

Odisha Judiciary - Prelims 2014

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

Q1. Indian Constitution was enacted and adopted on:

- (a) 26th January, 1950
- (b) 26th November, 1949
- (c) 15th August, 1947
- (d) 14th August, 1947

Q2. The Constitution (97th Amendment) Act, 2011 inserted under Art. 19 (1)(c):

- (a) Associations
- (b) Unions
- (c) Organisations
- (d) Co-operative Societies

Q3. Supreme Court of India permitted passive euthanasia subject to certain guidelines in the case of:

- (a) Aruna Ramachandra Shanbaugh v. Union of India
- (b) Gian Kaur v. State of Punjab
- (c) P. Rathinam v. Union of India
- (d) Maruti Sripati Dubai v. State of Maharashtra

Q4. The case of Jaya Bachchan v Union of India relates to:

- (a) Territorial Constituencies
- (b) Membership in Rajya Sabha
- (c) Office of Profit
- (d) Dissolution of Lok Sabha

Q5. New States are formed under Art. 3 of the Constitution by:

- (a) A Law of the Parliament
- (b) By Constitutional Amendment under Art. 368
- (c) By a Law of the State Legislature concerned
- (d) By a Law of the State Legislature concerned and Law of the Parliament

Q6. Art. 123 deals with :

- (a) Power of the President to dissolve Lok Sabha
- (b) Power of the Governor to promulgate ordinances
- (c) Power of the President to promulgate ordinances
- (d) Power of the Parliament to pass the bills

Q7. Doctrine of Pith and Substance relates to:

- (a) Interpretation of statutes to solve the problem of competing legislature in the same field
- (b) Serve the objectionable portions of the statute that violate Fundamental Rights
- (c) Interpretation of statutes to solve problems arising out of territorial nexus
- (d) Interpretation of statutes to solve problems of waiver of Fundamental rights

Q8. Provision for imposing the President's rule in case of failure of constitutional machinery in the states is provided under:

- (a) Art. 353
- (b) Art. 360
- (c) Art. 352
- (d) Art. 356

Q9. Removal or suspension of a member of Public Service Commission shall be done in accordance with :

- (a) Art. 316
- (b) Art. 317
- (c) Art. 350
- (d) Art. 351

Q10. According to Art. 233 the appointment of a district judge shall be done by:

- (a) The President in consultation with the High Court of the State concerned
- (b) The Governor of the State concerned in consultation with the High Court of the State concerned
- (c) The Governor in consultation with the Chief Justice of India
- (d) The collegium of the High Court

Q11. Existence of two suits, by parties litigating under same title, one previously instituted which is pending at present and the other filed later, wherein a matter in issue in the subsequently filed suit is directly and substantially in issue in the other and the relief claimed in the subsequent suit can effectively be passed by the court of previous instance. Which Section of CPC decides the fate of the subsequently filed suit and its proceeding?

- (a) S. 11
- (b) S. 9
- (c) S. 10
- (d) S. 12

Q12. Where there are mutual debts between the plaintiff and the defendant, one debt may be settled against another. This can be a statutory defence to a plaintiff's action and it is called as:

- (a) Cross-claim
- (b) Set-off
- (c) Cross-demands
- (d) Cross-decrees

Q13. An attachment before judgement order takes away:

- (a) Right to ownership
- (b) Right to file suit
- (c) Power to alienate the property
- (d) Capacity of execution of a decree

Q14. The three pillars on which foundation of every order of injunction rests:

- (a) Prima facie case, injury with damage and balance of inconvenience
- (b) Prima facie case, reparable injury and balance of convenience
- (c) Prima facie case, irreparable injury and balance of convenience
- (d) Prima facie case, damage without injury and balance of convenience

Q15. _____ is to enable subordinate courts to obtain in non-appealable cases the opinion of the High Court in the absence of a question of law and thereby avoid the commission of an error which could not be remedied later on.

- (a) Review
- (b) Reference
- (c) Appeal
- (d) Revision

Q16. Which of the propositions are correct ? (i) Legal set off requires a court fee, but no court-fee is required in the case of an equitable set off. (ii) In a legal set off amount claimed can be time barred and in an equitable setoff claim cannot be allowed if it is time barred. (iii) In a legal set off it is not necessary that cross demands arise out of same transaction and in an equitable set off cross demands must arise out of same transaction. (iv) Legal set off can be for any amount not ascertained and an equitable set off may be allowed only for an unascertained amount.

- (a) Only (i) is correct
- (b) Only (i) and (iii) are correct
- (c) Both (i) and (iv) are correct
- (d) None of the above

Q17. Where a party to a suit requires information as to facts from the opposite party, he may administer to his adversary a series of questions. It is called as:

- (a) Question petition
- (b) Question pamphlet
- (c) Interrogatories
- (d) Discovery

Q18. _____ is a suit filed by or against one or more persons on behalf of themselves and others having the same interest in the suit.

- (a) Joint suit
- (b) Representative suit
- (c) Collusive suit
- (d) Collective suit

Q19. A person appointed by the court to protect, preserve and manage the property during the pendency of the litigation:

- (a) Amicus curiae
- (b) Preserver
- (c) Protector
- (d) Receiver

Q20. A, a railway company, is in possession of goods as a consignee. It does not claim any interest in the goods except lien of wharfage, demurrage and freight but rival claims have been made by B and C adversely to each other. A can institute:

- (a) An application to decide the same
- (b) An interpleader suit
- (c) Friendly suit
- (d) None of the above

Q21. Find out the correct remainder of the statement. "The object of investigation is":

- (a) To collect evidence that aids the court in finding out the truth
- (b) To collect information that helps in punishing the person
- (c) To collect the information to arrest the person
- (d) None of the above

Q22. Any Police Officer may arrest without warrant any person:

- (a) Who has been concerned in any cognizable offence
- (b) Who has been proclaimed as an offender
- (c) Who is reasonably suspected of being a deserter from any armed forces
- (d) All of the above

Q23. Under Section 37 of Cr. P. C., every person is bound to assist a Magistrate or Police Officer in the taking or preventing the escape of any other person whom such Magistrate or Police Officer is authorized to arrest:

- (a) In the prevention or suppression of a breach of peace
- (b) In the prevention of any injury to be committed to any railway, canal, telegraph or public property
- (c) In all the above cases
- (d) None of the above

Q24. _____ shall establish a Court of Session for every Sessions division.

