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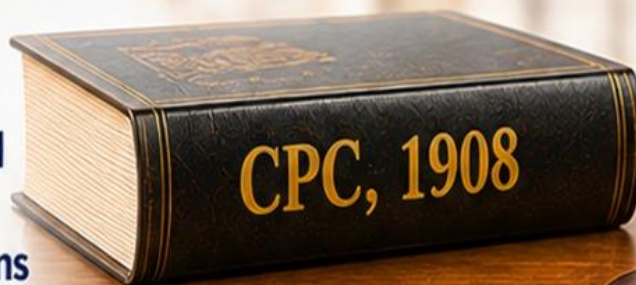
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AIBE PRACTICE MCQs (CPC, 1908)

1. Which of the following Section in the Code of Civil Procedure, 1908 deals with settlement of disputes outside the court?

- (a) Section 88 (b) Section 89
(c) Section 90 (d) Section 91

2. Civil Procedure Code 1908 extends -

- (1) to the whole of India except the state of Jammu and Kashmir
(2) to the whole of India except Nagaland and Manipur state.
(3) to the whole of India except Nagaland and the tribal areas.
(4) to the whole of India except Jammu and Kashmir, Nagaland and tribal areas

3. Arrange the following in the chronological order on the basis of Sections of Civil Procedure Code, 1908-

- (I) Institutions of Suits
(II) Res Judicata
(III) Legal representative
(IV) Arrest and detention

Select the correct answer-

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

4. Code of Civil Procedure (Amendment) Act, 1999 (46 of 1999) came into force on:

- (a) 1 January, 2002
(b) 1 July, 2002
(c) 1 January, 2003
(d) 1 July, 2003

5. Which of the following statement/s is/are correct?

1. The expression "decree includes a final order.
2. Garnishee is a person who is liable to pay a debt to a decree-holder or to deliver any movable property to him.

Select the correct statement using the code given below:

Code:

- (a) 1 only (b) 2 only
(c) both (1) and (2) (d) Neither (1) nor (2)

6. The word 'Jurisdiction' is a derivation from the terms Juris and dicto.

- (1) Roman (2) Latin
(3) American (4) French

7. Where the local limits of the jurisdiction of court are uncertain, then the place of institution of the suit shall be decided according to:

- (a) Section 17 of the CPC, 1908
(c) Section 19 of the CPC, 1908
(b) Section 18 of the CPC, 1908
(d) Section 20 of the CPC, 1908

8. Regarding the doctrine of "forum non conveniens", select the most accurate statement:

- (A) "Forum non conveniens" is solely based on the convenience of the plaintiff, allowing him to choose any forum he prefers
(B) The doctrine allows a court to refuse to exercise jurisdiction if a more appropriate forum is available to safeguard the interests and the convenience of the parties
(C) It applies only to civil disputes, irrespective of the nature or complexity of such dispute
(D) "Forum non conveniens" is an absolute bar to the exercise of jurisdiction, and no other factor can be considered qua the said issue

9. Code of Civil Procedure, 1908 A sues B for recovery of possession of immovable property. The defence is that B is the owner of the property. During the pendency of the suit, B is adjudged insolvent and his estate vests in the official assignee, because the order of assignment operates

- (a) as a statutory transfer of the interest of the insolvent in the subject-matter of the suit to the official assignee
(b) as a non-statutory transfer of the interest of the insolvent in the subject-matter of the suit to the official assignee
(c) Both (1) & (2) option
(d) None of these

10. Which of the following deals with compensatory costs in respect of false or vexatious claims or defences in C.P.C.?

- (A) Section 31A (B) Section 35A
(C) Section 32B (D) Section 30A

11. Where a suit is to obtain relief respecting immovable property situate within the jurisdiction of different Courts, the suit may be instituted ____.

- (a) in any Court within the local limits of whose jurisdiction substantial portion of the property is situate
(b) in any Court within the local limits of whose jurisdiction any portion of the property is situate



