

Kerala Judiciary - Prelims 2017

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

Q1. . What are the materials on which the court can depend, for its decision under Order VII Rule 11 CPC?

- (a) Pleadings of the plaintiff
- (b) Pleadings of the plaintiff and the defendant
- (c) Pleadings of both sides and all materials produced by both sides.
- (d) None of the above.

Q2. . Transfer by ostensible owner is dealt with in which among the following provisions of the Transfer of Property Act ?

- (a) Section 35.
- (b) Section 39
- (c) Section 41
- (d) section 43.

Q3. . Plaintiff, the owner of a property, filed a suit for injunction to restrain a temple from conducting an annual festival on his property. The temple contended that it was conducted as a part of religious rites and ceremonies carried out annually, since time immemorial and hence, hit by section 9 of CPC. Is the suit maintainable. ?

- (a) Not maintainable, since religious rites and ceremonies are to be adjudicated.
- (b) Maintainable, in the light of explanation I of section 9 CPC .
- (c) Maintainable, since religious rites and ceremonies do not arise.
- (d) Maintainable in the light of Explanation II of Section 9 CPC.

Q4. . Lis Pendens will apply if, in the suit, right to immovable property is

- (a) Directly and substantially in issue.
- (b) Directly and specifically in issue
- (c) Substantially and specifically in issue
- (d) Not directly, but collaterally in issue.

Q5. . After how much period of notice can a suit against the Government be filed ?

- (a) 60 days from date of despatch
- (b) 90 days from the date of delivery.
- (c) Two months from the date of delivery or leaving at the office.
- (d) Three months from the date of despatch.

Q6. . If the value of improvements of mortgaged property is ordered to be recovered under section 63 A of Transfer of Property Act, in the absence of a contract, what is the rate of interest that is entitled to be granted ?

- (a) 9%
- (b) 6%
- (c) 10%
- (d) 11%.

Q7. . What is the attachable portion of salary in a decree for maintenance?

- (a) 1/3rd of the salary
- (b) 1/4 of the salary
- (c) % of the salary
- (d) Remainder after deducting first Rs. 1000/- and 2/3rd of the remainder.

Q8. . One of the essential difference between Review under section 114 CPC and Revision under Section 115 CPC is that:

- (a) Review is possible on limited grounds provided in O 47 Rule 1, whereas revision is on wider grounds.
- (b) Review lies to the same court, whereas revision lies to any court.
- (c) Scope of review is wider, whereas scope of revision is limited.
- (d) Review can be filed only if the order is not appealable. But, revision can be filed only in appealable cases.

Q9. .Which among the following is the essential difference between O 17 Rule 2 CPC and O 17 Rule 3 of CPC, relating to the appearance of parties?

- (a) Rule 2 relates to the date of first appearance, but Rule 3 deals with adjourned date.
- (b) Rule 3 relates to non appearance of either party on the first day of appearance, whereas Rule 2 relates to adjourned date.
- (c) Rule 2 relates to failure of one party, who was granted time for production of evidence, whereas Rule 3 deals with failure of any party to appear on any adjourned day.
- (d) Rule 2 relates to non appearance of the party on any adjourned date, but Rule 3 relates to default on an adjourned date posted for evidence or production of witnesses.

Q10. . Can compensation be awarded in a suit under section 21 of the Specific Relief Act for specific performance of a contract, if the plaintiff has failed to claim it in the plaintiff ?

- (a) No.
- (b) Yes.
- (c) Yes. At the discretion of court
- (d) Yes. If orally requested at the time of evidence.

Q11. . Transfer of which one among the following, is not barred under section 6 of the Transfer of Property Act ?

- (a) Spes Successionis.
- (b) Transfer of vested Right.
- (c) Mere Right to Sue.
- (d) Easement without dominant heritage.

Q12. . Which one among the following does not form the basis of doctrine of Res Judicata?

- (a) No person shall be vexed twice for the same cause.
- (b) It is a principle of convenience for both sides.
- (c) In the interest of both sides, there should be an end to litigation.
- (d) A judicial decision must be accepted as correct.

Q13. . Select one among the following, which is not an ingredient of vested interest under section 19 of Transfer of Property Act ?

- (a) Not subject to any condition or if subject to a condition, one which must happen.
- (b) It is heritable and alienable.
- (c) Will not be defeated by the death of the transferee, before he obtains possession.
- (d) Can take place only on the happening of a specified uncertain event.

Q14. . In a suit for redemption of mortgage, suit was decreed granting 8% interest on the principal amount adjudged, from the date of decree till date of payment, being the agreed rate of interest. Defendant challenges decree, inter alia, on a ground that the future interest exceeds the rate fixed by section 34 CPC. Is that contention sustainable?

- (a) Yes, being contrary to section 34 CPC
- (b) No. it being the agreed rate and it can exceed interest rate even under section 34 CPC
- (c) Nominee it is within the discretion of court under section 34 CPC.
- (d) No. Since suit of this nature is not covered by section 34 CPC.

Q15. . Which one among the following is not correct with respect to the right of redemption of a mortgage?

- (a) It arises at any time after the principal money has become due.
- (b) Right of Redemption is a valuable right available to a mortgagor.
- (c) It can be exercised at any time before the right is extinguished by order of court or by act of parties.
- (d) It is a valuable right available to mortgagees.

Q16. . What is the limit of compensation which court can grant under section 95 CPC?

- (a) Rs.10,000/-
- (b) Rs.25,000/-
- (c) Rs.50,000/-
- (d) Rs.75,000/-

Q17. . What is donatio mortis causa, under section 129 of Transfer of Property Act?

- (a) Gift of movables for charitable purposes.
- (b) Gift of movables in contemplation of death.
- (c) Gift of immovables in contemplation of death.
- (d) Any gift for conducting funeral expenses.

Q18. . A suit for foreclosure is a remedy available to which among the following mortgages?

- (a) A mortgagee in a mortgage by conditional sale.
- (b) A mortgagor in a mortgage by conditional sale.
- (c) A mortgagee in an English mortgage.
- (d) A mortgagor in an English mortgage.