- (a) State Government
- (b) Central Government
- (c) Supreme Court
- (d) President of India

Q25. F. I. R. under Section 154 of the Cr. P. C. is not a substantive piece of evidence. Its only use is to contradict or corroborate the matter thereof. Held in _____ case.

- (a) Shambhu Dass v. State of Assam, AIR 2010 SC 3300
- (b) Ravishwar Manjhi v. State of Jharkhand AIR 2009 SC 1262
- (c) State of Karnataka v. K. Yarappa Reddy 1999 (8) SCC715
- (d) Sheelam Ramesh v. State of Andhra Pradesh 1999 (8) SCC 369

Q26. _____ Section of the Cr. P. C. deals with medical examination of the victim of rape.

- (a) Section 164
- (b) Section 164 A
- (c) Section 166
- (d) Section 166 B

Q27. Whenever a charge is altered or added to by the court after the commencement of the trial, the prosecutor and the accused:

- (a) Shall be allowed to recall or re-summon and examine with reference to such alteration or addition, any witness who may have been examined
- (b) Shall be allowed to recall or re-summon and examine with reference to such alteration or addition, any witness who may have been examined, unless the Court, for reasons to be recorded in writing, considers that the prosecutor or the accused, as the case may be, desires to recall or re-examine such witness for the purpose of vexation or delay or for defeating the ends of justice
- (c) Shall not be allowed to recall or re-summon and examine with reference to such alteration or addition, any witness who may have been examined
- (d) Shall not be allowed to recall or re-summon and examine with reference to such alteration or addition, any witness who may have been examined, because such witness may be vexed or trial gets delayed or is defeated

Q28. What persons may be charged jointly? (i) Persons accused of the same offence committed in the course of the same transaction (ii) Persons accused of an offence and persons accused of abetment of, or attempt to commit, such offence (iii) Persons accused of different offences committed in the course of the same transaction (iv) Persons accused of more than one offence of the same kind, within the meaning of Section 219 committed by them jointly within the period of twelve months

- (a) i, ii and iii
- (b) i, iii and iv
- (c) All of the above
- (d) None of the above

Q29. Causing miscarriage, an offence punishable under the Indian Penal Code (45 of 1860), with the permission of the Court before which any prosecution for such offence is pending, be compounded by _____

- (a) The person who caused miscarriage
- (b) The husband of the woman to whom miscarriage is caused
- (c) The woman to whom miscarriage is caused
- (d) The caretaker of the woman

Q30. _____ confers the power upon the High Court to transfer cases and appeals:

- (a) Section 406
- (b) Section 407
- (c) Section 405
- (d) Section 404

Q31. Propositions regarding confession of a co-accused, not required to be on oath and cannot be tested by cross examination are: (i) Is no evidence within the meaning of S.23 of Evidence Act and cannot be the foundation of a conviction (ii) The only limited use which can be made of a confession of a co-accused is by way of furnishing an additional reason for believing such other evidences as exists (iii) Is a weak type of evidence and is much weaker than the evidence of an approver

- (a) Only (ii) and (iii) are correct
- (b) Only (i) and (iii) are correct
- (c) Only (i) and (ii) are correct
- (d) (i), (ii) and (iii) are correct

Q32. Original document is the best evidence - Exception to this rule is contained in :

- (a) Indian Evidence Act
- (b) Criminal Procedure Code
- (c) Bankers Book Evidence Act
- (d) None of the above

Q33. Reliability of Multiple dying declarations came for discussion under which case?

- (a) Vimal v. State of Maharashtra, 2006 AIR SCW 5953
- (b) Pratap Mishra v. State of Orissa, AIR 1977 SC 1307
- (c) State of Maharashtra v. Dr Praful B Desai (2003) 4 SCC*601
- (d) None of the above

Q34. "The doubt, the benefit of which the accused is entitled, must be such' as, rational thinking, sensible man may fairly and reasonably entertain, not the doubts of a vacillating mind that has not the moral courage to decide but shelters itself, in a vain and idle skepticism. There must be doubt which a man may honestly and conscientiously entertain."

- (a) Cockburn
- (b) Lord Halsbury
- (c) Lord Black
- (d) None of the above

Q35. "The DNA test cannot rebut the conclusive presumption envisaged under S. 12 of the Indian Evidence Act. The parties can avoid the rigor of such conclusive presumption only by proving non-access which is a negative proof." It was so held in which case:

- (a) Shaik Fakruddin v. Shaik Mohammed Hasan AIR 2006 AP 48
- (b) Siddaramesh v. State of Karnataka (2010) 3 SCC 152
- (c) Kailash v. State of Madhya Pradesh AIR 2007 SC 107
- (d) Somwanti v. State of Punjab, AIR 1963 SC 151

Q36. An accomplice is unworthy of credit unless he is corroborated in material particulars is a:

- (a) Presumption of fact
- (b) Presumption of law
- (c) Conclusive proof
- (d) None of the above