- (c) in any Court within the local limits of whose jurisdiction defendants resides or work for gain
(d) None of the above
- 12. According to section 20 of the Code of Civil Procedure, a suit may be filed at the plaintiff's option in the Court:**
(A) where the cause of action wholly arises.
(B) where the cause of action partly arises.
(C) where the cause of action wholly or partly arises.
(D) All of the above
- 13. In which of the following cases, the Court may not issue a commission ?**
(1) To examine any person.
(2) To perform any ministerial act.
(3) For scientific, technical or expert investigation.
(4) For collection of evidence.
- 14. Which of the following statement is not correct regarding the notice in writing given under Section 80 the Code of Civil Procedure, 1908?**
(1) It is necessary to state the cause of action and the relief.
(2) It is necessary to state the name, description and the place of residence of the plaintiff.
(3) If the defendants are other than Central Government / State Government, then, it is necessary to state the name, description and the place of residence of all the defendants.
(4) The plaint can be presented after expiration of two months from the delivery of such notice.
- 15. The expenses for the service of summons to the defendant have to be borne, under Order V, Rule 9(3) of C.P.C. by**
(A) the plaintiff
(B) the Court
(C) the defendant
(D) partly by the plaintiff and partly by the defendant
- 16. Which one of the following modes of settlement of disputes outside the court has not been provided in Section 89 of the Code of Civil Procedure ?**
(a) Arbitration (b) Negotiation
(c) Conciliation (d) Mediation
- 17. Under the Code of Civil Procedure, 1908, which of the following is not a supplemental proceeding**
(a) Appointment of a Receiver
(b) Granting of a Temporary Injunction
(c) Arrest and attachment before judgement
(d) Granting of a Permanent Injunction
- 18. Which one is not a power of Appellate Court under Section 107 of the Code of Civil Procedure, 1908 ?**
(a) Power of make rules.
(b) To determine a case finally.
(c) To frame issues and refer them for trial.
(d) To remand a case.
- 19. Where a person challenges a decree, he shall challenge the same by filing:**
(a) Appeal
(b) Application
(c) Notice for motion.
(d) Chamber Summons
- 20. Which section of the Code of Civil Procedure, 1908 is clearly in the nature of a power to issue a writ of certiorari?**
(a) Section 11
(b) Section 105
(c) Section 115
(d) Section 122
- 21. Under the provisions of the section 133 of the Code of Civil Procedure, 1908, which amongst the following is not entitled for exemption from personal appearance?**
(1) The Vice-President of India
(2) The Prime Minister of India
(3) The Ministers of States
(4) The Deputy Speaker of the House of the People
- 22. By which of the following Act Section 148A (Right to lodge caveat) was inserted in the Code of Civil Procedure 1908 ?**
(a) By Act 46 of 1999
(b) By Act 104 of 1976
(c) By Act 66 of 1956
(d) By Act 22 of 2002
- 23. Which one of the following statement is not correct in relation to the representative suit under the Code of Civil Procedure, 1908?**
(1) Notice must not have been issued to the parties whom it is proposed to represent in the suit.
(2) The parties must be numerous.
(3) The parties must have the same interest in the suit.
(4) The permission must have been granted by the Court to institute the representative suit.
(5) Question not attempted
- 24. "Where a plaintiff omits to sue in respect of, or intentionally relinquishes any portion of his claim, he shall not afterwards sue in respect of**



the portion so omitted or relinquished". The genesis of this principle lies in:

- (a) Section 115 of the Indian Evidence Act, 1872
- (b) Section 11 of the Code of Civil Procedure, 1908
- (c) Order II Rule 2 of the Code of Civil Procedure, 1908
- (d) Order I Rule 2 of the Code of Civil Procedure, 1908

25. "It is a statement of claim, a document by presentation of which the suit is instituted". It is called as:

- (a) Affidavit
- (b) Written-statement
- (c) Counter-claim
- (d) Plaint

26. The provision for substituted service of summons on defendant(s) has been made under

- (a) Order V Rule 20 of CPC
- (b) Order V Rule 19A of CPC
- (c) Order V Rule 19 of CPC
- (d) Order V Rule 21 of CPC

27. Under Civil Procedure Code when the service of summon to a defendant is not made to him due to his absence within reasonable time, summons can be served to the :

- (A) Servant or Munim of the defendant
- (B) Adult son of the defendant
- (C) Minor daughter of the defendant
- (D) None of the above

28. Which of the following statements is/are correct?

- (1) Pleading to state material facts and not evidence.
- (2) Amendments of pleadings is provided in order VI Rule 16 of CPC.

Select the correct answer -

- (a) Only 1
- (b) Only 2
- (c) Both 1 and 2
- (d) Neither 1 nor 2

29. Under Order VII Rule 11(d) CPC, which of the following situations does not fall within the ambit of "barred by law" ?