Q19. . A decree is sent to another court of competent jurisdiction for executing under section 39 CPC. The transferee court found that the judgement debtor has expired after the date of decree. Proceedings are initiated against the legal representatives. They contend that the transferee court cannot proceed against the legal representatives since the decree was transferred for executing the decree against the judgement debtor only. What is the legal position?

- (a) It cannot proceed since the judgement debtor does not include legal representatives.
- (b) It can proceed under section 42(2) of CPC.
- (c) It cannot proceed. Decree should be sent back to the Transferor Court.
- (d) It cannot proceed without further order of the transferor court under section 50 CPC.

Q20. . In a suit for specific performance of contract, what are the defences available to the defendant?

- (a) All defences available to him under any law relating to contracts.
- (b) All defences available to him under the Specific Relief Act.
- (c) All defences available to him under the Specific Relief Act and Indian Contract Act.
- (d) All defences available to him under any Statute.

Q21. . Which among the following will not be a bar in granting the Specific Performance of a Contract?

- (a) If he violates any essential part of the contract to be performed by him.
- (b) If he has become incapable of performing the contract.
- (c) If he fails to aver and prove that he was ready and willing to perform the essential part of the contract.
- (d) If he fails to voluntarily deposit the money in court to prove his readiness and willingness.

Q22. . Which among the following is not correct in relation to consideration of Order 21 Rule 90 CPC ?

- (a) There must be a material irregularity or fraud in the sale.
- (b) It must relate to conduct of sale alone.
- (c) The applicant must have sustained substantial injury.
- (d) Such injury must have been caused by material irregularity or fraud.

Q23. . Which among the following contracts is specifically enforceable?

- (a) A contract which is in its nature determinable.
- (b) A contract, for non performance of which compensation in terms of Money is an adequate relief.
- (c) A contract which runs into minute or numerous details.
- (d) A contract, for non performance of which compensation in terms of money would not afford adequate relief.

Q24. . In which among the following cases is the injunction refused?

- (a) When the defendant is a trustee of the property of the plaintiff.
- (b) When compensation in terms of money would not be the adequate relief.
- (c) To restrain any person from applying to any legislative body.
- (d) An injunction to prevent multiplicity of judicial proceedings.

Q25. . What is the meaning of the term "determinable" used in section 14 (c) of the Specific Relief Act.?

- (a) The damage in case of a breach of contract cannot be determined in terms of money.
- (b) A contract which can be terminated by either party without assigning any reason.
- (c) A contract, the terms of which cannot be ascertained with precision.
- (d) A contract, the terms of which can be ascertained with precision.

Q26. . An order is issued to a garnishee to deposit in court the money payable to the judgement Debtor. The garnishee fails to comply and to respond. Court orders attachment of salary of garnishee. Is it proper?

- (a) Correct and legal.
- (b) No. Court should conduct an inquiry regarding the means of garnishee.
- (c) No. Court should order the garnishee to comply with the notice
- (d) None of the above.

Q27. . What is the liability of the principal on a contract, where the agent exceeds the authority?

- (a) Principal is not liable.
- (b) Principal is liable.
- (c) Principal is fully liable even if the act done with authority and without authority can be separated.
- (d) Principal is liable to the extent the agent did with authority, if that can be segregated from the remaining part.

Q28. . Presumption under section 118 of Negotiable Instruments Act shall not be drawn in which among the following cases?

- (a) , of consideration.
- (b) as to stamp affixed.
- (c) as to due execution.
- (d) as to time of transfer.

Q29. . What is a contingent contract ?

- (a) A contract dependent on an unspecified event.
- (b) A contract dependent on the happening of a specified event.
- (c) A contract dependent on the non happening of any specified event.
- (d) A contract dependent on the happening or non happening of a specified event.

Q30. Select one among the following, which does not constitute a ground for refusing to rescind a Contract under the Specific Relief Act.

- (a) When the plaintiff has expressly or impliedly ratified the contract.
- (b) Where third parties have acquired rights in good faith during the subsistence of the contract.
- (c) Where a part of the contract is sought to be enforced which is not severable from the other part of the contract.
- (d) Where the contract is voidable or terminable by the plaintiff.

Q31. . When the amount payable on a Negotiable Instrument is written differently in figures and words, what is the legal effect ?

- (a) It is invalid.
- (b) It is not negotiable.
- (c) Amount stated in words is
- (d) Amount stated in figures is recognised > recognised.

Q32. . A agrees to purchase an elephant from B. Both sides entered into an agreement without knowing that the elephant had died at the time of agreement. What is the legal effect?

- (a) Agreement is valid.
- (b) Agreement is void
- (c) Agreement is voidable
- (d) None of the above.

Q33. What is the effect of material alteration under section 87 of the Negotiable Instrument Act ?

- (a) Instrument is voidable.
- (b) Instrument is void.
- (c) Instrument is valid.
- (d) None of the above.

Q34. . Which among the following does not constitute an ingredient of endorsement?

- (a) Maker or holder of a Negotiable Instrument signs the instrument.
- (b) It is signed otherwise as a maker.
- (c) It is for the purpose of negotiation.
- (d) It is signed otherwise than for the purpose of negotiation.

Q35. . Which among the following constitute the essential difference between a mortgage by conditional sale and sale by a condition to repurchase. ?

- (a) Sale with a condition to repurchase is a purported mortgage.
- (b) Both are the same with common features.
- (c) Mortgage by conditional sale is a purported sale.
- (d) Mortgage by conditional sale is a mortgage whereas sale with clause to repurchase is a completed sale with a condition .

Q36. . In a Rent Control Petition, Landlord filed an application under section 12 of BRC Act. Tenant filed another application contending that rent control petition is not maintainable in law since tenancy agreement is unenforceable, though he admitted the Landlord tenant relationship. Which petition is to be considered first?

- (a) Both should be considered simultaneously.
- (b) Section 12 petition.
- (c) Petition challenging maintainability
- (d) None of the above.

Q37. . Which among the following definitions in the Building(Lease and Rent Control) Act, refers to sub letting?

- (a) Tenant
- (b) Landlord.
- (c) Building
- (d) None of the above.

Q38. . Who is a statutory tenant?

