
(D) Individual dies intestate and doesn't leave behind an heir, who is qualified to succeed to the property, the property doesn't devolve on the Government

Ans. [C]

Explanation: -

Section 29 of the Hindu Succession Act, 1956 embodies the principle of escheat. The doctrine of escheat postulates that where an individual dies intestate and does not leave behind an heir who is qualified to succeed to the property, the property devolves on the Government.

95. What is codicil?

i. It is a schedule to any kind of will.
ii. It must be created by the original creator of will.
iii. It is an addendum of any kind to a will.
iv. It doesn't alter provisions of the will.

Codes:

(A) i and ii
(B) ii and iv
(C) ii and iii
(D) iii and iv

Ans. [C]

Linked Provisions: -

Section 2(b) of the Indian Succession Act defines a codicil.

Explanation: -

A codicil is a legal document that allows a person to make changes to their will without having to create an entirely new will. It is used to add, remove, or modify provisions in a will, as long as the changes are not too significant.

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

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

Ans. [B]

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Explanation: -
That the interest of coparceners devolves by survivorship and not by inheritance; and that the male issue of a coparcener acquires an interest in the coparcenary property by birth, not representing his father but in his own independent right acquired by birth.

97. Under the Hindu Succession Act, 1956, daughter's son and father of a male Hindu are legal heirs and they are placed as the following
(A) Both are placed as class I heir of the Schedule
(B) Father is placed in class I and daughter's son is placed in class II of the Schedule
(C) Daughter's son is placed as class I and father as class II heir of the Schedule
(D) Both are class II heirs of the Schedule

Ans. [C]

Explanation: -
Class I: Class I heirs include son, daughter, mother, widow and grandchildren, who can claim rights to a property. In the case of multiple surviving heirs, each is given a share of the property. If a widow or brother's widow remarries, then they can't claim any rights to a property.
Class II: Class II heirs are the father's brother, sister or any grandchildren and any siblings related directly by blood.

98. The convert's descendants under the Hindu Succession Act, 1956 will be
(A) qualified to inherit the property
(B) partially qualified to inherit the property
(C) partially qualified and partially disqualified to inherit the property
(D) disqualified to inherit the property

Ans. [D]

Explanation: -
Section 26 - Convert's descendants disqualified—Where, before or after the commencement of this Act, a Hindu has ceased or ceases to be a Hindu by conversion to another religion, children born to him or her after such conversion and their descendants shall be disqualified from inheriting the property of any of their Hindu relatives, unless such children or descendants are Hindus at the time when the succession opens.

99. In the case of Prakash vs Phulwati, 2016 2 SCC 36, the court dealt with
(A) Section 5 of Hindu Succession Amendment Act, 2005
(B) Interpretation of Section 6 of Hindu Succession Act, 1956 as amended by Hindu Succession Amendment Act, 2005
(C) Question of retrospective application of Hindu Succession Amendment Act, 2005
(D) None of the above

Ans. [C]

Explanation: -
The case law on this issue has been unclear and contradictory so far. In Prakash v Phulavati (2016), a single-judge bench of the Supreme Court held that section 6, as amended in 2005, did not apply retrospectively, and thus only applied to those cases where both the father and his daughter were alive on the September 9th 2005, when the amendment came into effect.

100. The system of a joint family with its incident of succession by survivorship is a peculiarity of the Hindu law. The beneficial interest of each coparcener in Mitakshara law is liable to fluctuation, increasing by the death of another coparcener and decreasing by the birth of a new coparcener.
(A) G. Rajendra v. Smt. G. Nalini, 2020
(B) Vineeta Sharma v. Rakesh Sharma, 2020
(C) Prakash v. Phulwati, 2020
(D) None of the above

Ans. [A]

Explanation: -
G. Rajendra v. Smt. G. Nalini held that the system of a joint family with its incident of succession by survivorship is a peculiarity of the Hindu law. The beneficial interest of each coparcener in Mitakshara law is liable to fluctuation, increasing by the death of another coparcener and decreasing by the birth of a new coparcener.

Protection of Women from Domestic Violence Act, 2005 and any other relevant law (s), as the High Court may specify from time to time."

51. Which statements cover the definition of "domestic violence" under the PWDV Act, 2005 ?
1. Any physical, emotional, or economic harm inflicted by a family member.
2. Any act of violence committed against a woman in her home.
3. Any form of abuse that occurs within a domestic setting.
(A) 1 and 2 only
(B) 2 and 3 only
(C) 1, 2 and 3
(D) 1 only

Ans. [C]

Linked Provisions: -
Section 2(g) "domestic violence" has the same meaning as assigned to it in section 3.

Explanation: -
Under Section 3 - Definition of domestic violence—

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(a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or

(b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or

52. Which of the following is not a form of domestic violence recognized under the PWDV Act, 2005?

(A) Physical abuse
(B) Verbal abuse
(C) None is true
(D) Both are true

Ans. [D]

Linked Provisions: -
Section 3 - Definition of domestic violence.
Explanation: -
Under Section 3(b) of explanation to given that definition physical abuse,sexual abuse, "verbal and emotional abuse or economic abuse.

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

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

Ans. [D]

Linked Provisions: -
1. Section 2(c) "compensation order means an order made in terms of section 22.
2. Section 2(d) "custody order" means an order made in terms of section 21
3. Section 2(o) "protection order" means an order made in terms of section 18;
4. Section 2(p) "residence order.

Explanation: -
Under Section 22 —In addition to other reliefs as may be granted under this Act, the Magistrate may on an application being made by the aggrieved person, pass an order directing the respondent to pay compensation and damages for the injuries, including mental torture and emotional distress, caused by the acts of domestic violence committed by that respondent.

54. What is the punishment provided under Section 31 of the PWDV Act, 2005 ?

(A) 3 years imprisonment
(B) 1 year imprisonment
(C) 5 years imprisonment
(D) 6 months

Ans. [B]

Linked Provisions: -
Section 498A (Sec 85 or 86 BNS) - the Magistrate may also frame charges under section 498A of the IPC or any other provision of that Code or the Dowry Prohibition Act,
Explanation: -
Under Section 31(1) A breach of protection order, or of an interim protection order, by the respondent shall be an offence under this Act and shall be punishable with imprisonment of either description for a term which may extend to one year, or with fine which may extend to twenty thousand rupees, or with both.

55. Statement 1: The PWDV Act, 2005 provides for the establishment of Protection Officers to assist victims of domestic violence.
Statement 2: The PWDV Act, 2005 provides for rehabilitation of children of victim of domestic violence.

(A) Only 1 is true
(B) Only 2 is true
(C) Both are true
(D) None of the above is true

Ans. [A]

Linked Provisions: -
1. Section 4-11 - Powers And Duties Of Protection Officers, Service Providers, Etc.
2. Section 30 - Protection Officers and members of service providers to be public servants.
3. Section 33 - Penalty for not discharging duty by Protection Officers.
4. Section 34 - Cognizance of offence committed by Protection Officer.

Explanation: -
In the context of statement 1 is true an Act to provide for more effective protection of the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family and formatters connected therewith or incidental thereto.
The Rules provide for duties and functions of the Protection Officers which shall be as under:
to assist the aggrieved person in making a compliant under the Act. If the aggrieved person so desires;
to assist the person in making any application under section 12, or sub-section (2) of section 23 or any other provision of the Act.

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