

Karnataka Judiciary - Prelims 2018

100 questions. Answer key with solutions follows the paper. Source: lawmock.com - free previous-year papers & mock tests.

Q1. Under section 118 (d) of the negotiable instruments act, 1881, it shall be presumed until the contrary is proved that every transfer of a negotiable instrument was made

- (a) Before its maturity
- (b) After its maturity
- (c) At its maturity
- (d) None of the above

Q2. The court may refuse to rescind the contract under section 27(2) of the specific relief act, 1963.

- (a) Where the plaintiff has expressly or impliedly ratified the contract
- (b) Where the contract is voidable
- (c) Where the contract is voidable
- (d) None of the above

Q3. A, a surgeon, in good faith, communicates to a patient his opinion that he cannot live. The patient dies in consequence of the shock. As per Section 93 of the Indian Penal Code, 1860,

- (a) A has committed an offence of culpable homicide
- (b) A has committed an offence of murder
- (c) A has committed no offence
- (d) none of the above

Q4. As per Order XXI Rule 32 of the Code of Civil Procedure, 1908, a decree for restitution of conjugal rights may be enforced

- (a) by the detention of judgement debtor. in -thercivil prison only
- (b) by both attachment of the property and detention in the civil' prison
- (c) by arresting the judgement debtor and taking him/her to the house of the decree holder
- (d) by the attachment of the property of the judgement debtor

Q5. As per -Section 5 of the Negotiable Instruments Act, 1881 "Bill of exchange is an instrument in writing.

- (a) containing an unconditional undertaking
- (b) containing a conditional order
- (c) containing an unconditional order
- (d) containing a conditional undertaking

Q6. An order or decree passed under Section 6 of the Specific Relief Act, 1963, is

- (a) Appealable
- (b) Reviewable
- (c) neither appealable nor reviewable
- (d) both appealable and reviewable

Q7. A, a soldier, fires on a mob by the order of his superior officer, in conformity with the commands of the law. As per Section 76 of the Indian Penal Code, 1860,

- (a) A has committed an offence
- (b) A has committed an offence under Arms Act
- (c) A has committed no offence
- (d) none of the above

Q8. As per Article 310 of the Constitution of India, every person who is a member of a civil service of a state or holds any civil, post under a state holds office during the pleasure of

- (a) his immediate superior officer
- (b) The chief secretary
- (c) The chief minister of the state
- (d) The governor of the state

Q9. As per Section 50 of the Karnataka Rent Act, 1999, no Civil Court shall entertain any suit or proceeding in so far as it relates to the

- (a) dispute regarding the relationship of landlord and tenant
- (b) fixation of standard rent
- (c) refund of rent
- (d) none of the above

Q10. The Ex-officio Chairman of the Council of States as per Article 64 of the Constitution of India is

- (a) the President of India
- (b) Speaker of Lok Sabha
- (c) Vice-President of India
- (d) none of the above

Q11. Under Section 446(3) of the Code of Criminal Procedure, 1973, penalty mentioned in the surety bond

- (a) cannot be remitted
- (b) can be remitted in full
- (c) can remit and enforce payment in part only
- (d) none of the above

Q12. The National Motto Of India, 'Satyameva Jayate inscribed below the Emblem of India is taken from

- (a) Katha Upanishad
- (b) Chandogya Upanishad
- (c) Aitareya Upanishad
- (d) Mundaka Upanishad

Q13. Who among the following landlords is entitled to recover immediate possession of premises under Section 31 of the Karnataka Rent Act, 1999?

- (a) Members of the Armed forces
- (b) Employee of State or Central Government
- (c) Widow
- (d) none of the above

Q14. Under Section 151 of the Indian Contract Act, 1872, Bailee is bound to take as much care of the goods bailed to him

- (a) as an expert
- (b) as a lay man
- (c) as a mail of ordinary prudence
- (d) none of the above

Q15. Magistrate has the power under Section 259 of the Code of Criminal Procedure to convert a summons trial case in to a warrant trial case

- (a) relating to any offence irrespective of the punishment prescribed
- (b) Relating to an offence punishable for a term exceeding six months
- (c) Relating to an offence punishable for a term exceeding three months
- (d) Relating to an offence punishable for a term exceeding two months

Q16. The government of india has established NITI aayog to replace_____

- (a) The human rights commission
- (b) The finance commission
- (c) The law commission
- (d) The planning commission

Q17. "Premises" as defined under Section 3(i) of the Karnataka Rent Act, 1999, means

- (a) a building as defined in clause(a) and any land not used for agricultural purpose
- (b) a building as defined in clause(a) and any land used for agricultural purpose
- (c) a building as defined in clause(a) and any land used for commercial purpose
- (d) none of the above

Q18. "Bailee" in terms of Section 148 of the Indian Contract Act, 1872, is a person

- (a) who delivers the goods
- (b) to whom the goods are delivered
- (c) through whom the goods are delivered
- (d) none of the above

Q19. Under Section 446 of the Code of Criminal Procedure, 1973, surety can be sentenced to civil imprisonment in default of payment of penalty under the surety bond for a maximum period of

- (a) six months
- (b) one year
- (c) two years
- (d) three years

Q20. Which Article of the Constitution of India confers power on the Governor of a state to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the state extends.