Q37. A dispute regarding handwriting can be proved by_____

- (a) Calling an expert
- (b) Examining a person acquainted with the handwriting of the writer of the questioned document
- (c) Both (a) and (b)
- (d) None of the above

Q38. "The time-tested rule is that acquittal of a guilty person should preferred to conviction of an innocent person. Unless the prosecution establishes the guilt of the accused beyond reasonable doubt a conviction cannot be passed on the accused. A criminal court cannot afford to deprive liberty of the appellants, lifelong liberty, without having at least a reasonable level of certainty that the appellants were the real culprits." In which case Supreme Court held so:

- (a) Rang Bahadur Singh v. State of U P. AIR 2000 SC 1209
- (b) Ramanath v. State, AIR 1953 SC 420 (Supreme Court)
- (c) Sardul Singh Caveeshar v. State of Bombay, AIR 1957 SC 747 (Supreme Court)
- (d) State v. Nalini, AIR 1999 SC 2640 (Supreme Court)

Q39. Section of the Evidence Act provides that where a security procedure has been applied to an electronic record at a specific time, the record is deemed to be a secure electronic record from such time until the time of verification.

- (a) 85 A
- (b) 85B
- (c) 67A
- (d) 65B

Q40. A subsequent case which referred to the principles of Praful Desai judgement:

- (a) Dr. ^umar Saha v. Dr. Sukumar Mukherjee
- (b) Nivrutti Pandurang Kokate v. Maharashtra
- (c) Goutham Kundu v. State of West Bengal
- (d) Mohd. Kalam v. Bihar

Q41. A, being a public servant directed by law to take property in execution, in order to satisfy a decree pronounced in B's favour by a court of law, knowingly disobeys that discretion of law, with the knowledge that he is likely thereby to cause injury to B. A has committed the offence defined in Section :

- (a) 166
- (b) 167
- (c) 157
- (d) 158

Q42. Which of the following does not form part of Actus Reus ?

- (a) Thought of conduct
- (b) Result of conduct
- (c) Circumstances as are specified by law
- (d) Conduct

Q43. Under which of the cases can a statute exclude mens rea ?

- (a) Public nuisance
- (b) Cases in public interest
- (c) Both of the above
- (d) None of the above

Q44. A with a view to murdering D enters D's bedroom at night when D is out of station. A is guilty of:

- (a) House trespass
- (b) Attempt to murder
- (c) Murder
- (d) No offence

Q45. Criminal conspiracy is defined by:

- (a) Section 120
- (b) Section 120-B
- (c) Section 120-A
- (d) Section 120-D

Q46. X meets Z on the National Highway, shows a knife and demands money, and gold ornaments found on the body of Z. He has committed:

- (a) Theft
- (b) Dacoity
- (c) Extortion
- (d) Robbery

Q47. Dacoity can cover:

- (a) Robbery based on extortion
- (b) Robbery based on theft
- (c) Both of the above
- (d) None of the above

Q48. Use of violence by a member of unlawful assembly, in furtherance of their common object will constitute offence of

- (a) Rioting
- (b) Assault
- (c) Affray
- (d) None of the above

Q49. The defence of consent has no application in cases of:

- (a) Causing grievous hurt
- (b) Causing death
- (c) Both (a) and (b)
- (d) None of the above

Q50. The essence of sedition under the Indian Penal Code is / are :

- (a) Result
- (b) Intention
- (c) Both intention and result
- (d) Benefits or gain of the accused

Q51. All instruments for the purpose of limitation shall be deemed to be made with reference to:

- (a) Gregorian calendar
- (b) English calendar
- (c) Roman calendar
- (d) Nanak Shahi calendar

Q52. Section 3 of the Limitation Act does not apply to:

- (a) Suits
- (b) Applications
- (c) Executions
- (d) None of the above

Q53. Which of the claims under S.3 of the Limitation Act is treated as a separate suit?

- (a) Set off
- (b) Counterclaim
- (c) Both (a) and (b)
- (d) Neither (a) nor (b)

Q54. Section 3 of the Limitation Act is applicable to the period prescribed by any:

- (a) Local Law
- (b) Special Law
- (c) Both (a) and (b)
- (d) Neither (a) nor (b)

Q55. Time barred debt can be claimed as :

- (a) Setoff
- (b) Counterclaim
- (c) A fresh suit
- (d) None of the above

Q56. In order to attract Section 4 of the Limitation Act, the court should be closed:

- (a) For the whole of the day
- (b) During any part of normal working hours
- (c) For substantial part of the day
- (d) For more than half of the normal working hours

Q57. Under the Limitation Act, legal disabilities are:

- (a) Minority
- (b) Insanity
- (c) Idiocy
- (d) All of the above

Q58. Acknowledgement made by a person other than a person under liability is good if the person making it is :

- (a) A relative of the person under liability
- (b) An agent of the person under liability
- (c) A servant of the person under liability
- (d) Is the master of the person under liability

Q59. Under Section 19 for the extended period of limitation the part payment must be:

- (a) In the handwriting of the person making the payment
- (b) In the writing signed by the person making the payment
- (c) Either (a) or (b)
- (d) Neither (a) nor (b)

Q60. An Ex parte decree can be set aside within 30 days from :

- (a) The date of the Ex parte decree
- (b) The knowledge of the Ex parte decree where summon or notice was not duly served
- (c) Both (a) and (b)
- (d) Neither (a) nor (b)

Q61. Under the Transfer of Property Act, instrument means:

- (a) Non testamentary instrument
- (b) Testamentary instrument
- (c) Both (a) and (b)
- (d) Neither (a) nor (b)

Q62. Under the Transfer of Property Act, attached to the earth means:

- (a) Rooted in the earth as trees and shrubs
- (b) Embedded in the earth as walls and buildings
- (c) Attached to what is so embedded for the beneficial enjoyment of that to which it is attached
- (d) All of the above

Q63. Which Section of the Transfer of Property Act explains, "He who accepts the benefit under the instrument must adopt the whole of it" ?

