

Odisha Judiciary - Prelims 2016

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

Q1. The structural part of Constitution of India is to a large extent derived from:

- (a) Government of India Act, 1919
- (b) Government of India Act, 1935
- (c) Pitts Act, 1784
- (d) Indian Independence Act, 1947

Q2. The Constitution of India describes India as:

- (a) Quasi-federal
- (b) A Union of States
- (c) A Federation of States and Union Territories
- (d) Partly unitary and partly federal

Q3. The provision of preventive detention is mentioned in :

- (a) Article 20
- (b) Article 22
- (c) Article 23
- (d) Article 24

Q4. A person who is not a member of Parliament can remain Minister only for:

- (a) One Month
- (b) Two Month
- (c) Six Months
- (d) None of the above

Q5. Who among the following is known as the guardian of public purse in India?

- (a) Comptroller and Auditor General
- (b) Parliament
- (c) Finance Commission
- (d) Finance Minister

Q6. The Proclamation of Emergency under Article 352 must be approved by both the houses of Parliament within _____ from the date of issue.

- (a) One month
- (b) Two months
- (c) Three months
- (d) Six months

Q7. By which Constitutional Amendment the number of Ministers have been limited to 15% of the total number of members of the Lower House ?

- (a) Ninetieth Amendment
- (b) Ninety-first Amendment
- (c) Ninety-second Amendment
- (d) Ninety-third Amendment

Q8. Which of the following established Diarchy in India ?

- (a) Indian Council Act, 1909
- (b) Government of India Act, 1919
- (c) Government of India Act, 1935
- (d) None of the above

Q9. Judicial Review of the 9th Schedule of the Indian Constitution has been made permissible by:

- (a) Keshavananda Bharti Vs. State of Kerala
- (b) M. Nagraj Vs. Union of India
- (c) Minerva Mills Ltd. Vs. Union of India
- (d) I. R. Coelho Vs. State of Tamil Nadu

Q10. The number of Articles and Schedules in original Indian Constitution were:

- (a) 395 Articles and 8 Schedules
- (b) 394 Articles and 8 Schedules
- (c) 396 Articles and 10 Schedules
- (d) 395 Articles and 7 Schedules

Q11. Section 115 of Code of Civil Procedure relates to:

- (a) Error of fact
- (b) Error of law
- (c) Jurisdictional error
- (d) Erroneous decision

Q12. Which of the following is not a rule of pleading ?

- (a) Pleadings should state fact and not law
- (b) Facts stated should be material facts
- (c) Pleadings should state the evidence
- (d) Facts should be stated in concise form

Q13. The principle underlying is that where the parties have had an opportunity of controverting a matter, that should be taken the same thing as if matter had been actually controverted and decided.

- (a) Explanation III, Section 11 CPC
- (b) Explanation IV, Section 11 CPC
- (c) Explanation VI, Section 11 CPC
- (d) Explanation VII, Section 11 CPC

Q14. Which of the following is not correct ?

- (a) Question of joinder of parties is a matter of procedure and not substantive right
- (b) Objection as to non-joinder and mis-joinder of parties has to be taken at the earliest possible opportunity
- (c) If necessary party is not joined, suit can be dismissed on that ground alone
- (d) Where a defendant is added, plaint need not be amended

Q15. Where the suit abates on account of failure of the plaintiff to bring the legal representatives of the deceased defendant:

- (a) Such abatement will operate as res judicata
- (b) No fresh suit will lie on the same cause of action
- (c) No application to set aside the dismissal can be filed
- (d) All of the above

Q16. A decree should be drawn up within _____ days from the date of judgement.

- (a) 15
- (b) 30
- (c) 45
- (d) 60

Q17. Provision of Section 80 of the CPC is:

- (a) Directory only
- (b) Precautionary only
- (c) Mandatory
- (d) Depend on the nature of suit

Q18. Defendant is entitled to defend the suit as of right in :

- (a) Summary suit
- (b) Ordinary suit
- (c) Both (A) and (B)
- (d) None of the above

Q19. Order XI11 of CPC requires parties to produce the documentary evidence:

- (a) On or before settlement of issues
- (b) At any stage of proceedings
- (c) At any stage of proceedings but before pronouncement of judgement
- (d) When the Court directs

Q20. Order V of CPC deals with :

- (a) Summons to witnesses
- (b) Summons to defendant
- (c) Both (A) and (B)
- (d) Summons in general

Q21. Under which Section of Code of Criminal Procedure the term offence has been defined ?

- (a) Section 40
- (b) Section 2(n)
- (c) Section 2(m)
- (d) Section 2(p)

Q22. A proclaimed person whose property has been attached can claim the property or sale proceeds on appearance within:

- (a) 6 months of attachment
- (b) 1 year of attachment
- (c) 2 years of attachment
- (d) 3 years of attachment

Q23. Minimum number of judges of High Court required to sign confirmation of death sentence:

- (a) One
- (b) Two
- (c) Three
- (d) Four

Q24. Transit remand means:

- (a) Transfer of prisoner from one jail to another
- (b) Transfer of criminal case from one court to another
- (c) Taking accused by police from one state to another
- (d) Taking accused from court to prison

Q25. Which one of the following Section of Cr. P. C. provides for free legal aid to the accused ?