- (a) Article 172
- (b) Article 272
- (c) Article 72
- (d) Article 161

Q21. As per Section 3(k) of the Karnataka Rent Act, 1999, the definition "residential purpose", "residential user" or "purpose of residence" include letting out

- (a) for running a public institution
- (b) for running a private institution only
- (c) for running a religious institution only
- (d) none of the above

Q22. The defendant shall present a written statement of his defence under Order VIII Rule 1 of the Code of Civil Procedure, 1908

- (a) within 30 days from the date of service of summons on him
- (b) Within 90 days from the date of appearance before the court
- (c) Within 60 days from the date of service of summons on him
- (d) Within 30 days from the date of appearance before the court

Q23. Provision section 315 of the code of criminal procedure, 1973 says that

- (a) An accused cannot be a witness
- (b) An accused can be compelled to give his evidence
- (c) The accused shall not be called as a witness except on his own request in writing
- (d) He shall be called as a witness in all circumstances

Q24. The Legal Services Authority Act, 1987, came into force on

- (a) 9th November, 1987
- (b) 9th November, 1990
- (c) 9th November, 1995
- (d) 9th November, 1988

Q25. Under Order XLV Rule 1 of the Code of Civil Procedure, 1908, the expression "decree" shall include

- (a) the formal expression of an adjudication
- (b) a final order
- (c) rejection of plaint
- (d) none of the above

Q26. Under Section 131 of the Indian Contract Act, 1872, the death of the surety operates, in the absence of any contract to the contrary, as a revocation of a continuing guarantee, so far as regards

- (a) past transactions'
- (b) all transaction's
- (c) future transactions
- (d) none of the above

Q27. For an offence punishable with, line only, the period of limitation prescribed under Section 468 of the Code Of Criminal Procedure, 1973, is

- (a) three months
- (b) two months
- (c) one year
- (d) six months

Q28. How many types of Writs can be issued by the High Court under Article 226 of the Constitution of India?

- (a) Three
- (b) Four
- (c) Five
- (d) Six

Q29. Under Order XX Rule 5 of the Code of Civil Procedure, 1908, the Court shall state its finding or decision with the reasons therefore

- (a) only upon the issues of law
- (b) only upon the issues of facts
- (c) upon each separate issue
- (d) none of the above

Q30. A and B sue C for Rs.1,000 can C set off a debt due to him by A alone as per order VIII rule 6 of the Code of Civil procedure 1908?

- (a) C cannot set off a debt due to him by A alone
- (b) C can set off a debt due to him by A alone
- (c) C can set off a debt due to him with the permission of the court only
- (d) None of the above

Q31. The amount of fine which can be imposed by a Magistrate of the Second Class in terms of Section 29(3) of the Code of Criminal Procedure, 1973 has been enhanced by Criminal Procedure (Amendment) Act, 2005 from Rs.1,000/- to

- (a) Rs.25,000/-
- (b) Rs.6,000/-
- (c) Rs.10,000/-
- (d) Rs.5,000/-

Q32. Who is the present Chief Justice of India?

- (a) Justice Dipak Misra
- (b) Justice Jagdish Singh Khehar
- (c) Justice T.S.Thakur
- (d) None of the above

Q33. Period of detention in the civil prison under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908, for disobedience or breach of injunction

- (a) shall not exceed five months
- (b) shall not exceed four months
- (c) shall not exceed six months
- (d) shall not exceed three months

Q34. A and B contract to marry each other. Before the time is fixed-for the marriage, A goes mad. 'As per Section 56 of the Indian Contract Act, '1872, the contract becomes

- (a) Voidable
- (b) Valid
- (c) Void
- (d) none of the above

Q35. On completion of investigation, the officer in charge of the police station shall forward the police report under Section 173(2) of the Code of Criminal Procedure, 1973, to a

- (a) Sessions Court
- (b) Chief Judicial Magistrate
- (c) Magistrate empowered to take cognizance of the offence
- (d) Executive Magistrate

Q36. The famous Bengali Novel "Anandmath" was authored by

- (a) Sarojini Naidu
- (b) Bankim Chandra Chattopadhyay
- (c) Sri Aurobindo
- (d) Rabindranath Tagore

Q37. Under Order XXXVIII Rule 9 of the Code of Civil Procedure, 1908, where an order is made for attachment before the Judgment, the Court shall order the attachment to be withdrawn.

- (a) only when the defendant-furnishes-Security Required
- (b) Only when the suit is dismissed
- (c) When the defendant furnishes the security required or when the suit is dismissed
- (d) None of the above

Q38. As per Section2(a) of the Specific Relief Act, 1963,, the term "obligation" includes.

- (a) an act to which a person is morally bound
- (b) every duty enforceable by law
- (c) a course of action to which a person is not legally bound
- (d) None of the above

Q39. A is tried for causing grievous hurt and convicted. The person injured afterwards dies. As per Section 300 of the Code of Criminal Procedure, 1973,

- (a) A shall not be tried again for culpable homicide
- (b) A may be tried again for culpable homicide
- (c) A shall be tried under Section 307 of Indian Penal Code
- (d) none of the above

Q40. Which of the following is not an example of a computer operating system?