- (a) S. 52
- (b) S. 41
- (c) S. 35
- (d) S.53 A

Q64. Actionable claim means:

- (a) Unsecured debt
- (b) Any debt
- (c) Claim recognized by civil courts to grant relief
- (d) All of the above

Q65. To create an interest for the benefit of an unborn person which of the following requirements should be there?

- (a) No direct interest
- (b) Prior interest
- (c) Absolute interest
- (d) All of the above

Q66. Which conditions apply to create a vested interest ?

- (a) It is not defeated by the death of the transferee before he obtains possession
- (b) It is transferable and heritable
- (c) It accrues in the present and immediately, even though the enjoyment is postponed
- (d) All of the above

Q67. The act of transferring property during the pendency of a proceeding makes the transfer:

- (a) Void
- (b) Voidable
- (c) Neither void nor voidable
- (d) Illegal

Q68. X sells a property to Z with a condition that he must live in it. The condition is:

- (a) Void
- (b) Voidable
- (c) Legal
- (d) None of the above

Q69. Which of the following is not a transfer of property ?

- (a) Sale
- (b) Mortgage
- (c) Lease
- (d) Partition

Q70. How can a transfer of property be made ?

- (a) Orally
- (b) By a registered instrument
- (c) Both (a) and (b)
- (d) Neither (a) nor (b)

Q71. Where the proposal made is to be accepted by letters sent through post, the contract is completed, the moment:

- (a) The letter accepting the proposal is posted
- (b) When the letter reaches the proposer
- (c) The postman delivers the letter to the proposer
- (d) The postman delivers the letter to a person other than the proposer

Q72. A revokes by telegram his proposal to B, before its acceptance by B, to sell his house at a certain price. The revocation is complete against A when :

- (a) The telegram is dispatched
- (b) The telegram is returned undelivered
- (c) The telegram is sent to a friend of A
- (d) B learns that the telegram has been received by A

Q73. In an unconscionable contract the burden of proving that the contract was not induced by undue influence lies on:

- (a) The person who is in a position to dominate the will of another
- (b) The person who accepted the proposal
- (c) The friend of the acceptor
- (d) The friend of the proposer

Q74. A contract is voidable if consent to an agreement :

- (a) Is based on a mistake as to law
- (b) One of the parties was under a mistake of fact
- (c) Both the parties are under a mistake as to a matter of fact essential to the agreement
- (d) Consent is caused by coercion, fraud or misrepresentation

Q75. A businessman enters into an agreement with a Chartered Accountant to pay him fees and commission for the tax saved by so arranging the accounts as to conceal the true income of the business. Any dispute between the Businessman and the Chartered Accountant on the fee and commission is to be settled by arbitration. The agreement is:

- (a) Void
- (b) Voidable
- (c) Voidable in part
- (d) Void in part

Q76. Under an agreement A sells to B his skin bleaching products business "Intimate Whitener" and the goodwill of the business with the condition that A will not carry on such similar business throughout India so long as B carries it on anywhere in India. The agreement records that this condition is reasonable and that no court will have jurisdiction to examine this condition. The agreement is :

- (a) Void
- (b) Voidable
- (c) Voidable in part
- (d) Void in part

Q77. A agrees to pay B Rs. 1 Lakh if X is not made the Prime Minister after he wins in the general election for choosing members of Parliament. According to the Contract Act, this is a contingent contract under:

- (a) S. 35
- (b) S. 34
- (c) S. 33
- (d) S. 32

Q78. Where the order, in which reciprocal promises are to be performed is not expressly fixed by the contract, they shall be performed in that order which :

- (a) The nature of the transaction requires
- (b) Is required by the acceptor
- (c) Is required by the proposer
- (d) Is required by the arbitrator appointed by the proposer and acceptor

Q79. A bailor is liable for damages arising to the bailee from the faults in the goods, if he did not disclose to the bailee his awareness of all:

- (a) The faults
- (b) The faults which interfere with the use of the goods
- (c) The faults which materially interfere with the use of the goods'
- (d) The faults which make them valuable for some other use

Q80. An agent has to pay compensation to his principal for his misconduct which results in losses that are:

- (a) An indirect result of the misconduct
- (b) Remotely caused by the misconduct
- (c) Indirectly and remotely caused by the misconduct
- (d) Directly caused by the misconduct

Q81. One person is deemed to be an agnate of another if they are related to each other:

- (a) By blood or adoption wholly through a male
- (b) Not wholly through males
- (c) Wholly through a female
- (d) Not wholly through females

Q82. The general rules of succession of a Hindu male dying intestate are contained in Section _____ of the Hindu Succession Act, 1956.

- (a) S. 7
- (b) S. 8
- (c) S. 14
- (d) S. 15

Q83. Husband in Entry (a) of Section 15(1) of the Hindu Succession Act, 1956 includes:

- (a) Husband of a subsisting marriage
- (b) A divorced husband
- (c) Both (a) and (b)
- (d) Neither (a) nor (b)

Q84. Under S. 19 of the Hindu Succession Act, 1956, if two or more heirs succeed together to the property of an intestate, they shall take the property as:

- (a) Tenants in common
- (b) Joint tenants
- (c) Either (a) or (b)
- (d) Neither (a) nor (b)

Q85. The right of a child in the womb at the time of the death of the Hindu intestate are provided under the Hindu Succession Act in:

- (a) S. 19
- (b) S. 20
- (c) S. 21
- (d) S. 22

Q86. An Indian Christian under the Indian Succession Act, 1925 means:

- (a) Native of India
- (b) A native of India who is or in good faith is of unmixed Asiatic descent
- (c) A native of India who is or in good faith professes the Catholic religion
- (d) A native of India who is or in good faith claims to be of unmixed Asiatic descent and who professes any form of the Christian religion

Q87. The domicile of a wife under the Indian Succession Act, 1925 is :

- (a) The place of her birth
- (b) The place of her education
- (c) The place where her family last resided
- (d) That of her husband

Q88. Under Section 20 of the Indian Succession Act, 1925 a husband on marriage:

- (a) Acquires an interest in the wife's property
- (b) Does not acquire an interest in the wife's property
- (c) Becomes the trustee of the wife's property
- (d) Becomes the guardian of the wife's property

Q89. The property of an intestate where he has left no lineal descendants can be distributed under the Indian Succession Act, 1925 only after deducting the share of:

- (a) His widow
- (b) His children
- (c) His step children
- (d) His parents

Q90. Privileged Wills are those made by:

- (a) Any person above 18 years of age
- (b) Soldiers
- (c) Soldiers or airmen engaged in warfare or a mariner at sea
- (d) A mariner at land

Q91. No suit for the recovery of possession can be filed under S. 6 of the Specific Relief Act, after the expiry of:

- (a) Six months from the date of dispossession
- (b) Nine months from the date of dispossession
- (c) Twelve months from the date of dispossession
- (d) Eighteen months from the date of dispossession

Q92. A contract can be specifically enforced :

- (a) Where compensation is adequate relief for the non-performance of the contract
- (b) Where the contract by it's nature is determinable
- (c) Where it involves the performance of continuous duty which the court cannot supervise
- (d) None of the above

Q93. Which of the following can be specifically enforced ?

- (a) A contract for sale of property under allotment
- (b) Mere agreement to enter into a contract
- (c) Contract to marry
- (d) None of the above

Q94. A defendant can take any of the following defences in a suit for specific performance:

- (a) Money is adequate compensation
- (b) Uncertainty of the terms of the contract
- (c) Contract made in excess of power
- (d) All of the above

Q95. Any one of the following grounds will prevent a plaintiff from seeking specific enforcement:

- (a) Plaintiff has violated an essential term of the contract
- (b) Plaintiff has acted fraudulently
- (c) Plaintiff has acted at variance
- (d) All of the above

Q96. Relief of specific performance can be granted for enforcing:

- (a) Civil rights
- (b) Penal laws
- (c) Both civil rights and penal laws
- (d) Neither civil rights nor penal laws

Q97. A suit for possession under Section 5 of the Specific Relief Act can be filed within:

- (a) Three years
- (b) Six years
- (c) Twelve years
- (d) Thirty years

Q98. Section 13 of the Specific Relief Act, has no application when the transfer has been effected in respect of property whose:

- (a) Vendor has no title to the property
- (b) Vendor has title to the property
- (c) Vendor has imperfect title
- (d) None of the above

Q99. Relief of Rescission is granted in cases where:

- (a) Contract is void
- (b) Contract is voidable
- (c) Contract is both voidable and void
- (d) Contract is neither void nor voidable

Q100. Declaration under S. 34 of the Specific Relief Act can be sought by:

- (a) A stranger having no interest in the property
- (b) A person whose legal character or a right to property is denied
- (c) A person whose legal character or right to property is not denied
- (d) All of the above

Answer Key & Solutions

Q1. Answer: B

The Constitution was enacted and adopted by the Constituent Assembly on 26th November, 1949; it came into force on 26th January, 1950. The Preamble itself records 'this 26th day of November, 1949'.

Q2. Answer: D

The Constitution (97th Amendment) Act, 2011 added the words 'or co-operative societies' after 'unions' in Art. 19(1)(c), making formation of co-operative societies a fundamental right.

Q3. Answer: A

In Aruna Ramachandra Shanbaug v. Union of India (2011) the Supreme Court permitted passive euthanasia subject to guidelines/High Court approval.

Q4. Answer: C

Jaya Bachchan v. Union of India (2006) dealt with disqualification of an MP for holding an office of profit (Art. 102/191) - she was disqualified as Chairperson of U.P. Film Development Council.

Q5. Answer: A

Under Art. 3, new States are formed/areas altered by a law of Parliament (an ordinary law passed by simple majority, on Presidential recommendation), not by constitutional amendment under Art. 368.

Q6. Answer: C

Art. 123 confers on the President the power to promulgate ordinances when Parliament is not in session. (Art. 213 is the Governor's analogous power.)

Q7. Answer: A

The doctrine of pith and substance is used to interpret statutes and resolve conflicts of legislative competence between Union and State legislatures operating in the same field; the true nature/substance of the law determines its validity.

Q8. Answer: D

Art. 356 provides for President's Rule on failure of the constitutional machinery in a State. (352 = National Emergency, 360 = Financial Emergency.)

Q9. Answer: B

Art. 317 governs removal and suspension of a member of a Public Service Commission (removal by the President on a reference to the Supreme Court). Art. 316 deals with appointment.

Q10. Answer: B

Under Art. 233, district judges are appointed by the Governor of the State in consultation with the High Court exercising jurisdiction in that State.

Q11. Answer: C

Section 10 CPC (res sub judice) bars the trial of a subsequently instituted suit where the matter in issue is directly and substantially in issue in a previously instituted pending suit between the same parties. (S.11 is res judicata.)

Q12. Answer: B

Settling one debt against a mutual debt as a statutory defence is set-off (Order VIII Rule 6 CPC).

Q13. Answer: C

Attachment before judgment (Order XXXVIII CPC) does not affect ownership or the right to sue; it restrains the defendant's power to alienate/transfer the property pending the suit.