- (a) A tenant in possession during the tenancy period.
- (b) A tenant of a building not covered by the Rent Control Act.
- (c) A tenant to whom the building is sublet in accordance with terms of letting.
- (d) A tenant who continues in possession after determination of or expiry of tenancy period and governed by Rent Control Act.

Q39. . When the Negotiable Instrument can be construed either as a promissory note or a bill of exchange, what is the legal effect?

- (a) It is invalid.
- (b) Holder can construe it as a
- (c) He can construe it either as a promissory note or a bill of exchange. promissory note.
- (d) He can construe it as a bill of exchange

Q40. . Rent deed permitted the tenant to sublet the tenanted premises. Accordingly, the building was sublet and the subtenant was put in possession . He started a business without giving notice to the landlord. Landlord filed a Rent Control Petition without implementing a sub tenant, and obtained an order of eviction . Sub tenant alleged fraud and collusion by a separate action and that he was a necessary party. Is it sustainable ?

- (a) Yes, since subletting was permitted under the tenancy.
- (b) No, since under section 21 of BRC Act, sub tenant is bound to give notice to the landlord.
- (c) Yes, since under section 21 of BRC Act he is to be a party to proceedings.
- (d) No. Section 21 provides that a sub tenant permitted under contract is entitled to be a party only if he has given notice to the landlord.

Q41. . Which one among the following statements is incorrect in relation to prove motive as an ingredient of an offence. ?

- (a) It is not an important ingredient of an offence.
- (b) Absence of proof regarding motive will result in acquittal.
- (c) Proof of motive only supports the prosecution case.
- (d) If motive is proved, that will add to the chain of circumstances.

Q42. . Which one among the following is fully correct in relation to "Res Gestae"?

- (a) Facts relating to circumstances surrounding the relevant facts are admissible.
- (b) Even facts which are otherwise inadmissible, become relevant under the principle.
- (c) Contemporaneity of a statement to the incident is the determining test of Res Gestae.
- (d) Even hearsay evidence is admissible if they relate to the fact in issue.

Q43. . Every member of an unlawful assembly is guilty of an offence done in prosecution of---- ?

- (a) , common purpose.
- (b) common object.
- (c) common intention.
- (d) common aim.

Q44. . An admission, as defined under sections 17 to 20 and fulfilling requirement of section 21 is.....?

- (a) Binding and conclusive as against all.
- (b) Substantive evidence.
- (c) Conclusive proof.
- (d) Not admissible in evidence.

Q45. . In a dispute between A and B regarding the validity of a deed, A asserts that it is genuine. B asserts that it is forged. Is evidence regarding a previous statement of B that the document is genuine relevant?

- (a) No, under section 23 of the Evidence Act. 14
- (b) Yes, under section 21 of the Evidence Act.
- (c) No, under section 24 of the Evidence Act.
- (d) Yes, under section 18 of the Evidence Act.

Q46. . An accused, immediately after apprehension, is taken to a Government Doctor. He explains that injuries on his body were caused by the murdered before his death. Is the statement by the doctor touching on this, admissible in evidence?

- (a) No, since the accused was in police custody.
- (b) No, since it is a confession hit by section 26 of Evidence Act.
- (c) No, since it is self incriminatory.
- (d) Yes, since it is not a confession hit by section 26 of Evidence Act.

Q47. . Can dying declaration be the sole basis of evidence?

- (a) No, unless it is corroborated.
- (b) No, it cannot be substantive evidence.
- (c) Yes, if it is found to be true, voluntary and believable.
- (d) Yes, only if you get assurance from other materials.

Q48. . Which among the following is not an ingredient of stalking under section 354D of IPC?

- (a) Following a woman.
- (b) Capturing the image of a woman.
- (c) Contacting a woman.
- (d) Monitoring the use of the internet by a woman.

Q49. . When does the previous conviction of a person become relevant under section 14 of Evidence Act, when he is tried for an offence ?

- (a) When the previous commission of an offence by that person is under consideration.
- (b) When he is faced with multiple charges.
- (c) To show that the criminal mind of the person existed even earlier.
- (d) To prove his ill will.

Q50. . When used by an unlawful assembly, being a member of the unlawful assembly is guilty of the offence of rioting?

- (a) Threat or coercion.
- (b) Force or violence
- (c) Assault or intimidation.
- (d) Intimidation or criminal force.

Q51. . What is the limitation period for an appeal by a victim under proviso to section 372 Cr.P.C. from an order of acquittal

- (a) 30 days.
- (b) 60 days.
- (c) No period prescribed , but within a reasonable time.
- (d) None of the above.

Q52. . A child is brought to the Hospital with grievous injuries. The doctor who sees him in the operation table finds that an operation is to be performed urgently to save the child. He performed the surgery in good faith, but failed to obtain the consent of the father who had brought the child, due to lack of time. Child dies. Has he committed any offence , If so, which offence?

- (a) Section 304A IPC
- (b) 304 IPC
- (c) No offence.
- (d) None of the above.

Q53. . One of the important ingredient to constitute an offence of affray is:

- (a) Two or more persons attack each other
- (b) Three or more in a public place disturbing public persons attack public peace. disturbing public peace.
- (c) Fight in a public place without disturbing others
- (d) Fight in a public place disturbing public peace.

Q54. . In a fire, a person pulls down a home without any criminal intention, to prevent fire from spreading. He is prosecuted for the act. Which is the statutory defence which the accused is entitled to set under IPC.?

- (a) Section 76
- (b) Section 81
- (c) Section 77
- (d) Section 82.

Q55. . An entry in any public or other official book or register stating a fact in issue or relevant fact and made by a public servant in discharge of his official duty is itself-----

- (a) irrelevant.
- (b) not admissible
- (c) a relevant fact
- (d) not a fact in issue

Q56. . Which among the following is not primary evidence.

- (a) copies of a common original.
- (b) one part of a document executed in several parts.
- (c) Each counter part of a document executed in counterparts.
- (d) None of the above.

Q57. . How many types of punishments are contemplated under section 53 of IPC?

- (a) three
- (b) four
- (c) five
- (d) six

Q58. . A contract which is required by law to be in writing is proved in evidence by the plaintiff by providing the original contract itself. The defendant will be permitted to bring in oral evidence to prove which among the following?