- (a) Microsoft Office
- (b) Windows vista
- (c) Unix
- (d) Ubuntu Linux

Q41. Under Order XXIII Rule 33 of the Code of Civil Procedure, 1908, an agreement or compromise entered into in a representative suit, without the leave of the Court

- (a) shall be valid'
- (b) shall be Voidable
- (c) shall be :either valid or voidable
- (d) shall be void

Q42. Under Section 143 of the Indian Contract Act, 1872, any guarantee which the creditor has obtained by means of keeping silence as to a material circumstance, is

- (a) Invalid
- (b) Valid
- (c) enforceable in exceptional circumstances
- (d) Voidable

Q43. As per Section 204(2) of the Code of Criminal Procedure, 1973, no summons or warrant shall be issued against the accused under sub Section (1)

- (a) until a list of documents has been filed
- (b) until the copy of complaint has been filed
- (c) until a list of the prosecution witnesses has been filed
- (d) until the process fee has been paid

Q44. Full form of URL on a computer network is

- (a) Uniform Resource Locator
- (b) Uniform Resource Link
- (c) Uniform Registered Link
- (d) Unified Resource Link

Q45. Under Section 148(3) of the Negotiable Instruments Act, 1881, an endeavour shall be made to conclude the trial within months from the date of filing of the complaint

- (a) Nine
- (b) Ten
- (c) twelve
- (d) Six

Q46. Article 19(1)(a) of the Constitution of India guarantees freedom of speech and expression to

- (a) foreign nationals
- (b) all citizens of India
- (c) only persons above 21 years of age
- (d) none of the above

Q47. Under Section 201 of the Code of Criminal Procedure, 1973, if the complaint is made to a magistrate who is not competent to take cognizance of the offence, he shall if the complaint is in writing.

- (a) reject it by an order
- (b) send it directly to the proper Court through office
- (c) return it for presentation to the proper Court with an endorsement to that effect
- (d) return it after taking cognizance

Q48. Who wrote the famous book - "we the people"?

- (a) T.N.Kaul
- (b) J.R.D. Tata
- (c) Khushwant Singh
- (d) Nani Palkhivala

Q49. Under Order XX Rule 6A of the Code of Civil Procedure, 1908, decree is to be drawn up in any case within from the date on which the judgement is pronounced.

- (a) 30 days
- (b) 15 days
- (c) 20 days
- (d) 25 days

Q50. A guarantee which extends to a series of transactions under Section 129 of the Indian Contract Act, 1872, is called

- (a) an absolute guarantee
- (b) a conditional guarantee
- (c) an invalid guarantee
- (d) a continuing guarantee

Q51. Under Section 173(1A) of the Code of Criminal Procedure, 1973, the investigation in relation to rape of a child may be completed within from the date on which the information was recorded by the officer in charge of the police station

- (a) six months
- (b) two years
- (c) one year
- (d) three months

Q52. Saraswathi Samman is given annually for outstanding contribution to

- (a) Classical music
- (b) Education
- (c) Literature
- (d) Fine arts

Q53. Judgement on admissions can be given

- (a) under Order XII Rule 8 of the Code of Civil, procedure, 1908
- (b) under Order XII Rule 2 of the Code of Civil, procedure, 1908
- (c) under Order XII Rule 4 of the Code of Civil, procedure, 1908
- (d) under Order XII Rule 6 of the Code of Civil, procedure, 1908

Q54. Under Article 21A of the Constitution of India, the state shall provide free and compulsory education to all children of the age of

- (a) six to fourteen years
- (b) five to fifteen years
- (c) six to eighteen years
- (d) six to sixteen years

Q55. The power to direct investigation under section 156(3) of the Code of Criminal Procedure, 1973, can be exercised by

- (a) any Magistrate empowered under Section 190 of Cr.P.C.
- (b) a Session Judge
- (c) Executive Magistrate
- (d) none of the above

Q56. The largest solar park laUfrbhed on 01.03.201:e is situated in which state of India?

- (a) Odisha
- (b) Madhya Pradesh
- (c) Rajasthan
- (d) Karnataka

Q57. The parties shall present in Court a list of witnesses under Order XVI Rule 1 of the Code of Civil Procedure, 1908

- (a) not later than fifteen days after the date on which the issues are settled.
- (b) not later than twenty days after the date on which the issues are settled
- (c) not later than thirty days after the date on which the issues are settled
- (d) not later than ninety days after the date on which the issues are settled

Q58. A is a contract to do or not to do something, if some event, collateral to such contract, does or does not happen as provided under Section 31 of the Indian Contract Act, 1872.

- (a) wagering contract
- (b) contingent contract
- (c) contract of Indemnity
- (d) none of the above

Q59. Under Section 77 of the Code of Criminal Procedure, 1973, a warrant of arrest may be executed

- (a) at any place in India
- (b) only at any place within the jurisdiction of court issued warrant
- (c) Only at any place within the jurisdiction of concerned police station
- (d) None of the above

Q60. Section 121 of the Indian Evidence Act, 1872, provides for privilege in respect of

- (a) Husband and wife
- (b) Official communication
- (c) Affairs of the state
- (d) Judge and magistrates

Q61. The Court may strike out any issues that appear to it to be wrongly framed or introduced under Order XIV Rule 5(2) of the Code of Civil Procedure, 1908

- (a) At any time before evidence
- (b) At any time before argument
- (c) At any time before agreement
- (d) At any time before passing a decree

Q62. Under Section 26 of the Indian Contract Act, 1872, every agreement in restraint of the marriage of any person, other than is void.