- (A) Order II Rule 2 and Res Judicata
- (B) Jurisdiction
- (C) Limitation
- (D) All of the above

30. Under which of the following conditions a plaint cannot be rejected

- (a) if fails to disclose a cause of action
- (b) it is not filed in duplicate
- (c) the plaintiff fails to comply with the provision of Order 7 Rule 9 CPC
- (d) it is filed in a court of incompetent jurisdiction

31. Against which of the following order an appeal shall not lie under the Code of Civil Procedure, 1908?

- (a) an order in interpleader suit under Rule 3 of Order XXXV
- (b) an order of refusal under Rule 19 of Order XLI to re-admit an appeal
- (c) an order under Rule 4 of Order XLVII granting an application for review
- (d) an order of return of plaint under Rule 10 of Order VII where the procedure of Rule 10A of Order VII has been followed

32. A civil suit is filed against Ajay, and the court issues summons requiring him to appear. After receiving the summons, Ajay consults his lawyer to understand the timeline for filing his written statement of defence under the Code of Civil Procedure, 1908. Within how many days from the date of service of summons must he submit his written statement ?

- (A) Thirty days
- (B) Fifteen days
- (C) Sixty days
- (D) Ninety days

33. Rule of Set-off under CPC is dealt with under

- (a) Order 7 Rule 6
- (b) Order 8 Rule 6
- (c) Order 7 Rule 7
- (d) Order 8 Rule 7

34. In which of the following situation plaintiff is precluded from bringing a fresh suit as per the Code of Civil Procedure, 1908 ?

- (A) Dismissal of suit where summons not served in consequence of plaintiff's failure to pay costs.
- (B) Dismissal of suit because neither party appeared.
- (C) Dismissal of suit in because plaintiff did not appear
- (D) Dismissal of suit because plaintiff did not apply for fresh summons within given time limit once it returned unserved.

35. The object behind the oral examination of parties under Order 10 Rule 2 of the Code of Civil Procedure, 1908 is -

- (1) To elucidating matters in controversy
- (2) To Pre-examining the witnesses
- (3) To find out the issues of facts & law
- (4) To find out the admitted facts

36. Judgment on admissions is passed by Civil Court under

- (A) Order 20 Rule 6
- (B) Order 12 Rule 12
- (C) Order 10 Rule 4
- (D) Order 12 Rule 6

37. Order XIII of CPC requires parties to produce the documentary evidence:

- (A) On or before settlement of issues



- (B) At any stage of proceedings
(C) At any stage of proceedings but before pronouncement of judgement
(D) When the Court directs
- 38 List of witnesses must be filed by the parties**
(a) Along with the plaint or written statement
(b) Before framing of issues
(c) After framing of issues
(d) No need to file the list of witnesses
- 39. According to Civil Procedure Code, 1908 hearing of the case is concluded but the judgment could not be pronounced at once and fixed for future date then such date shall not be fixed ordinarily**

- (a) beyond 60 days from the date of conclusion of hearing.
(b) beyond 30 days from the date of conclusion of hearing.
(c) beyond 90 days from the date of conclusion of hearing.
(d) any date could be fixed by the Court
- 40. Subject to Sub-Section (2) of Section 64 of the Code of Civil Procedure, 1908, a private alienation of property after attachment is -**
(a) Voidable
(b) Improper
(c) Lawful
(d) Void



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All India Bar Examination XXII Practice
Answer Key (CPC, 1908)

Q. No.	Ans.	Q. No.	Ans.	Q. No.	Ans.	Q. No.	Ans.
1.	[b]	11.	[b]	21.	[d]	31.	[d]
2.	[d]	12.	[c]	22.	[b]	32.	[a]
3.	[c]	13.	[d]	23.	[a]	33.	[b]
4.	[b]	14.	[c]	24.	[c]	34.	[c]
5.	[a]	15.	[a]	25.	[d]	35.	[a]
6.	[b]	16.	[b]	26.	[a]	36.	[d]
7.	[b]	17.	[d]	27.	[b]	37.	[a]
8.	[b]	18.	[a]	28.	[a]	38.	[c]
9.	[a]	19.	[a]	29.	[a]	39.	[b]
10.	[b]	20.	[c]	30.	[d]	40.	[d]

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1. **Ans [b]**

Linked Provision- Sec.89 L/w O.10 R.1A-1C, O.23 R.3-3B, O.27 R.5B CPC.