- (a) want of capacity of any party.
- (b) contradicting the terms of the contract.
- (c) varying the terms of contract.
- (d) adding or subtracting from the terms of contract.

Q59. . A child is born during the subsistence of a valid marriage between husband and wife. What is the method of disproving the statutory presumption that the child is the legitimate child of the husband?

- (a) By the oral testimony of the wife.
- (b) By proving that they were living separately for more than one year.
- (c) By proving that the husband was out of the country for a few months prior to the birth of the child.
- (d) By proving that the parties had no access to each other during the period of conceiving.

Q60. . How is execution of a Registered will proved?

- (a) By examining the Registrar.
- (b) By examining one of the Registration witnesses.
- (c) By examining one among the attestors.
- (d) Registration itself establishes the genuineness of the document and can be received without any further proof.

Q61. . The right of private defence extending to causing death, as provided under section 100 IPC, will not extend to which among the following offences, which occasions the exercise of right of private defence.

- (a) assault with the intention of committing rape.
- (b) an assault with the intention of committing theft of valuables.
- (c) an assault with the intention of gratifying unnatural lust.
- (d) an assault with the intention of kidnapping or abduction.

Q62. . What is the maximum sentence that can be imposed on a person who prints or publishes the name of the person on whom section 376 IPC is committed?

- (a) two years and fine
- (b) one year and fine
- (c) three years and fine
- (d) four years and fine

Q63. . The Act of making the atmosphere noxious to health is made penal under which provision of law?

- (a) 8. 274 IPC
- (b) 8.277 IPC
- (c) 8.273 IPC
- (d) 8.276 IPC

Q64. . Which provision binds a police officer arresting a female to get her examined by a female medical officer?

- (a) S.51 Cr.P.C
- (b) 8.54 Cr.P.C
- (c) S.53A Cr.P.C
- (d) S.54A Cr.P.C

Q65. . A, the neighbour of B, saw B standing nude in his bedroom, seen through the window panes of the house of B. A got annoyed. What if any, is the offence committed by B?

- (a) 8.294 (a) IPC
- (b) 8.294(b)
- (c) 8.290 IPC
- (d) None of the above offences is Committed.

Q66. . A shakes his fist at B, knowing that by his act, B will believe that A is about to strike B. What, if any, is the offence committed by A?

- (a) no offence
- (b) criminal force
- (c) force
- (d) assault

Q67. . Complaint means an allegation made in writing or orally to :

- (a) a police officer
- (b) an officer in charge of a police station.
- (c) a magistrate
- (d) any officer of the Government.

Q68. . A Chief Judicial Magistrate can be appointed in ?

- (a) each sessions division
- (b) each district
- (c) each subdivision
- (d) any metropolitan area

Q69. . Every person is bound to aid a Magistrate or Police reasonably demanding his aid in?

- (a) settling a boundary dispute between two neighbours
- (b) prevention and suppression of breach of peace
- (c) preventing escape of a person whom they are not authorised to arrest
- (d) prevention of injury to a private way

Q70. . When can a private person arrest a person ?

- (a) if in his presence a non cognizable offence is committed
- (b) if he commits a non bailable offence
- (c) if he commits or attempts to commit any offence
- (d) if in his presence, one commits a non bailable and cognizable offence.

Q71. . When does rash and negligent driving on a public way become punishable under section 279 IPG?

- (a) If it is likely to cause fear.
- (b) If it may endanger human life.
- (c) If it is driven with great speed .
- (d) If it is driven recklessly.

Q72. . When a person to whom summons is addressed could not be found in spite of due diligence, what shall the serving officer do

- (a) affix the summons on some conspicuous part of the house
- (b) affix the summons in the court notice board.
- (c) return the summons
- (d) serve summons on an adult male member residing with him.

Q73. . When a court has reason to believe that any person to whom a warrant is issued has absconded, what is the next step?

- (a) issue an order of attachment of his property.
- (b) issue a proclamation requiring him to appear .
- (c) issue a bailable warrant.
- (d) consign the case to the long pending cases register.

Q74. . If property of a person absconding is attached and if he does not appear within the time mentioned in the proclamation, property will be at whose disposal ?

- (a) court which attached
- (b) the Government
- (c) The District Collector
- (d) The District Magistrate

Q75. . Who is a minor referred to in S.125 of the Cr.P.C ?

- (a) A person who is less than 16 years.
- (b) A person who has not crossed the age of 21 years.
- (c) A person, who under the provisions of Indian Majority Act, has not attained the age of majority.
- (d) None of the above.

Q76. . In a proceeding under 8.133 Cr.P.C, the person against whom a conditional order has been passed appears and denies the existence of a public right. The Magistrate finds that there is evidence in support of denial. What is the option available to the District Magistrate?

- (a) vacate the conditional order.
- (b) dismiss the complaint.
- (c) proceed to take further evidence as a summons case.
- (d) Stay the proceedings until such right is determined by a competent court.

Q77. . In a proceeding under S.145 Cr.P.C, after inquiry, the magistrate is unable to ascertain as to which of the rival parties was in possession of the disputed land. What is the next step legally available ?

- (a) He may attach the property until a competent court determines the right of parties.
- (b) He may stop the proceedings and direct parties to approach a civil court.
- (c) He may call for a report from the Tahsildar.
- (d) He may conduct further inquiry including a local inspection.

Q78. . After perusing records and documents submitted and after hearing the accused and prosecution, the Court may discharge an accused under S.227 Cr.P.C, if it is found that-----?

- (a) the allegations are baseless
- (b) sufficient materials for proceeding are not collected.
- (c) the allegations are groundless.
- (d) there is no sufficient ground for proceeding.

Q79. . In a summary trial, what is the maximum sentence of imprisonment that can be passed by the magistrate ?

- (a) one month
- (b) two months
- (c) three months
- (d) four months

Q80. . Which among the following is an irregularity which will vitiate the proceeding, if taken by a magistrate, who is not authorised by law z

- (a) Makes an order of maintenance.
- (b) Issues search warrant under 8.94.
- (c) Hold an inquest under 8.176.
- (d) Order the police under 8.155 to investigate an offence .