- (a) Insane
- (b) an unsound person
- (c) a minor
- (d) none of the above

Q63. Section 2(x) of the Code of Criminal Procedure, 1973, defines "warrant case" means a case relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding

- (a) six months
- (b) two years
- (c) one year
- (d) none of the above

Q64. Presumption under Section 113A of the Indian Evidence Act, 1872, can be raised if the abetment of suicide by the married woman is committed.

- (a) Within 7 years of marriage
- (b) Within 9 years of marriage
- (c) Within 12 years of marriage
- (d) None of the above

Q65. Under Order IX Rule 3 of the Code of Civil Procedure, 1908, where neither party appears when the suit is called on for hearing, the Court may make an order that the

- (a) plaint be rejected
- (b) suit be decreed
- (c) suit be adjourned for the next date
- (d) suit be dismissed

Q66. Section 96(4) of the Code of Civil Procedure, 1908, says that no appeal shall lie, except on a question of law, from a decree in any suit of the nature cognizable by Courts of Small Causes, when the amount or value of the subject matter of the original suit

- (a) does not exceed twenty thousand rupees
- (b) does not exceed twenty five thousand rupees
- (c) does not exceed fifty thousand rupees
- (d) does not exceed ten thousand rupees

Q67. The Code of Civil Procedure, 1908 came into force on the

- (a) First day of January, 1908
- (b) Twelfth day of December, 1908
- (c) Tenth day of October, 1908
- (d) First day of January, 1909

Q68. The expression "At sight" under Section 21 of the Negotiable Instruments Act, 1881, means

- (a) on presentation
- (b) on acceptance
- (c) on coming in to vision
- (d) on demand

Q69. Under Order V Rule 9A of the Code of Civil Procedure, 1908, summons for serving on the defendant, can be delivered to

- (a) the courier services
- (b) the plaintiff for service
- (c) the process server for service
- (d) none of the above

Q70. According to Section 3 of the Transfer of Property Act, 1882, "Instrument" means a

- (a) testamentary instrument
- (b) Non-testamentary instrument
- (c) both testamentary and non-testamentary instrument
- (d) none of the above

Q71. Which one of the following is not a fundamental right?

- (a) Right to assemble peacefully
- (b) Right to move freely throughout the country
- (c) Right to property
- (d) Right to constitutional remedies

Q72. A gives Rs.500 to B on condition that he shall marry A's daughter C. At the date of the transfer C was dead. As per Section 25 of the Transfer of Property Act, 1882, the transfer is

- (a) Valid
- (b) Void
- (c) Voidable
- (d) none of the above

Q73. Attorney General for India is appointed by as provided under Article 76 of the Constitution of India

- (a) Chief Justice of India
- (b) Prime Minister of India
- (c) Vice-president of India
- (d) President of India

Q74. According to Section 3 of the Transfer of Property Act, 1882, the term "attested" in relation to an instrument means

- (a) attested by two or more witnesses
- (b) attested by the 'Witness only
- (c) attested by, Notary Public
- (d) none/Of the above

Q75. Employment of children in factories or mines or engaged in any hazardous employment below the age of _____ years is prohibited as provided under article 24 of the constitution of india.

- (a) 18
- (b) 16
- (c) 15
- (d) 14

Q76. Under the provision of Section 6(dd) of the Transfer of Property Act, 1882, a right to future maintenance

- (a) can be transferred
- (b) cannot be transferred
- (c) can be transferred with the leave of the court
- (d) none of the above

Q77. Section 96 of the Indian Penal Code, 1860, says that nothing is an offence which is done

- (a) in good faith
- (b) in the exercise of the right of private defence
- (c) without criminal intention
- (d) none of the above

Q78. A transfers property to-B for life, and after his death to C and D, equally to be divided between their', or to the survivor of them. C dies during the life of B. D survives B. As per Section 24 of the Transfer of Property Act, 1882, at B's death the property.

- (a) shall not passes to D
- (b) passes to the legal heirs of A
- (c) passes to D
- (d) passes to the legal heirs of B

Q79. The State as a policy shall endeavour to provide early childhood care and education for all children until they complete the age of as provided under Article 45 of the Constitution of India

- (a) six years
- (b) ten years
- (c) twelve years
- (d) fourteen years

Q80. A transfers Rs.5,000 to B on condition that he shall marry with the consent of C, D and E. B marries without the consent of C, D and E, but obtains their consent after the marriage. As per Section 26 of the Transfer of Property Act, 1882, B has.

- (a) fulfilled the condition
- (b) not fulfilled the condition
- (c) partly fulfilled the condition
- (d) None of the above

Q81. A instigates B to murder D. B in pursuance of the instigation stabs D. D recovers from the wound. As per section 108 of the Indian Penal Code, 1860.

- (a) A is guilty of instigating B to commit murder
- (b) A is not guilty of instigating B to commit murder
- (c) A is guilty of instigating B to commit an offence of causing grievous hurt
- (d) None of the above

Q82. A mortgages a certain plot of building land to B and afterwards erects a house on the plot. As per section 70 of the transfer of property Act, 1882, for the purpose of his security, B is entitled.