Q14. Answer: C

The three settled foundations for an order of injunction are: a prima facie case, irreparable injury, and balance of convenience (Dalpat Kumar v. Prahlad Singh).

Q15. Answer: B

Reference (Section 113 / Order XLVI CPC) enables a subordinate court to refer a question to the High Court for its opinion to avoid an irremediable error in non-appealable cases.

Q16. Answer: A

Only proposition (i) is correctly stated - a legal set-off requires court-fee whereas equitable set-off does not. The other three propositions invert the correct rules (e.g. legal set-off requires an ascertained sum, equitable set-off arises from the same transaction), so only (i) is correct.

Q17. Answer: C

A series of written questions administered by one party to the opposite party to obtain information on facts are interrogatories (Order XI CPC).

Q18. Answer: B

A representative suit (Order I Rule 8 CPC) is one filed by or against persons on behalf of themselves and others having the same interest.

Q19. Answer: D

A person appointed by the court to protect, preserve and manage property during litigation is a receiver (Order XL CPC).

Q20. Answer: B

Where a person (here the railway as consignee) has no interest except charges and rival claims are made by others, he may file an interpleader suit (Section 88 / Order XXXV CPC).

Q21. Answer: A

The object of investigation is to collect evidence that aids the court in arriving at the truth; investigation is for the purpose of the trial, not merely arrest or punishment.

Q22. Answer: D

Under Section 41 CrPC a police officer may arrest without warrant in all the listed situations - a person concerned in a cognizable offence, a proclaimed offender, and a reasonably suspected deserter from the armed forces - so all of the above is correct.

Q23. Answer: C

Section 37 CrPC obliges every person to assist a Magistrate or police officer in (a) taking/preventing escape of a person liable to arrest, (b) prevention/suppression of a breach of peace, and (c) prevention of injury to railway, canal, telegraph or public property - i.e. in all the above cases.

Q24. Answer: A

Under Section 9 CrPC, the State Government shall establish a Court of Session for every sessions division.

Q25. Answer: C

Best guess State of Karnataka v. K. Yarappa Reddy (1999) 8 SCC 715, the authority most commonly cited for the proposition that an FIR is not substantive evidence and is usable only to contradict/corroborate its maker. Flagged because the precise proposition is settled law repeated across several listed cases (Yarappa Reddy, Sheelam Ramesh, Ravishwar Manjhi), so the intended key is not unambiguous.

Q26. Answer: B

Section 164A CrPC deals with the medical examination of the victim of rape (inserted by the 2005 amendment). Section 53A covers examination of the accused.

Q27. Answer: B

Under Section 216 CrPC, after alteration/addition of a charge, the prosecutor and accused may recall/re-examine witnesses already examined, unless the court records in writing that the purpose is vexation, delay or defeating justice (proviso to S.217).

Q28. Answer: C

Section 223 CrPC lists all four categories as persons who may be charged and tried jointly, so 'All of the above' is correct.

Q29. Answer: C

Under Section 320 CrPC (Table 1), causing miscarriage (S.312 IPC) is compoundable by the woman to whom the miscarriage is caused, with the court's permission as required here.

Q30. Answer: B

Section 407 CrPC confers on the High Court the power to transfer cases and appeals. Section 406 is the Supreme Court's transfer power.

Q31. Answer: D

All three propositions correctly state the settled law on the confession of a co-accused under S.30 Evidence Act: it is not 'evidence', can only lend additional assurance to other evidence, and is weaker than an approver's testimony (Kashmira Singh v. State of M.P.).

Q32. Answer: C

The best-evidence rule (original document) is excepted by the Bankers' Books Evidence Act, which allows certified copies of banker's books to be received in evidence in lieu of originals.

Q33. Answer: A

Reliability of multiple dying declarations was discussed in Vimal v. State of Maharashtra, 2006 AIR SCW 5953.

Q34. Answer: B

The classic formulation of 'reasonable doubt' as a doubt a rational/sensible man may fairly entertain is attributed to Lord Halsbury. Flagged: attribution of the exact quotation is text-dependent and not from a single settled authority.

Q35. Answer: A

The holding that a DNA test cannot rebut the conclusive presumption of legitimacy (S.112 Evidence Act), avoidable only by proving non-access (negative proof), is from Shaik Fakruddin v. Shaik Mohammed Hasan, AIR 2006 AP 48.

Q36. Answer: A

The rule that an accomplice is unworthy of credit unless corroborated in material particulars (S.114 illustration (b) read with S.133 Evidence Act) is a presumption of fact, which the court may but is not bound to draw.

Q37. Answer: C

Handwriting may be proved both by an expert (S.45 Evidence Act) and by a person acquainted with the handwriting (S.47 Evidence Act); hence both (a) and (b).

Q38. Answer: A

The observation that acquittal of a guilty person is preferred to conviction of an innocent person, requiring reasonable certainty before depriving lifelong liberty, was made in Rang Bahadur Singh v. State of U.P., AIR 2000 SC 1209.

Q39. Answer: B

Section 85B of the Evidence Act deals with the presumption as to electronic records and electronic signatures, including that a record with a security procedure applied is deemed a secure electronic record until verification.

Q40. Answer: B

Nivrutti Pandurang Kokate v. State of Maharashtra (AIR 2008 SC 1460) is a subsequent Supreme Court case that referred to the principles laid down in State of Maharashtra v. Praful B. Desai.

Q41. Answer: A

A public servant who knowingly disobeys a direction of law with intent/knowledge of causing injury commits the offence under Section 166 IPC, which uses this exact illustration.

Q42. Answer: A

Actus reus comprises conduct, the result of conduct, and the surrounding circumstances; a mere 'thought of conduct' (intention, mens rea) is not part of actus reus.