Explanation- Sec.89 deals with settlement of disputes outside the court. It was inserted by Act 46 of 1999 w.e.f. 01/07/2002. It was introduced with a purpose of amicable, peaceful and mutual settlement between parties without intervention of the court. Sec.89 provides that when Court satisfy that there exist elements of a settlement, which may be acceptable to the parties, it may formulate the terms of a possible settlement and refer the same for-

- (a) arbitration;
- (b) conciliation;
- (c) judicial settlement including settlement through Lok Adalat: or
- (d) mediation.

2. **Ans [d]**

Linked Provisions-

- 1. **Sec.1-** Short title, commencement and extent.
- 2. **Sec.5-** Application of the Code to Revenue Courts.
- 3. **Sec.7, O.50-** Provincial Small Cause Courts.
- 4. **Sec.8, O.51-** Presidency Small Cause Courts.

Explanation- Sec.1(3) states that CPC extends to whole of India except State of Nagaland and tribal areas. This clause was amended in 2019 w.e.f. 31/10/2019. Before this amendment, CPC does not extends to State of J & K

3. **Ans [c]**

Linked Provision- Sec.11, 26, 50, 55 CPC.

Explanation- Sec.11 deals with res judicata.

Sec.26 deals with institution of Suit.

Sec.50 dals with legal representative.

Sec.55 deals with arrest and detention.

4. **Ans [b]**

Linked Provision-

- 1. The Supreme Court declared constitutional in the case of Salem Bar Advocates Association v. Union of India.
- 2. The Civil Procedure Code (Amendment) Act, 1999 and 2002 were amended on the recommendation of the Malimath Committee.

Explanation- The Civil Procedure (Amendment) Act 1999 & 2002 was implemented from 1 July 2002 by the Central Government.

5. **Ans. [a]**

Linked Provision:- L/w sec.2(2), 46 R/w O.21, R.46A-46H CPC.

6. **Ans. [2]**

Linked Provisions- Sec.6, 9, 15-21 CPC.

Explanation- The word "jurisdiction" is nowhere defined in CPC. It is derived from the Latin word juris meaning "law" and dicto means "to speak". It is defined as the limit of judicial authority or extent to which a court of law can exercise its authority over suits, cases, appeals etc.

7. **Ans. [b]**

Linked provision: -

- 1. **Sec. 9** - All suits of a civil nature shall, unless expressly or impliedly barred, be instituted in a civil court.
- 2. **Sec. 15** - Every civil suit shall be instituted in the court of the lowest class.
- 3. **Sec. 16** - Suits relating to immovable property.
- 4. **Sec. 17** - Immovable property within the jurisdiction of different Courts.

Explanation - Section 18 - Where it is uncertain as to which of the immovable property is situated within the local limits of the jurisdiction of two or more courts, any of those courts may entertain the suit, recording a statement of its opinion.

8. **Ans. [B]**

Linked Provisions:-

- 1. **Sec.9-** Courts to try all civil suits unless barred.



2. **Sec.15-21**- Provisions regarding Place of Suing.

3. **Sec.177-189 CrPC (Sec.197-209 BNSS)**-Jurisdiction of the Criminal Courts in inquiries and trials.

Explanation:- Doctrine of "Forum non-conveniens" is a common law doctrine, which was introduced in Scotland. In India, it is explained as the discretionary power of the court to not to exercise jurisdiction in a matter if there exists a more appropriate forum to try the matter and conversely. Court can grant an anti-suit injunction to stop the parties from instituting a suit in another competent court.

Case Law- In **Glaxosmithkline Consumer Healthcare Ltd. vs. Heinz India (P) Ltd. (2010)**, it was held that the principle stands that in order for the court to apply the principle of Forum non-conveniens, the other more appropriate forum should be a court of competent Jurisdiction.

9. **Ans. [a]**

Linked Provisions- O.22 R.8 L/w O.22 R.9-10 CPC.

Explanation- O.22 R.8 deals with when plaintiff's insolvency bars suit. It states that insolvency of a plaintiff in any suit which the assignee or receiver might maintain for the benefit of his creditors, shall not cause the suit to abate, unless such assignee or receiver declines to continue the suit or (unless for any special reason the Court otherwise directs) to give security for the costs thereof within such time as the Court may direct.

10. **Ans[b]**

Linked Provision- Sec.35A L/w sec.25(4), 35, 35B, 104, O.20A, O.41 R.33 proviso CPC.

Explanation- Sec.35A deals with compensatory costs in respect of false or vexatious claims or defences. It deals with the cases in which sec.35 does not afford sufficient compensation in the opinion of the court. U/s 35A, if the court is satisfied that the litigation was inspired by vexatious motive and was altogether groundless, it can take deterrent action & if the court is satisfied that the suit is false and vexatious then compensatory costs upto Rs.3000 can be granted to the victim.