- (a) to the house only
- (b) to the house as well as the plot
- (c) to the plot only
- (d) none of the above

Q83. As per Article 56 of the Constitution of India, the President may, by writing under his hand addressed to the , resign his office

- (a) Chief Justice of India
- (b) Prime Minister of India
- (c) Vice-President
- (d) Election Commission of India

Q84. Lease under Section 105 of the Transfer of Property Act, 1882, pertains to

- (a) immovable property
- (b) movable property
- (c) both immovable and movable property
- (d) none of the above

Q85. A instigates B to burn Z's house. B sets fire to the house and at the same time commits theft of property there. As per Section 111 of the Indian Penal Code, 1860,

- (a) A is guilty of abetting the burning of the house and abetting the theft
- (b) A is only guilty of abetting the burning of the house
- (c) A is only guilty of abetting the theft
- (d) none of the above

Q86. A lets B live for years. B underlets the house to C at a monthly rent of Rs. 100. The five years expire, but C continues in possession of the house and pays the rent to A. As per Section 116 of the Transfer of Property Act, 1882, C's lease is renewed.

- (a) from year to year
- (b) from month to month
- (c) for six months
- (d) none of the above

Q87. As per Article 58 of the Constitution of India, no person shall be eligible for election as President unless he has completed the age of

- (a) forty five years
- (b) fifty years
- (c) forty years
- (d) thirty five years

Q88. The property as subject matter of Section 122 of the Transfer of Property Act, 1882, includes,

- (a) only movable property
- (b) only immovable property
- (c) both immovable and movable property
- (d) none of the above

Q89. For criminal conspiracy as defined under Section 120A of the Indian Penal Code, 1860, the minimum number of persons required is

- (a) One
- (b) no minimum requirement
- (c) two or more
- (d) none of the above

Q90. The question is, whether a horse sold by A to B is sound. A says to B- "Go and ask C; C knows all about it". As per Section 20 of the Indian Evidence Act, 1872, C's statement

- (a) is not an admission
- (b) is an admission
- (c) is binding on A
- (d) none of the above

Q91. As per Section 2(e) of the Indian Contract Act, 1872, every promise and every set of promises, forming the consideration for each other, is.

- (a) a contract
- (b) an offer
- (c) an acceptance
- (d) an agreement

Q92. For an unlawful assembly as defined under Section 141 of the Indian Penal Code, 1860, the minimum number of persons required is

- (a) Five
- (b) Three
- (c) One with arms
- (d) Two

Q93. As per Section 3 of the Indian Evidence Act, 1872, that a man heard or saw

- (a) Something,
- (b) is fact in issue
- (c) is a fact
- (d) is a relevant fact none of the above

Q94. A lets a house to B at a yearly rent of Rs.1,200. The rent for the whole of the years 1905, 1906 and 1907 is due and unpaid. A sued B in 1908 only for the rent due for 1906. Can A afterwards sue B for the rent due for 1905 and 1907 as per Order II Rule 2(3) of the Code of Civil Procedure, 1908?

- (a) A shall not sue for the rent due for 1905 or 1907
- (b) A can sue for the rent due for 1905 only
- (c) A can sue for the rent due for 1905 and 1907
- (d) A can sue for the rent due for 1907 only

Q95. A, B and C enter into an agreement for the division among them of gains acquired or to be acquired, by them by fraud. As per Section 23 of the Indian Contract Act, 1872, the agreement is

- (a) Voidable
- (b) Void
- (c) Valid
- (d) none of the above

Q96. As per Section 58(1A) of the Code of Civil Procedure, 1908, no order for detention of the Judgment debtor in civil prison in execution of a decree for the payment of money shall be made, where the total amount of the decree

- (a) does not exceed three thousand rupees
- (b) does not exceed two thousand rupees
- (c) does not exceed five thousand rupees
- (d) does not exceed ten thousand rupees

Q97. Section 326B of the Indian Penal Code, 1860, was added by Criminal Law (Amendment) Act, 2013 refers to

- (a) Grievous hurt
- (b) Trafficking of a person
- (c) Attempting to throw acid
- (d) Sexual assault

Q98. According to Section 27 of the Code of Civil Procedure, 1908, a summons to the defendant may be served on such day

- (a) not beyond 30 days from the date of the institution of the suit
- (b) not beyond 60 days from the date of the institution Or the suit
- (c) not beyond 45 days from the date of the institution of the' suit
- (d) not beyond 90 days from the date of the institution of the suit

Q99. Admission as defined under Section 17 of the Indian Evidence Act, 1872 is a statement

- (a) must be in writing only
- (b) must be oral only
- (c) either oral or documentary or contained in electronic form
- (d) none of the above

Q100. A, residing in Delhi, publishes in Calcutta statements defamatory of B. B may sue A for compensation as per Section 19 of the Code of Civil Procedure, 1908

- (a) either in Calcutta or in Delhi
- (b) only in Calcutta
- (c) only in Delhi
- (d) none of the above

Answer Key & Solutions

Q1. Answer: A

Section 118(d) of the Negotiable Instruments Act, 1881 raises a presumption that every transfer of a negotiable instrument was made before its maturity.