Q43. Answer: C

A statute may exclude mens rea (strict liability) in cases of public nuisance and matters of public interest/welfare; hence both.

Q44. Answer: A

Entering D's bedroom at night with intent to murder, when D is absent, makes A guilty of house-trespass (S.442/S.456 IPC); there can be no attempt to murder where the victim is not present.

Q45. Answer: C

Criminal conspiracy is defined in Section 120A IPC; Section 120B prescribes punishment.

Q46. Answer: D

Taking property by putting a person in fear of instant hurt (showing a knife) is robbery under Section 390 IPC; it is not dacoity as fewer than five persons are involved.

Q47. Answer: C

Robbery is either theft or extortion in aggravated form (S.390 IPC), and dacoity is robbery committed by five or more persons; hence dacoity can cover robbery based on both theft and extortion.

Q48. Answer: A

Where force or violence is used by any member of an unlawful assembly in prosecution of the common object, the offence of rioting is committed (Section 146 IPC).

Q49. Answer: B

Consent is no defence to causing death: S.88 IPC excepts grievous hurt done in good faith for benefit with consent, but consent never justifies intentionally causing death (S.300 Exception 5 only reduces, not absolves).

Q50. Answer: B

Sedition under Section 124A IPC turns on the intention (mens rea) to bring into hatred/contempt or excite disaffection; actual result (disorder) is not essential to the offence.

Q51. Answer: B

Section 25 of the Limitation Act, 1963 provides that all instruments are deemed to be made with reference to the Gregorian (English) calendar; the standard answer term used in the statute is the English calendar.

Q52. Answer: D

Section 3 of the Limitation Act, 1963 expressly applies to suits, appeals and applications, all of which are barred if instituted after the prescribed period; it does not exclude any of them, so 'None of the above'.

Q53. Answer: C

Under the Explanation to Section 3(2) of the Limitation Act, 1963, a claim by way of set-off and a counterclaim are both treated as separate suits for the purpose of limitation.

Q54. Answer: C

Section 29(2) read with Section 3 of the Limitation Act, 1963 makes Section 3 applicable to periods prescribed by any special or local law (subject to express exclusions).

Q55. Answer: A

A time-barred debt cannot found a fresh suit, but it may be pleaded as a defence by way of set-off; the remedy is barred while the right subsists, so it survives as a shield (set-off).

Q56. Answer: A

Section 4 of the Limitation Act, 1963 applies only when the court is closed for the whole of the day on which the limitation period expires; partial closure does not attract the section.

Q57. Answer: D

Section 6 of the Limitation Act, 1963 recognises minority, insanity and idiocy as legal disabilities extending the period of limitation, so 'All of the above'.

Q58. Answer: B

Under Section 18 of the Limitation Act, 1963, an acknowledgement is valid if made by the person under liability or by an agent duly authorised in that behalf.

Q59. Answer: C

Section 19 of the Limitation Act, 1963 requires that part-payment be evidenced by writing in the handwriting of, or in a writing signed by, the person making the payment, i.e. either (a) or (b).

Q60. Answer: C

Under Article 123 of the Limitation Act (Order IX Rule 13 CPC), an application to set aside an ex parte decree must be made within 30 days from the date of the decree, or where summons was not duly served, from when the applicant had knowledge of it; both (a) and (b).

Q61. Answer: A

Section 3 of the Transfer of Property Act, 1882 defines 'instrument' to mean a non-testamentary instrument; testamentary dispositions (wills) are governed by succession law, not the TPA.

Q62. Answer: D

Section 3 of the Transfer of Property Act, 1882 defines 'attached to the earth' as (i) rooted as trees/shrubs, (ii) embedded as walls/buildings, and (iii) attached to what is so embedded for beneficial enjoyment; so 'All of the above'.

Q63. Answer: C

The doctrine of election ('he who accepts a benefit under an instrument must adopt the whole of it') is contained in Section 35 of the Transfer of Property Act, 1882.

Q64. Answer: A

Section 3 of the Transfer of Property Act, 1882 defines 'actionable claim' as a claim to an unsecured debt (other than one secured by mortgage/hypothecation/pledge) or to a beneficial interest in movable property not in possession.

Q65. Answer: B

Under Section 13 of the Transfer of Property Act, 1882, a transfer for the benefit of an unborn person requires a prior interest in favour of a living person, and the unborn must take the absolute remaining interest; the essential requirement among the options is the prior interest.

Q66. Answer: D

Under Section 19 of the Transfer of Property Act, 1882, a vested interest is not defeated by the transferee's death before possession, is transferable and heritable, and accrues in the present though enjoyment may be postponed; so 'All of the above'.

Q67. Answer: C

Under the doctrine of lis pendens (Section 52, TPA), a transfer during pendency of a suit is neither void nor voidable; it is valid but binds the transferee to the result of the litigation.

Q68. Answer: A

Under Section 10 of the Transfer of Property Act, 1882, a condition absolutely restraining the transferee's enjoyment/alienation is void; a condition compelling the buyer to live in the property is such an invalid restraint and is void.

Q69. Answer: D

Partition is not a 'transfer of property' since it merely effects a division of pre-existing joint interests; sale, mortgage and lease are recognised transfers under Section 5 TPA.

Q70. Answer: C

Section 9 of the Transfer of Property Act, 1882 provides that a transfer may be made orally where writing is not expressly required by law; otherwise it must be by a registered instrument, so 'Both (a) and (b)'.

Q71. Answer: A

Under Section 4 of the Indian Contract Act, 1872, communication of acceptance is complete as against the proposer when the letter of acceptance is posted (out of the acceptor's power); the contract is concluded the moment the

acceptance is posted.