Essential conditions for applicability of sec.35A-

- the claim or defence must be false or vexatious;
- objections must have been taken by the other party that the claim or defence was false to the knowledge of the party raising it; and
- such claim must have been disallowed or withdrawn in whole or in part.

11. **Ans [b]**

Linked Provisions- Sec.17 L/w Sec.15-16, 18-21 CPC.

Explanation- Sec.17 deals with suits for immovable property situate within jurisdiction of different Courts. It provides that if a suit is for obtaining relief, or compensation for wrong to, immovable property, which is situated within the jurisdiction of different Courts, the suit may be instituted in any Court within the local limits of whose jurisdiction any portion of the property is situated.

12. **Ans. [C]**

Linked Provision- Sec. 15,16,17,18, 20 CPC 1908, Sec 177-181 BNSS 2023

Explanation- Section 20 of the Code of Civil Procedure (CPC), 1908, is a crucial provision that determines the **territorial jurisdiction** of a civil court. It is a "residuary provision," meaning it applies to all suits that are not covered by the preceding sections of the CPC (Sections 15 to 19), which deal with specific types of suits, such as those related to immovable property. Section 20 gives a plaintiff the flexibility to file a civil suit in a court where the defendant is located or where the dispute itself originated, either wholly or in part.

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13. **Ans. [d]**

Linked Provisions- Sec.75 L/w Sec.76-78, O.26, O.33 R.4 CPC, Sec.271, 284-290 CrPC (306, 319-325 BNSS).

Explanation- Sec.75 deals with power of Court to issue commissions. It provides that court may issue commission in following cases-

- (a) to examine any person (O.26 R.1-8);
- (b) to make a local investigation (O.26 R.9-10);
- (c) to examine or adjust accounts (O.26 R.11-12);
- (d) to make a partition (O.26 R.13-14);
- (e) to hold a scientific, technical, or expert investigation (O.26 R.10A);
- (f) to conduct sale of property which is subject to speedy and natural decay and which is in the custody of the Court pending the determination of the suit (O.26 R.10C);
- (g) to perform any ministerial act (O.26 R.10B).

14. **Ans. [3]**

Linked Provisions: - Section 80 – Notice.

Explanation: - Section 80(1) direct question from language. Notice must contain are three things :

- 1. Cause of Action
- 2. Plaintiff details
- 3. Immediate Relief.

15. **Ans. [A]**

Explanation: Under Order V, Rule 9(3) of the CPC, the expenses for the service of summons have to be borne by the plaintiff.

16. **Ans. [b]**

Linked Provisions:-

- 1. The Civil Procedure (Amendment) Act, 1999.
- 2. Section 89 / Order 10 Rule 1A,B,C - Alternative solution and process by the court.
- 3. The Legal Services Authorities Act, 1987.
- 4. The Conciliation and Mediators Act, 1994.

Explanation - Section 89 - Settlement of disputes out of court - Where it appears to the court that there exist elements of a settlement which may be acceptable to the parties, the court shall frame the terms of the settlement and submit the same to the parties for their comments. and may make further requests to the parties and forward them to- Mediation, conciliation, judicial settlement in which Lok Adalat is also there and will give for rescue.

17. **Ans. (d)**

Explanation:- Sec. 94:-To prevent defeat of ends of justice.

Total 5 types of action have been given which can be done as supplementary action:-

- 1. Prejudicial arrest 2. Pre-judgment attachment
- 3. Temporary injunction 4. Appointment of receiver
- 5. Interim Order

Whereas permanent injunction is granted under Section 38 of the Specific Relief Act, 1963:

- by plaint
- After listening to the argument on the merits
- Whereas the order in a pending suit is made in accordance with 39 Rule 1 by a temporary injunction application.

If the proceedings of section 94 were on insufficient grounds, then compensation up to 50 thousand can be given to the defendant. For the expenses or damage caused to the defendant – according to section 95.

18. **Ans. [a]**

Linked Provision: -

- 1. **Order 41** – Appeals from original decrees.
- 2. **Order 42** – Appeals from appellate decrees.
- 3. **Order 43** – Appeals from orders.

Explanation: - According to section 107 of CPC, an Appellate Court shall have power- (a) to determine a case finally; (b) to remand a case; (c) to frame issues and refer them for trial; (d) to take additional evidence or to require such evidence to be taken.