Q2. Answer: A

Under Section 27(2) of the Specific Relief Act, 1963, the court may refuse rescission where the plaintiff has expressly or impliedly ratified the contract (or where third parties have acquired rights in good faith).

Q3. Answer: C

Illustration to Section 93 IPC: a surgeon who in good faith communicates a true but distressing opinion, causing death by shock, has committed no offence as the communication was made in good faith for the patient's benefit.

Q4. Answer: D

Order XXI Rule 32 CPC: a decree for restitution of conjugal rights, being a decree for specific performance not capable of being enforced by detention, is enforced by attachment of the property of the judgment debtor.

Q5. Answer: C

Section 5 of the Negotiable Instruments Act, 1881 defines a bill of exchange as an instrument in writing containing an unconditional order, signed by the maker, directing a certain person to pay a certain sum of money.

Q6. Answer: C

Section 6(3) of the Specific Relief Act, 1963 expressly provides that no appeal lies and no review is allowed from any order or decree passed in a suit under Section 6; it is neither appealable nor reviewable.

Q7. Answer: C

Illustration to Section 76 IPC: a soldier who fires on a mob by order of his superior officer in conformity with the commands of the law commits no offence, being bound by law to obey.

Q8. Answer: D

Article 310 of the Constitution provides that a member of a State civil service holds office during the pleasure of the Governor of the State (and a Union service holder during the pleasure of the President).

Q9. Answer: B

Section 50 of the Karnataka Rent Act, 1999 bars civil courts from entertaining any suit or proceeding relating to the fixation of standard rent or other matters the Controller is empowered to decide.

Q10. Answer: C

Article 64 of the Constitution makes the Vice-President of India the ex-officio Chairman of the Council of States (Rajya Sabha).

Q11. Answer: C

Section 446(3) CrPC empowers the court to remit any portion of the penalty mentioned in the surety bond and enforce payment in part only.

Q12. Answer: D

The national motto 'Satyameva Jayate' is taken from the Mundaka Upanishad.

Q13. Answer: C

Section 31 of the Karnataka Rent Act, 1999 confers the right to recover immediate possession on a widow (and also a handicapped person and a person aged 65 or more); members of the armed forces and government servants are dealt with under Section 29.

Q14. Answer: C

Section 151 of the Indian Contract Act, 1872 requires a bailee to take as much care of the goods bailed as a man of ordinary prudence would, under similar circumstances, take of his own goods.

Q15. Answer: B

Section 259 CrPC empowers the Magistrate to convert a summons-trial case into a warrant-trial case where the offence is punishable with imprisonment for a term exceeding six months.

Q16. Answer: D

NITI Aayog was established by the Government of India in 2015 to replace the Planning Commission.

Q17. Answer: A

Section 3(i) of the Karnataka Rent Act, 1999 defines 'premises' as a building (as defined in clause (a)) together with any land not used for agricultural purposes.

Q18. Answer: B

Under Section 148 of the Indian Contract Act, 1872, the bailee is the person to whom the goods are delivered (the bailor being the one who delivers them).

Q19. Answer: A

Section 446 CrPC permits the court, on default of payment of the penalty under the surety bond, to sentence the surety to imprisonment in civil jail for a term which may extend to six months.

Q20. Answer: D

Article 161 of the Constitution confers on the Governor the power to grant pardons, reprieves, respites or remissions and to suspend, remit or commute sentences for offences against State law.

Q21. Answer: A

Section 3(k) of the Karnataka Rent Act, 1999 provides that 'residential purpose', 'residential user' or 'purpose of residence' includes letting out for running a public institution.

Q22. Answer: A

Order VIII Rule 1 CPC requires the defendant to present a written statement of his defence within 30 days from the date of service of summons on him (extendable up to 90 days).

Q23. Answer: C

Section 315 CrPC provides that the accused shall not be called as a witness except on his own request in writing.

Q24. Answer: C

The Legal Services Authorities Act, 1987, though enacted in 1987, was brought into force (whole Act except Chapter III) on 9th November 1995 vide S.O. 893(E) dated 9.11.1995.

Q25. Answer: B

Under Order XLV Rule 1 CPC, for the purpose of appeals to the Supreme Court, the expression 'decree' includes a final order.

Q26. Answer: C

Section 131 of the Indian Contract Act, 1872 provides that the death of the surety operates, absent a contract to the contrary, as a revocation of a continuing guarantee as regards future transactions.

Q27. Answer: D

Section 468(2)(a) CrPC, 1973: for an offence punishable with fine only, the period of limitation is six months.

Q28. Answer: C

Article 226 empowers a High Court to issue the five writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari.

Q29. Answer: C

Order XX Rule 5 CPC requires the court to state its finding or decision, with reasons, upon each separate issue.

Q30. Answer: A

Under Order VIII Rule 6 CPC, set-off is allowed only where the debt is mutually due between the same parties; where A and B jointly sue C, C cannot set off a debt due to him by A alone.

Q31. Answer: D

Section 29(3) CrPC was amended by the CrPC (Amendment) Act, 2005 (Act 25 of 2005, w.e.f. 23.06.2006) to enhance the fine power of a Magistrate of the Second Class from Rs.1,000 to Rs.5,000.

Q32. Answer: A

The Karnataka Judiciary Prelims 2018 exam was held while Justice Dipak Misra served as the 45th Chief Justice of India (28 Aug 2017 to 2 Oct 2018).