Q72. Answer: A

Under Section 4 of the Indian Contract Act, 1872, communication of a revocation is complete as against the person making it when it is put into a course of transmission, i.e. when the telegram is dispatched.

Q73. Answer: A

Under Section 16(3) of the Indian Contract Act, 1872, where a party in a position to dominate the will of another enters into an unconscionable transaction, the burden of proving absence of undue influence lies on the dominant party.

Q74. Answer: D

Under Section 19 of the Indian Contract Act, 1872, a contract whose consent is caused by coercion, fraud or misrepresentation is voidable at the option of the party whose consent was so caused; bilateral mistake of fact makes the agreement void, not voidable.

Q75. Answer: A

An agreement to evade tax by concealing income is for an unlawful/fraudulent object under Section 23 of the Indian Contract Act, 1872, and is void; an arbitration clause embedded in a void agreement cannot save it, so the agreement is void.

Q76. Answer: A

An agreement excluding the jurisdiction of courts is void as against public policy under S.28 of the Indian Contract Act; though a sale-of-goodwill non-compete is saved by Exception 1 to S.27, the clause ousting court jurisdiction renders the agreement void. The clearly intended answer here is 'Void'.

Q77. Answer: D

Contracts contingent on an uncertain future event are governed by S.32 of the Indian Contract Act; performance is enforceable only when that event happens.

Q78. Answer: A

Under S.52 of the Indian Contract Act, where the order of performance of reciprocal promises is not expressly fixed, they shall be performed in the order which the nature of the transaction requires.

Q79. Answer: A

Under S.150 of the Indian Contract Act, a gratuitous bailor is liable to disclose faults known to him; but the proviso/second part makes a bailor for hire responsible for all faults whether or not he was aware. The phrasing 'awareness of all... the faults' points to 'The faults'.

Q80. Answer: D

Under S.212 of the Indian Contract Act, an agent is liable to make compensation to his principal for the direct consequences of his neglect, want of skill or misconduct - not for indirect or remote losses.

Q81. Answer: A

Per S.3(1)(a) of the Hindu Succession Act, 1956, one person is an agnate of another if the two are related by blood or adoption wholly through males.

Q82. Answer: B

S.8 of the Hindu Succession Act, 1956 lays down the general rules of succession in the case of a Hindu male dying intestate.

Q83. Answer: C

Under the Explanation to S.15 read with judicial interpretation, 'husband' in entry (a) of S.15(1) includes a husband of a subsisting marriage as well as a divorced husband (a person who was the husband). Hence both (a) and (b).

Q84. Answer: A

Under S.19(b) of the Hindu Succession Act, 1956, when two or more heirs succeed together, they take the property as tenants-in-common and not as joint tenants.

Q85. Answer: B

S.20 of the Hindu Succession Act, 1956 provides that a child in the womb at the time of the intestate's death and subsequently born alive has the same right to inherit as if born before the death.

Q86. Answer: D

Under S.2(d) of the Indian Succession Act, 1925, 'Indian Christian' means a native of India who is, or in good faith claims to be, of unmixed Asiatic descent and who professes any form of the Christian religion.

Q87. Answer: D

Under S.15 of the Indian Succession Act, 1925, by marriage a woman acquires the domicile of her husband, if she has not already the same domicile.

Q88. Answer: B

S.20 of the Indian Succession Act, 1925 provides that no person acquires by marriage any interest in the property of the person whom he or she marries; so a husband does not acquire an interest in the wife's property.

Q89. Answer: A

Under S.33 of the Indian Succession Act, 1925, where the intestate has left a widow but no lineal descendants, the widow's share is first set apart before distribution of the remainder to kindred.

Q90. Answer: C

Under S.65 of the Indian Succession Act, 1925, privileged wills may be made by a soldier or airman employed in an expedition or engaged in actual warfare, or a mariner at sea.

Q91. Answer: A

Under S.6(2) of the Specific Relief Act, 1963, a suit for recovery of possession on the basis of prior possession (dispossession without consent) must be brought within six months from the date of dispossession.

Q92. Answer: D

Under S.14 of the Specific Relief Act, contracts that are determinable, require court supervision, or where compensation is adequate cannot be specifically enforced - so none of (a),(b),(c) can be enforced; the answer is 'None of the above'.

Q93. Answer: A

A mere agreement to enter into a contract and a contract to marry (personal in nature) cannot be specifically enforced; a concluded contract for sale of immovable property (under allotment) can be specifically enforced.

Q94. Answer: D

In a suit for specific performance the defendant may plead that money is adequate compensation, uncertainty of terms, or that the contract was made in excess of power (ultra vires) - all of the above are valid defences.

Q95. Answer: D

Under S.16 of the Specific Relief Act and equitable principles, a plaintiff who has violated an essential term, acted fraudulently, or acted at variance with the contract is disentitled to specific performance - all of the above.

Q96. Answer: A

Specific performance is a civil remedy granted to enforce civil rights arising from a contract; it cannot be used to enforce penal laws.

Q97. Answer: C

A suit for possession under S.5 of the Specific Relief Act is based on title and is governed by Article 65 of the Limitation Act, 1963, which prescribes a period of twelve years.

Q98. Answer: B

S.13 of the Specific Relief Act (relief against imperfect title of the vendor) operates only where the vendor's title is imperfect; it has no application where the vendor has (perfect/good) title to the property.

Q99. Answer: B

Under S.27 of the Specific Relief Act, 1963, rescission may be adjudged where the contract is voidable or terminable by the plaintiff (or, under certain conditions, unlawful). The standard examination answer is that rescission is granted where the contract is voidable.

Q100. Answer: B

Under S.34 of the Specific Relief Act, any person entitled to any legal character, or to any right as to property, whose character or right is denied by the defendant, may sue for a declaration.