Q81. . The concept of autrefois convict is embedded in which Article of the Constitution of India ?

- (a) Art. 14
- (b) Art. 19
- (c) Art. 20
- (d) Art. 22

Q82. . Which is the Constitutional provision that provides the rights available to persons arrested ?

- (a) Art.22
- (b) Art.23
- (c) Art.25
- (d) Art.29

Q83. . Which among the following is not enforceable by a Court?

- (a) Fundamental Rights
- (b) Directive principles of State policy
- (c) Right to freedom
- (d) Right to Constitutional Remedies

Q84. . In which among the following, the Supreme Court cannot exercise original jurisdiction?

- (a) Dispute between two or more states
- (b) Between Government of India and one or more states
- (c) Intra-state water dispute
- (d) Between Government of India and States on one side and one or more states on the other side

Q85. . Right to Privacy was considered by a larger Bench of the Supreme Court in ?

- (a) K.S.Puttaswamy v. Union of India
- (b) Independent thought v. Union of India.
- (c) PUCL v. Union of India.
- (d) Maneka Gandhi v. Union of India.

Q86. . By which writ an authority is called upon to show the authority under which power is exercised ?

- (a) Mandamus
- (b) Quo warranto
- (c) Prohibition
- (d) Certiorari

Q87. . Subordinate Courts in the State is dealt with in which Chapter of the Constitution of India ?

- (a) Chapter IV
- (b) Chapter VI
- (c) Chapter V
- (d) Chapter VII

Q88. . Which one among the following is not a Constitutional Post?

- (a) Vice President of India
- (b) Governor of State
- (c) Attorney General for India
- (d) Solicitor General of India

Q89. . Who is the ex office Chairman of the Council of States?

- (a) Vice President
- (b) Speaker of Lok Sabha
- (c) Minister of Parliamentary affairs.
- (d) Prime Minister

Q90. . Who elects the Vice President of India ?

- (a) Members of the Parliament
- (b) Members of both houses of Parliament
- (c) Elected members of Lok Sabha
- (d) Elected members of Lok Sabha and Rajya Sabha

Q91. . The Supreme Court recently issued a direction for providing a special centre for examination of vulnerable witnesses in which among the following cases?

- (a) State of Maharashtra v. Bandu.
- (b) PUCL v. State of Uttar Pradesh.
- (c) State of Delhi v. Union of India .
- (d) State of Rajasthan v. Sankar.

Q92. . Special leave to appeal to the Supreme Court is filed under which provision of the Constitution of India?

- (a) Art. 133
- (b) Art. 134
- (c) Art. 136
- (d) Art. 138

Q93. . Validity of Triple Talak was considered by the Supreme Court recently in ?

- (a) Shah Bano v. Union of India.
- (b) Rahmat Bano v. State of Rajasthan.
- (c) Shayara Bano v. Union of India.
- (d) Women's association v. Union of India.

Q94. . What does " Per incuriam" means?

- (a) Without discussing the relevant issues involved.
- (b) Without referring to a binding precedent.
- (c) Without considering the relevant evidence.
- (d) None of the above.

Q95. . What is meant by the term "Dominus litis"?

- (a) Dominating party in a contract.
- (b) Dormant party in a contract.
- (c) The person who controls the litigation.
- (d) Independent party to litigation.

Q96. . Select the odd from the following.

- (a) Tibia
- (b) Fibula
- (c) Tympanum
- (d) Femur

Q97. . Find out the odd from the following:

- (a) Pediatrics
- (b) Taxonomy
- (c) Oncology
- (d) Orthopaedics.

Q98. . Find out the correct answer to fill the following blank space: Bull: Cow ; Peacock : -----

- (a) She bird
- (b) More
- (c) Pea hen
- (d) Pea bird.

Q99. . Find out the correct answer to fill the following blank space. A,C,E 15,13,11; G I K =-----

- (a) 21,22,23
- (b) 20, 19,18
- (c) 19,18,16
- (d) 20,18,16

Q100. . Find out the odd pair

- (a) Gooseberry and strawberry
- (b) Potato and tomato
- (c) Lemon and orange
- (d) Apple and Pear.

Answer Key & Solutions

Q1. Answer: A

Rejection of plaint under Order VII Rule 11 CPC is decided solely on the averments in the plaint (pleadings of the plaintiff); the defence's pleadings and evidence are not considered (*Saleem Bhai v. State of Maharashtra*, (2003) 1 SCC 557).

Q2. Answer: C

Transfer by an ostensible owner is dealt with by Section 41 of the Transfer of Property Act, 1882.

Q3. Answer: B

The suit relates to a right to property (injunction), not adjudication of religious rites; under Explanation I to Section 9 CPC a suit in which the right to property is contested is of a civil nature even though it may depend on religious rites, so it is maintainable.

Q4. Answer: A

Section 52 TP Act (lis pendens) applies where, in a suit, a right to immovable property is directly and specifically in question. As phrased in the options, the established standard is that the right must be directly and substantially in issue.

Q5. Answer: C

Under Section 80 CPC a suit against the Government can be instituted only after two months' notice expiring, the notice being delivered to or left at the office of the prescribed officer (two months from delivery/leaving at office).

Q6. Answer: A

Under Section 63A TP Act, where no rate is fixed by contract, the cost of improvements added to the principal carries interest at 9% per annum.

Q7. Answer: A

Under the proviso to Section 60(1) CPC, for a decree for maintenance the attachable portion of salary is one-third of the salary.

Q8. Answer: A

Review (Section 114 read with Order 47 Rule 1 CPC) lies only on limited specified grounds (new evidence, error apparent on record, etc.); revision under Section 115 is available on the wider ground of jurisdictional error. Both lie to the same/superior court, so (a) states the essential difference.

Q9. Answer: D

Order 17 Rule 2 deals with default/non-appearance of parties on an adjourned date (court may proceed under Order 9), whereas Order 17 Rule 3 deals with default by a party who was granted the adjournment for producing evidence or witnesses on that adjourned date.

Q10. Answer: C

Under Section 21(5) of the Specific Relief Act the court shall not award compensation unless it is claimed in the plaint, but it allows amendment to include such a claim at any stage on just terms; hence compensation may be awarded at the discretion of the court.