19. Ans. [a]

Linked Provision-

1. **Section 96-99A/Order 41-** Appeal from original decree.
2. **Order 44-** Provision relating to appeal by Pauper.
3. **Section 104/Order 43-** Provisions relating to appeal of orders.
4. **Order 45-** Appeal to the Supreme Court.
5. **Articles 132-134A, 136-** Appeal to the Supreme Court (Constitution of India).
6. **Article 116-** Appeal in civil cases-
 - a) **Appeal to High Court from any decree or order-** 90 days.
 - b) **Appeal to other Court-** 30 days. (Limitation Act, 1963).

Explanation- As per **Sec.107/Order 41-** All the powers given in the options can be exercised by the appellate court in the appeal proceedings.

20. Ans. [c]

Linked Provision:- Sec.115 CPC.

Explanation:- L/w sec.115 (revision) CPC R/w sec.397-405 Cr.P.C., Art.32, 226 COI. Writ of certiorari basically means "to be certified". It can be issued by the Supreme Court or the High Court to quash an order already passed by a lower court.

21. Ans. [4]

Linked provision :-

1. **Sec. 81-** Exemption from arrest & personal appearance.
2. **Art.122 of COI -** Courts not to inquire into proceedings of Parliament.
3. **Art. 361 of COI-** It grants the President & Governors complete immunity from legal proceedings.

Explanation:- **Sec.133** of the Code of Civil Procedure (CPC), 1908, deals with the exemption of certain high-ranking individuals from personal appearance in court. This section primarily focuses on exempting the Governors of States, Administrators of Union Territories, Speakers and Chairmen of State Legislative bodies, State Ministers, and High Court Judges from being required to appear in person before a civil court.

22. Ans. [b]

Linked Provision- Sec.148A CPC.

Explanation- Sec.148A deals with right to lodge caveat. It was ins. by amendment in 1976 w.e.f. 1-5-1977. The word "caveat" has not been defined in the CPC. But, it literally means "let him beware". Any person who claims any right of hearing before the Court, where an application is or is about to be made, may lodge a 'Caveat' in that regard before that court. He is called the Caveator. Such a Caveator shall serve a notice by regd. post on the person who is or is about to make an application. Sec.148A is applicable only in the cases where the caveator is entitled to be heard before any order is made on the application already filed or proposed to be filed, but does not apply in cases where the Code does not contemplate notice.

Time Limit- As per sec.148A(5), a caveat filed u/s 148A(1) shall remain in force for **90 days** from the date of its filing.

23. Ans. [1]

Linked Provisions :-

1. **O XXIII R. 3B, o. VII R. 4, o. XXII R. 4A,5**
2. **Sec. 49-50 -** Transferee & Legal representative. L/w Section 146.

Explanation :- Section 2(11) "legal representative" means a person who in law represents the estate of a deceased person, and includes any person who intermeddles with the estate of the deceased and where a party sues or is sued in a representative character the person on whom the estate devolves on the death of the party so suing or sued.

24. Ans. [c]

Linked Provisions:-

- | | | |
|--------------------|--------------------|---------------------|
| 1. Order 2 Rule 2 | 2. Order 9 Rule 9 | 3. Order 11 Rule 21 |
| 4. Order 22 Rule 9 | 5. Order 23 Rule 2 | |

Explanation:- Order II Rule 2 of the CPC states that a suit should include the whole of the claim which a plaintiff is entitled to make in respect of a cause of action.





25. Ans. [D]

Linked provision :-

1. **Order 6 Rule 1** – Pleading includes plaint and written statement.
2. **Order 7** – Plaint.
3. **Order 8** – Written statement.

Explanation – Section 26 / Order 4 – Every suit shall be instituted by presenting the plaint or in such other manner as may be prescribed.

The facts in the plaint shall be proved by affidavit.

The plaint shall be instituted in duplicate.

26. Ans. [a]

Linked Provision- Service of summons in the Code of Civil Procedure, 1908 as follows-

1. **O. 5 R. 12-** Personal service.
2. **O. 5 R. 13-14-** Service on agent.
3. **O. 5 R.15-** Service on adult member of family.
4. **O. 5 R. 17-** Service by affixing.
5. **O. 5 R. 20-** Substituted service.
6. **O. 5 R. 9A-** Dasti Summon.
7. **Order 16-** Service on witnesses.