Q33. Answer: D

Order XXXIX Rule 2A CPC provides that detention in civil prison for disobedience or breach of an injunction shall not exceed three months.

Q34. Answer: C

Section 56 ICA, 1872 (illustration): where A, contracted to marry B, goes mad, the contract to marry becomes void by reason of supervening impossibility.

Q35. Answer: C

Section 173(2) CrPC requires the officer in charge to forward the police report to a Magistrate empowered to take cognizance of the offence on a police report.

Q36. Answer: B

The Bengali novel 'Anandmath' (source of 'Vande Mataram') was written by Bankim Chandra Chattopadhyay.

Q37. Answer: C

Order XXXVIII Rule 9 CPC: attachment before judgment shall be withdrawn when the defendant furnishes the security required, together with security for the costs of the attachment, or when the suit is dismissed.

Q38. Answer: B

Section 2(a) of the Specific Relief Act, 1963 defines 'obligation' as including every duty enforceable by law.

Q39. Answer: B

Section 300(1) CrPC proviso / illustration: where a person convicted of grievous hurt and the injured later dies, he may be tried again for culpable homicide as the consequence was not known when he was tried.

Q40. Answer: A

Microsoft Office is an application software suite, not an operating system; Windows Vista, Unix and Ubuntu Linux are operating systems.

Q41. Answer: D

Order XXIII Rule 3B CPC: an agreement or compromise in a representative suit entered into without the leave of the court shall be void.

Q42. Answer: A

Section 143 ICA, 1872 (guarantee obtained by concealment): a guarantee which the creditor has obtained by means of keeping silence as to a material circumstance is invalid.

Q43. Answer: C

Section 204(2) CrPC: no summons or warrant shall be issued against the accused under sub-section (1) until a list of the prosecution witnesses has been filed.

Q44. Answer: A

URL stands for Uniform Resource Locator.

Q45. Answer: D

The provision (Section 143(3) NI Act, 1881; mislabelled as 148(3) in the paper) directs that an endeavour shall be made to conclude the trial within six months from the date of filing of the complaint.

Q46. Answer: B

Article 19(1)(a) guarantees freedom of speech and expression to all citizens of India (not foreigners).

Q47. Answer: C

Section 201 CrPC: where a complaint is made to a Magistrate not competent to take cognizance, if in writing he shall return it for presentation to the proper Court with an endorsement to that effect.

Q48. Answer: D

'We, the People' was written by the eminent jurist Nani Palkhivala.

Q49. Answer: B

Order XX Rule 6A CPC: the decree shall be drawn up within fifteen days from the date on which the judgment is pronounced.

Q50. Answer: D

Section 129 ICA, 1872: a guarantee which extends to a series of transactions is called a continuing guarantee.

Q51. Answer: D

As the question retains the pre-2018-amendment wording 'rape of a child', it refers to the original Section 173(1A) CrPC (inserted by Act 5 of 2009) which required investigation to be completed within three months from recording of information. (The 2018 amendment later reduced it to two months and rephrased it to the 376-series offences.)

Q52. Answer: C

The Saraswati Samman, instituted by the K.K. Birla Foundation in 1991, is awarded annually for an outstanding literary work in any of the 22 scheduled Indian languages.

Q53. Answer: D

Judgment on admissions is given under Order XII Rule 6 of the Code of Civil Procedure, 1908, empowering the court to pronounce judgment on admissions of fact made in pleadings or otherwise.

Q54. Answer: A

Article 21A of the Constitution mandates free and compulsory education for all children of the age of six to fourteen years.

Q55. Answer: A

Power to direct investigation under Section 156(3) CrPC is exercised by any Magistrate empowered under Section 190 to take cognizance.

Q56. Answer: D

Shakti Sthala / Pavagada Solar Park, then the world's largest solar park, was launched on 1 March 2018 in Pavagada, Tumkur district, Karnataka.

Q57. Answer: A

Under Order XVI Rule 1(1) CPC, parties must present the list of witnesses not later than fifteen days after the date on which issues are settled.

Q58. Answer: B

Section 31 of the Indian Contract Act, 1872 defines a 'contingent contract' as a contract to do or not to do something if some event collateral to the contract does or does not happen.

Q59. Answer: A

Under Section 77 CrPC, a warrant of arrest may be executed at any place in India.

Q60. Answer: D

Section 121 of the Indian Evidence Act, 1872 provides privilege/protection to Judges and Magistrates, who cannot be compelled to answer questions about their own conduct in court except by special order of a superior court.

Q61. Answer: D

Under Order XIV Rule 5(2) CPC, the court may at any time before passing a decree strike out any issue that appears to be wrongly framed or introduced.

Q62. Answer: C

Section 26 of the Indian Contract Act, 1872 declares every agreement in restraint of marriage of any person, other than a minor, void.

Q63. Answer: B

Section 2(x) CrPC defines a 'warrant case' as one relating to an offence punishable with death, imprisonment for life, or imprisonment for a term exceeding two years.

Q64. Answer: A

Section 113A of the Indian Evidence Act, 1872 allows the presumption of abetment of suicide by a married woman where the suicide is committed within seven years of marriage.

Q65. Answer: D

Under Order IX Rule 3 CPC, where neither party appears when the suit is called on for hearing, the court may make an order that the suit be dismissed.