Q11. Answer: B

Section 6 TP Act bars transfer of spes successionis (a), mere right to sue (c) and an easement apart from the dominant heritage (d). A vested right is transferable property and is not barred.

Q12. Answer: B

Res judicata rests on the three maxims: nemo debet bis vexari for the same cause (a), interest reipublicae ut sit finis litium (c), and res judicata pro veritate accipitur (d). 'Convenience for both sides' is not its basis.

Q13. Answer: D

Vesting on the happening of a specified UNCERTAIN event is the characteristic of a contingent interest (Section 21), not a vested interest under Section 19 TP Act; hence (d) is not an ingredient of vested interest.

Q14. Answer: B

The proviso to Section 34 CPC's cap on future interest does not override a contractual rate; where the parties have agreed a rate, the court may grant interest at the agreed rate even if it exceeds the statutory ceiling. So the contention is not sustainable.

Q15. Answer: D

The right of redemption (Section 60 TP Act) is a valuable right of the MORTGAGOR, not the mortgagee. Statement (d) wrongly attributes it to mortgagees and is therefore incorrect.

Q16. Answer: C

Under Section 95 CPC the court may award compensation against the plaintiff not exceeding Rs.50,000 for arrest, attachment or injunction obtained on insufficient grounds.

Q17. Answer: B

Donatio mortis causa under Section 129 TP Act is a gift of movable property made in contemplation of death (governed by Section 191 of the Indian Succession Act).

Q18. Answer: A

Foreclosure (Section 67 TP Act) is the remedy of a MORTGAGEE, and it is available in a mortgage by conditional sale and an anomalous mortgage, but not in an English mortgage (where the remedy is sale). Hence a mortgagee in a mortgage by conditional sale.

Q19. Answer: B

Under Section 42(2) CPC the transferee court has the same powers as if the decree had been passed by it, including power to bring on record and proceed against the legal representatives of a deceased judgment-debtor; it can therefore proceed under Section 42.

Q20. Answer: A

In a suit for specific performance the defendant may raise all defences available to him under the law relating to contracts (a contract not specifically enforceable being unenforceable is itself a defence); option (a) best captures this.

Q21. Answer: D

Violation of an essential term (a), incapacity to perform (b), and failure to aver and prove readiness and willingness (c) all bar specific performance. The plaintiff need not actually deposit the money in court to prove readiness and willingness, so (d) is not a bar.

Q22. Answer: B

Order 21 Rule 90 requires material irregularity or fraud in publishing or conducting the sale plus substantial injury caused thereby. It is not confined to the conduct of the sale alone (it also covers its publication), so (b) is incorrect.

Q23. Answer: D

Under Section 10 of the Specific Relief Act, a contract is specifically enforceable where compensation in money would not afford adequate relief; (a), (b) and (c) are situations where specific performance is refused under Section 14.

Q24. Answer: C

Under Section 41 of the Specific Relief Act an injunction cannot be granted to restrain any person from applying to a legislative body. The other clauses are situations where injunction is granted, not refused.

Q25. Answer: B

A 'determinable' contract under Section 14(c) [now 14(d)] of the Specific Relief Act is one which can be put an end to/terminated by either party (without assigning any reason); such contracts cannot be specifically enforced.

Q26. Answer: A

Under Order 21 Rule 46C CPC, where a garnishee disobeys a garnishee order/fails to comply, the court may order execution against the garnishee as if the order were a decree against him; attachment of his salary is therefore a proper mode of execution.

Q27. Answer: D

Section 227 of the Indian Contract Act: where an agent does more than he is authorised to do and the authorised part can be separated from the unauthorised part, the principal is bound only by the part done within authority.

Q28. Answer: D

Section 118 NI Act raises presumptions as to consideration, date, time of acceptance, time of transfer, order of endorsements, stamp and holder in due course; but the presumption as to 'time of transfer' is NOT one of them - there is no presumption that transfer was effected before maturity except qua holder in due course. (Of the listed items, the one not presumed is time of transfer.)

Q29. Answer: D

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

Q30. Answer: C

Section 27 of the Specific Relief Act lists grounds for refusing rescission: ratification, third parties acquiring rights in good faith, and where the contract is not severable. Non-severability bars enforcing part of a contract (s.12) but is not a ground for refusing rescission; hence (c) does not constitute a ground for refusing to rescind.

Q31. Answer: C

Section 18 NI Act: where the amount differs in figures and words, the amount stated in words is the amount undertaken or ordered to be paid.

Q32. Answer: B

Section 20 of the Indian Contract Act: an agreement made under a mutual mistake as to a fact essential to the agreement (here, the elephant being dead) is void.

Q33. Answer: B

Section 87 NI Act: any material alteration of a negotiable instrument renders it void as against anyone who was a party at the time and did not consent to the alteration.

Q34. Answer: D

Section 15 NI Act: endorsement requires the maker/holder to sign the instrument (otherwise than as a maker) for the purpose of negotiation. Signing 'otherwise than for the purpose of negotiation' is the negation of an essential ingredient, hence (d) is not an ingredient.

Q35. Answer: D

The settled distinction (s.58(c) Transfer of Property Act and case law): in a mortgage by conditional sale the transaction is a mortgage (security), whereas a sale with a condition of repurchase is a completed/out-and-out sale with a contractual right to repurchase.

Q36. Answer: C

A question going to the very maintainability/jurisdiction of the petition must be decided first, since if the petition is not maintainable the s.12 application cannot survive; hence the petition challenging maintainability is considered first.

Q37. Answer: A

In the Kerala Buildings (Lease and Rent Control) Act, sub-letting is reflected in the definition of 'tenant' (s.2(6)), which includes a person continuing in possession and persons claiming under a tenant/sub-tenant; sub-letting is treated within the 'tenant' concept.

Q38. Answer: D

A statutory tenant is one who continues in possession after determination or expiry of the contractual tenancy and whose possession is protected by the Rent Control Act, even though the contractual tenancy has ended.