Explanation- Order 5 Rule 20- Substituted service- Where the Court is satisfied that the person is keeping out of the way for the purpose of avoiding service, or for any other reason the summons cannot be served, the Court shall order to affix a copy in conspicuous place in the Court-house and a copy at defendant's house where he is known to have last resided or carried on business or personally worked for gain, or if thinks fit, published in a daily newspaper.

27. Ans [B]

Linked Provisions- O.5 R.15L/w Sec.27-32, O.5 R.10-12, 16, 20 CPC, Sec.64 CrPC.

Explanation- O.5 R.15 deals with where service may be on an adult member of defendant's family. It provides that if defendant is absent from his residence at the time when the service of summons is sought to be effected on his at his residence and there is no likelihood of his being found at the residence within a reasonable time and he has no agent to accept such service, it may be made on any adult member of the family, whether male or female, who is residing with him.

28. Ans [a]

Linked Provision- O.6 R.2 L/w O.6 R.1, 4, O.7, O.8 CPC.

Explanation- O.6 R.2 deals with pleading to state material facts and not evidence. Basics rule of pleading are as follows-

1. Pleadings should state facts and not law;
2. The facts stated should be material facts;
3. Pleading should not state the evidence; and
4. The facts should be stated in a concise form.

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29. Ans. [A]

Linked Provisions:-

1. **O.7 R.9-** Procedure on admitting plaint.
2. **O.7 R.10-10A-** Return of plaint.
3. **O.7 R.11-** Rejection of plaint.
4. **O.7 R.12-** Procedure on rejecting plaint.
5. **O.7 R.13-** Where rejection of plaint does not preclude presentation of fresh plaint.

Explanation:- O.7 R.11 deals with the provisions, where the plaint should be rejected. As per this rule, the plaint is liable to be rejected in the following cases-

- a) Where plaint does not disclose the cause of action.
- b) Where relief claimed is undervalued.
- c) Where plaint is insufficiently stamped.
- d) Where suit is barred by law.
- e) Where plaint is not filed in duplicate.
- f) Where there is non-compliance with statutory provisions U/R.9.

30. Ans. [d]

Linked Provision- O.7 R.11 L/w O.7 R.9, 10, 12, 13, O.33 R.5 CPC.

Explanation- As per O.7 R.11 the plaint will be rejected in the following cases-

1. Where plaint does not disclose the cause of action.
2. Where relief claimed is undervalued.
3. Where plaint is insufficiently stamped.
4. Where suit is barred by law.
5. Where plaint is not in duplicate.
6. Where there is non-compliance with statutory provisions.

31. Ans [d]

Linked Provision: -

1. **Section 104** – Orders from which appeal lies.
2. **Section 2(14)** – Order.

Explanation:- Order XLIII Rule 1(a) provides that an order under rule 10 of Order VII returning a plaint to be presented to the proper Court [except where the procedure specified in rule 10A of Order VII has been followed] is appellable under this order.

32. Ans[A]

Linked Provision: - Order VIII, Rule 1 of the Code of Civil Procedure, 1908.

Explanation: Order VIII, Rule 1 of the CPC states that the defendant shall, within thirty days from the date of service of summons on him, present a written statement of his defence. The proviso to this Rule allows the court, for reasons to be recorded in writing, to extend this period up to a maximum of ninety days. However, the initial mandated period is thirty days.

33. Ans. [b]

Linked Provision-

1. **Order 7-** Plaint.
2. **Section 3-** Set-off and counter-claim will be considered as separate suit and limitation period for institution of suit (Limitation Act, 1963).
3. **Section 428-** Set off the period of detention served in investigation, inquiry, trial (Criminal Procedure Code, 1973).
4. **Money related provisions-**
 - 1) Sec. 21- Objections as to pecuniary jurisdiction.
 - 2) Sec. 55- Person arrested in decree for payment of money to be released on payment.
 - 3) Sec. 56- Exemption from arrest of woman in decree for payment of money.
 - 4) Sec. 58- Limitation of civil imprisonment in decree for payment of money.
 - 5) Order 21 Rule 1-2- Mode of payment of money and payment out of court.



- 6) Order 21 Rule 30- Execution of decree for payment of money.
- 7) Order 21 Rule 33- Establishment of conjugal rights, like money decree.
- 8) Section 6- Pecuniary Jurisdiction of the Court.

Explanation- Order 8 Rule 6- Particulars of set-off in written statement- Where in a suit for the recovery of money the defendant claims to set-off against the plaintiff's demand any ascertained sum of money legally recoverable by him from the plaintiff, not exceeding the pecuniary limits of the jurisdiction of the Court, and both parties fill the same character as they fill in the plaintiff's suit, the defendant may, at the first hearing of the suit.