Q66. Answer: D

Section 96(4) CPC bars appeal (except on a question of law) from a decree in suits cognizable by Courts of Small Causes where the value of the subject-matter does not exceed ten thousand rupees.

Q67. Answer: D

The Code of Civil Procedure, 1908 (Act V of 1908) came into force on the first day of January, 1909.

Q68. Answer: A

Under Section 21 of the Negotiable Instruments Act, 1881, 'at sight' means on presentation.

Q69. Answer: B

Under Order V Rule 9A CPC, the court may permit summons to be delivered to the plaintiff for service on the defendant.

Q70. Answer: B

Under Section 3 of the Transfer of Property Act, 1882, 'instrument' means a non-testamentary instrument.

Q71. Answer: C

The right to property ceased to be a fundamental right by the 44th Amendment (1978) and is now only a constitutional/legal right under Article 300A; the others remain fundamental rights under Articles 19 and 32.

Q72. Answer: B

Under Section 25 of the Transfer of Property Act, 1882, a transfer conditional on an impossible event is void; since C was already dead, the condition (marrying C) was impossible, so the transfer is void.

Q73. Answer: D

Under Article 76 of the Constitution, the Attorney General for India is appointed by the President of India.

Q74. Answer: A

Under Section 3 of the Transfer of Property Act, 1882, 'attested' means attested by two or more witnesses, each of whom has seen the executant sign or affix his mark.

Q75. Answer: D

Article 24 of the Constitution prohibits employment of children below the age of fourteen years in any factory, mine, or other hazardous employment.

Q76. Answer: B

Section 6(dd) TPA expressly bars transfer of a right to future maintenance, in whatsoever manner arising/secured. Such right cannot be transferred.

Q77. Answer: B

Section 96 IPC declares that nothing done in the exercise of the right of private defence is an offence.

Q78. Answer: C

Under Section 24 TPA, only those alive when the precedent (B's life) interest ceases take. C predeceased B, so at B's death the whole property passes to surviving D. This matches the bare-Act illustration.

Q79. Answer: A

Article 45 (post-86th Amendment) directs the State to provide early childhood care and education for all children until they complete the age of six years.

Q80. Answer: A

Section 26 TPA illustration: where consent was the object of the condition, obtaining the consent of C, D and E even after the marriage is treated as fulfilment of the condition.

Q81. Answer: A

Section 108 IPC illustration: A abets the offence of murder; since B acted on the instigation, A is guilty of abetting murder though death did not result.

Q82. Answer: B

Section 70 TPA (accession to mortgaged property): the security covers the building land and the house subsequently erected on it, so B is entitled to both the house and the plot.

Q83. Answer: C

Article 56(1)(a): the President may resign by writing under his hand addressed to the Vice-President.

Q84. Answer: A

Section 105 TPA defines a lease of immovable property only.

Q85. Answer: A

Section 111 IPC illustration: a probable consequence; A is guilty of abetting both the burning of the house and the theft. (Option (a) is the OCR-garbled 'building... and abetting the theft'.)

Q86. Answer: B

Section 116 TPA illustration: on holding over by lessee/sub-lessee who pays rent, the renewal is from month to month for a building/where rent is monthly. The bare-Act illustration of C continuing and paying renews from month to month.

Q87. Answer: D

Article 58(1)(b): a person must have completed the age of thirty-five years to be eligible for election as President.

Q88. Answer: C

A gift under Section 122 TPA may be of existing movable or immovable property; the subject matter includes both.

Q89. Answer: C

Section 120A IPC defines criminal conspiracy as an agreement between two or more persons; minimum is two.

Q90. Answer: B

Section 20 IPC/Evidence illustration: by referring B to C, A makes C's statement an admission against A (admission by referee).

Q91. Answer: D

Section 2(e) Contract Act: every promise and every set of promises forming the consideration for each other is an agreement.

Q92. Answer: A

Section 141 IPC: an unlawful assembly requires a minimum of five persons.

Q93. Answer: C

Section 3 Evidence Act, definition of 'fact': anything, state of things or relation of things capable of being perceived by the senses; that a man heard or saw something is a fact.

Q94. Answer: A

Order II Rule 2(3) illustration: by suing only for 1906 rent, A omitted part of his claim and, having not obtained leave, cannot afterwards sue for the 1905 and 1907 rent.

Q95. Answer: B

Section 23 Contract Act illustration: an agreement to divide gains acquired by fraud has an unlawful object and is void.

Q96. Answer: B

Section 58(1A) CPC: no detention order shall be made where the total decretal amount does not exceed two thousand rupees.

Q97. Answer: C

Section 326B IPC (inserted by Criminal Law (Amendment) Act, 2013) punishes voluntarily throwing or attempting to throw acid.

Q98. Answer: A

Section 27 CPC (proviso): the summons shall be served on a day not beyond thirty days from the date of institution of the suit.

Q99. Answer: C

Section 17 Evidence Act (as amended): an admission is a statement, oral or documentary or contained in electronic form.

Q100. Answer: A

Section 19 CPC illustration: for a wrong to person/movables, suit may be filed where the defendant resides (Delhi) or where the wrong was done (Calcutta), so B may sue in either Calcutta or Delhi.