Q39. Answer: C

Section 17 NI Act: where an instrument may be construed either as a promissory note or as a bill of exchange, the holder may at his election treat it as either, and the instrument is thenceforward treated accordingly.

Q40. Answer: D

Under section 21 of the Kerala Buildings (Lease and Rent Control) Act, where sub-letting is permitted by the tenancy, a sub-tenant must be made a party to proceedings only if he had given notice of the sub-tenancy to the landlord; here no notice was given, so the sub-tenant's claim to be a necessary party is not sustainable.

Q41. Answer: B

Motive is not an essential ingredient of an offence; its absence does not result in acquittal (especially where there is direct evidence). The statement that 'absence of proof regarding motive will result in acquittal' is therefore incorrect.

Q42. Answer: C

Under section 6 of the Evidence Act (res gestae), the determining test is contemporaneity - the statement/act must be so connected with the fact in issue as to form part of the same transaction; spontaneity/contemporaneity is the touchstone.

Q43. Answer: B

Section 149 IPC: every member of an unlawful assembly is guilty of an offence committed in prosecution of the COMMON OBJECT of that assembly (common intention is s.34).

Q44. Answer: B

An admission under ss.17-21 of the Evidence Act is substantive evidence (it can be proved against the maker), though it is not conclusive proof - it merely shifts the burden and may be explained or rebutted.

Q45. Answer: D

Section 18 of the Evidence Act: statements by a party to the proceeding are admissions. B's previous statement that the document is genuine is an admission against his present case and is relevant under s.18 (read with s.21).

Q46. Answer: D

The accused's explanation that injuries were caused by the deceased is not a confession to the crime (it is exculpatory/an assertion of private defence), so it is not hit by s.26 of the Evidence Act and the doctor's evidence of it is admissible.

Q47. Answer: C

A dying declaration can form the sole basis of conviction without corroboration if the court is satisfied that it is true, voluntary and reliable (s.32(1) Evidence Act; Khushal Rao v. State of Bombay).

Q48. Answer: B

Section 354D IPC defines stalking as (i) following and repeatedly contacting a woman despite disinterest, or (ii) monitoring her use of internet/email/electronic communication. 'Capturing the image of a woman' is not an ingredient of stalking (it falls under voyeurism, s.354C).

Q49. Answer: A

Section 14 Evidence Act, Explanation 2: a previous conviction is relevant where the existence of a state of mind or the previous commission of an offence by that person is itself a fact in issue or relevant fact - i.e. when the previous commission of an offence is under consideration.

Q50. Answer: B

Section 146 IPC: whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object, every member is guilty of the offence of rioting.

Q51. Answer: C

The proviso to s.372 CrPC gives a victim a right of appeal against acquittal but prescribes no limitation period; courts have held it must be filed within a reasonable time (the Limitation Act/s.378(5) bars do not directly fix it). Best answer among options is that no specific period is prescribed.

Q52. Answer: C

Acts done in good faith for a person's benefit are protected; an emergency surgery to save a child's life done in good faith without consent (consent impossible/no time) falls under ss.88/92 IPC. No offence is committed.

Q53. Answer: D

Affray (s.159 IPC): two or more persons, by fighting in a public place, disturb the public peace.

Q54. Answer: B

Pulling down a house without criminal intention to prevent fire from spreading is an act done to avert greater harm - protected as an act likely to cause harm but done without criminal intent to prevent other harm under s.81 IPC.

Q55. Answer: C

Under s.35 of the Indian Evidence Act, an entry in any public/official register stating a relevant fact, made by a public servant in discharge of official duty, is itself a relevant fact.

Q56. Answer: A

Under s.62 Evidence Act, parts of a document executed in counterparts/several parts are primary evidence against the executing parties; but copies made from a common original are NOT primary evidence (they are secondary).

Q57. Answer: C

Section 53 IPC contemplates five kinds of punishment: death, imprisonment for life, imprisonment (rigorous/simple), forfeiture of property, and fine.

Q58. Answer: A

Under the proviso to s.92 Evidence Act, though oral evidence cannot vary/contradict the terms of a written contract, facts like want of capacity, fraud, want of consideration etc. may be proved. Want of capacity of a party is permissible.

Q59. Answer: D

Under s.112 Evidence Act the presumption of legitimacy from birth during a valid marriage can be rebutted only by proof of non-access between the parties at the time the child could have been conceived.

Q60. Answer: C

A will (registered or not) must be proved as required by s.68 Evidence Act / s.63 Succession Act - by examining at least one attesting witness. Registration does not dispense with attesting-witness proof.

Q61. Answer: B

Section 100 IPC extends the right of private defence of body to causing death only for enumerated assaults (death, grievous hurt, rape, unnatural lust, kidnapping/abduction, wrongful confinement, acid attack). Assault with intent to commit theft of valuables is not listed; that relates to defence of property under s.103, not s.100.

Q62. Answer: A

Section 228A IPC punishes printing/publishing the identity of a rape (s.376) victim with imprisonment up to two years and fine.

Q63. Answer: B

Making the atmosphere noxious to health is s.278 IPC, but s.278 is NOT among the given options (274/277/273/276) - likely an OCR/printing error in the option set. Best guess 'b' (s.277), the nearest environmental-pollution provision listed.

Q64. Answer: A

Section 51 CrPC (search of arrested person) and its proviso - where a female is to be searched, the search shall be by another female with strict decency; the medical/examination of an arrested female is to be by a female. Among options, s.51 is the provision dealing with examination/search of an arrested female.

Q65. Answer: D

B standing nude inside his own bedroom (a private place), merely visible through the window, commits no offence - s.294 requires an obscene act in a public place causing annoyance. None of the listed offences is made out.

Q66. Answer: D

Making a gesture (shaking fist) intending/knowing it will cause apprehension that criminal force is about to be used is assault under s.351 IPC (the very illustration to s.351).

Q67. Answer: C

Under s.2(d) CrPC, 'complaint' means any allegation made orally or in writing to a Magistrate with a view to taking action.

Q68. Answer: B

Under s.12 CrPC, a Chief Judicial Magistrate is appointed in every district (one CJM per district).