34. Ans. [c]

Linked Provisions :-

1. **Order 9 Rule 6** – Defendant absent.
2. **Order 9 Rule 8**– Failure of the plaintiff to appear in court on hearing..
3. **Order 22 Rule 9** – Where a suit has abatement, there shall not be a fresh suit.
4. **Order 23 Rule 1(3)** – The application for withdrawal may allow the application in full or in part to bring the suit a fresh.

Explanation :- Order 9 Rule 9 – If the first suit has been dismissed either wholly or partly under Rule 8, the plaintiff would not be permitted for bringing a fresh suit on the same cause of action. He is however entitled to make an application for an order to set aside the dismissal in default of the first suit.

Remedy – Can apply for setting aside the order of dismissal.

35. Ans. [1]

Linked Provisions :- Order 10 Rule 1-4 - Examination of Parties by the Court.

Explanation :- Order 10 Rule 2 - Oral examination of party, or companion of party—

At the first hearing of the suit, the Court—

- (a) shall, with a view to elucidating matters in controversy in the suit examine orally such of the parties to the suit appearing in person or present in Court, as it deems fit,
- (b) may orally examine any person, able to answer any material question relating to the suit, by whom any party appearing in person or present in Court or his pleader is accompanied.

36. Ans. [D]

Linked Provision- order XII rule 6 CPC 1908, sec 15 BSA 2023, sec 392 BNSS 2023

Explanation- Order 12, Rule 6 of the Code of Civil Procedure (CPC), 1908, is a powerful procedural tool that allows a court to pass a **judgment on admissions**. The core purpose of this provision is to expedite litigation and avoid unnecessary trials when a party has clearly admitted to a fact that entitles the opposing party to a decree. The legislative intent behind Order 12, Rule 6 is to enable the plaintiff to obtain a speedy judgment to the extent of the defendant's admission, thereby reducing the burden of proof and the time and cost of litigation. In essence, if a defendant clearly and unequivocally admits a crucial fact (e.g., "I admit that I am the tenant of the premises and that my tenancy has expired"), the court can pass a decree for possession on that admission without going through a full trial on that issue.

37. Ans [A]

Linked Provisions:-

1. **Section 61-90A of IEA** – Production of documents.
2. **Order 7, Rule 14** –Production of document on which plaintiff sues.
3. **Order 8, Rule 1A** – Duty of defendant to produce documents.

Explanation:-Order 13, Rule (1) The parties or their pleader shall produce, on or before the settlement of issues, all the documentary evidence of in original where the copies thereof have been filed along with plaint or written statement.

38 Ans [c]

Linked Provisions:-

1. **Order 16** – Summoning and Attendance of the witnesses.
2. **Order 5** - Summons to the parties.
3. **Order 14** – Settlement of issues.

Explanation – According to Order 16 Rule 1 – the parties should present the list of their witnesses whom they want to call to give evidence in their favor within 15 days from the disposal of the court disputes, and presented the list Will be able to apply for summons within 5 days from presented.



39. Ans [b]

Linking Provisions:-

1. **Sec.2(2)**- Decree defined.
2. **Sec.2(9)**- Judgment defined.
3. **Sec.33**- Judgment and decree.
4. **O.20 R.1**- Judgment when pronounced.
5. **Order 40, Rule 30** – Judgment in appeal.

Explanation:- Order 20, Rule 1 – Provided that where the judgment is not pronounced at once, every endeavour shall be made by the Court to pronounce the judgment within thirty days from the date on which the hearing of the case was concluded.

40. Ans [d]

Linked Provision-Sec.64 L/w sec.60-63, O.21 R.41-57 CPC.

Explanation- Sec.64 deals with private alienation of property after attachment to be void. It provides that where an attachment has been made, any private transfer or delivery of the property attached or any interest therein and any payment to the judgment-debtor of any debt, dividend or other moneys contrary to such attachment, shall be void as against all claims enforceable under the attachment.

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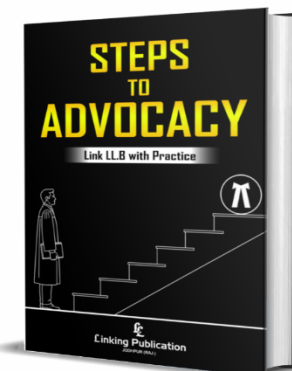
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