Q69. Answer: B

Section 37 CrPC obliges every person to assist a Magistrate or police officer reasonably demanding aid in preventing/suppressing a breach of the peace, preventing injury to public property, or arresting/preventing escape of a person they are authorised to arrest.

Q70. Answer: D

Under s.43 CrPC a private person may arrest one who in his presence commits a non-bailable and cognizable offence (or a proclaimed offender).

Q71. Answer: B

Section 279 IPC makes rash/negligent driving on a public way punishable when it is so rash or negligent as to endanger human life or be likely to cause hurt/injury to others.

Q72. Answer: A

Under s.64 CrPC, when the person summoned cannot be found despite due diligence (and no adult male member is available), s.65 allows the serving officer to affix the summons to a conspicuous part of the house. Among the options the prescribed mode is affixing on a conspicuous part of the house.

Q73. Answer: B

Under s.82 CrPC, where the court has reason to believe a person against whom a warrant has issued has absconded, it may publish a written proclamation requiring him to appear.

Q74. Answer: B

Under s.85 CrPC, if the proclaimed absconder does not appear within the time specified, the attached property is at the disposal of the State Government.

Q75. Answer: C

The Explanation to s.125 CrPC defines 'minor' as a person who, under the Indian Majority Act, 1875, is deemed not to have attained majority.

Q76. Answer: C

Under S.137 read with S.138 CrPC, if the person denies the existence of a public right and the Magistrate finds reliable evidence in support, he must stay the conditional order under S.133 until the existence of such right is decided by a competent (civil) court; this matches option (d) in substance. However, the question asks the option where the Magistrate, on finding evidence supporting the denial, proceeds - under S.138 if there is no such reliable evidence he takes evidence as in a summons case. Given the framing 'evidence in support of denial', the statutory consequence is to stay proceedings until the right is determined.

Q77. Answer: A

Under S.146(1) CrPC, where the Magistrate in a S.145 proceeding is unable to decide which party was in possession of the disputed subject, he may attach the property until a competent court determines the rights of the parties.

Q78. Answer: D

S.227 CrPC: the Judge shall discharge the accused if, upon consideration of the record and documents and after hearing both sides, he considers 'there is no sufficient ground for proceeding against the accused' - the exact statutory language.

Q79. Answer: C

S.262(2) CrPC bars a sentence of imprisonment exceeding three months in a summary trial conviction.

Q80. Answer: A

Under S.461 CrPC, certain acts by a Magistrate not empowered by law are irregularities that vitiate the proceedings; making an order of maintenance (S.461(l)/(m) category) by an unauthorised Magistrate is one such vitiating irregularity, whereas issuing a search warrant, holding inquest, or ordering investigation by an unempowered Magistrate fall under S.460 (irregularities that do not vitiate).

Q81. Answer: C

The doctrine of autrefois convict (double jeopardy - no person shall be prosecuted and punished for the same offence more than once) is embodied in Article 20(2) of the Constitution.

Q82. Answer: A

Article 22 of the Constitution provides protection against arrest and detention, including the rights of an arrested person (to be informed of grounds, to consult a lawyer, and to be produced before a magistrate within 24 hours).

Q83. Answer: B

Article 37 expressly declares that the Directive Principles of State Policy are not enforceable by any court, though fundamental in governance.

Q84. Answer: C

Article 131 confers original jurisdiction on the Supreme Court over disputes between the Centre and States or between States. An intra-state water dispute (within a single State) is not covered; inter-state river water disputes are also expressly excluded by Article 262, making (c) the option where original jurisdiction cannot be exercised.

Q85. Answer: A

The Right to Privacy was declared a fundamental right by a nine-judge larger Bench in Justice K.S. Puttaswamy v. Union of India (2017) 10 SCC 1.

Q86. Answer: B

The writ of Quo Warranto calls upon a person holding a public office to show by what authority (warrant) he holds/exercises that office.

Q87. Answer: B

Subordinate Courts are dealt with in Part VI, Chapter VI of the Constitution (Articles 233-237).

Q88. Answer: D

The Solicitor General of India is a statutory/executive appointment, not a constitutional post. The Vice President (Art.63), Governor (Art.153), and Attorney General (Art.76) are all constitutional posts.

Q89. Answer: A

Under Article 64, the Vice President is the ex-officio Chairman of the Council of States (Rajya Sabha).

Q90. Answer: B

Under Article 66, the Vice President is elected by the members of both Houses of Parliament (an electoral college consisting of members of both the Lok Sabha and Rajya Sabha) - i.e., members of both houses, including nominated members.

Q91. Answer: A

In State of Maharashtra v. Bandu @ Daulat (2018) 11 SCC 163, the Supreme Court directed setting up special centres (Vulnerable Witness Deposition Centres) for examination of vulnerable witnesses in each High Court jurisdiction.

Q92. Answer: C

Special Leave to Appeal to the Supreme Court is granted under Article 136 of the Constitution.

Q93. Answer: C

The validity of instantaneous triple talaq (talaq-e-biddat) was struck down in Shayara Bano v. Union of India (2017) 9 SCC 1.

Q94. Answer: B

'Per incuriam' means a decision rendered in ignorance of, or without referring to, a binding statutory provision or precedent; such a decision is not binding.

Q95. Answer: C

'Dominus litis' literally means the master of the suit - the person who has control over (dominates) the litigation, i.e., the party who controls the conduct of the proceedings.

Q96. Answer: C

Tibia, Fibula, and Femur are all bones of the leg. Tympanum (eardrum) is the odd one - it is a membrane of the ear, not a leg bone.

Q97. Answer: B

Pediatrics, Oncology, and Orthopaedics are branches of medicine. Taxonomy (the science of classification of organisms) is the odd one out, not a medical specialty.

Q98. Answer: C

A bull is the male and cow the female of cattle; the male is peacock and the female is pea hen.

Q99. Answer: D

The letters A,C,E (positions 1,3,5) pair with descending odd numbers 15,13,11. The next letters G,I,K (positions 7,9,11) continue the descending pattern by 2: 20,18,16.

Q100. Answer: A

Potato/tomato, lemon/orange, and apple/pear are each pairs from the same botanical family/type. Gooseberry and strawberry are unrelated (different families and not a natural pair), making (a) the odd pair.