- (a) Section 301
- (b) Section 302
- (c) Section 303
- (d) Section 304

Q26. Classification of compoundable and non-compoundable offences has been provided under:

- (a) First Schedule of Cr. P. C.
- (b) Second Schedule of Cr. P. C.
- (c) Section 320 of Cr. P. C.
- (d) Section 321 of Cr. P. C.

Q27. Which Section of Cr. P. C. provides for compensation to groundlessly arrested persons ?

- (a) Section 356
- (b) Section 357
- (c) Section 358
- (d) Section 359

Q28. The provisions of Cr. P. C. other than those relating to Chapter VIII, X and XI shall not apply in which of the following state ?

- (a) Tripura
- (b) Sikkim
- (c) Assam
- (d) Nagaland

Q29. Which of the following is not an essential procedural requirement of Section 164 of Cr. P. C. ?

- (a) Confession to be made voluntarily
- (b) Warning to the accused
- (c) Recording of confession in presence of advocate of accused
- (d) Memorandum at the foot of confession

Q30. The provision proving previous conviction is envisaged in which of the following Sections of Cr. P. C. ?

- (a) Section 295
- (b) Section 296
- (c) Section 297
- (d) Section 298

Q31. Section 101 of Indian Evidence Act, 1872 illustrates the burden of proof in the sense of proving :

- (a) A case
- (b) A particular fact
- (c) A fact to be proved to make evidence admissible
- (d) All of the above

Q32. If the Court is satisfied with the trust worthiness of dying declaration:

- (a) It can base conviction on it without corroboration
- (b) It cannot base conviction on it
- (c) It can base conviction on it but there must be corroboration with other evidences
- (d) None of the above

Q33. Mark the correct option :

- (a) It is necessary for the application of Section 18 of Evidence Act that there must be a formal agency
- (b) Sections 18, 19 and 20 of Evidence Act are the exceptions of doctrine of privet
- (c) Sections 17-20 of Evidence Act talk about judicial admissions
- (d) Statements under Sections 17- 20 of Evidence Act should be regarding fact in issue only

Q34. Which of the following provisions of the Evidence Act corresponds to the proviso to rule 5(1) order VIII of the CPC ?

- (a) Section 56
- (b) Section 57
- (c) Section 58
- (d) Section 59

Q35. Under Section 14 of the Evidence Act, the facts showing the existence of state of mind, must be:

- (a) Specific state of mind
- (b) General state of mind
- (c) Both (A) and (B)
- (d) None of the above

Q36. Section 107 of Evidence Act relates to:

- (a) Presumption of death
- (b) Presumption of continuance of life
- (c) Presumption of legitimacy
- (d) Presumption of relationship

Q37. Previous good character is relevant in.:

- (a) Civil cases
- (b) Criminal cases
- (c) Both (A) and (B)
- (d) None of the above

Q38. Under Section 165 of Evidence Act, judge may ask question about:

- (a) Any relevant fact
- (b) Any irrelevant fact
- (c) Only those facts which disclose commission of offence
- (d) Both (A) and (B)

Q39. Queen Empress Vs. Abdullah is a leading case on:

- (a) Admissional FIR
- (b) Confession
- (c) Dying Declaration
- (d) Admission

Q40. Which Section of Evidence Act defines public document ?

- (a) Section 72
- (b) Section 74
- (c) Section 75
- (d) Section 76

Q41. Good faith is defined in Indian Penal Code under:

- (a) Section 39
- (b) Section 51
- (c) Section 52
- (d) Section 26

Q42. Maximum punishment for the offence of theft in dwelling house is:

- (a) 2 years
- (b) 3 years
- (c) 7 years
- (d) 10 years

Q43. Which Section of IPC is based on the principle of "de minimis non curat lex"?

- (a) Section 92
- (b) Section 93
- (c) Section 94
- (d) Section 95

Q44. Disclosure of the identity of victim of rape is dealt under which Section of IPC?

- (a) Section 354 A
- (b) Section 354 C
- (c) Section 229
- (d) Section 228 A

Q45. The offence of destruction of electronic record to prevent its production as an evidence is punishable under which Section of IPC?

- (a) Section 202
- (b) Section 203
- (c) Section 204
- (d) Section 205

Q46. Who prepared the first draft of Indian Penal Code ?

- (a) Canning
- (b) Stephen
- (c) Bentinck
- (d) Macaulay

Q47. Under which of the following Sections of IPC rash and negligent driving of vehicle on public way is an offence ?

- (a) Section 278
- (b) Section 279
- (c) Section 280
- (d) Section 281

Q48. In Section 497 of IPC, actus reus relates to:

- (a) Any person
- (b) Time
- (c) Place
- (d) Married woman

Q49. Whether provocation was grave and sudden enough to mitigate the offence is a question of:

- (a) Fact
- (b) Law
- (c) Law and Fact (mixed)
- (d) None of the above

Q50. When a person monitors the use of internet, email or other form of electronic communication by a woman, he commits the offence of:

- (a) Stalking
- (b) Eve teasing
- (c) Voyeurism
- (d) None of the above

Q51. Extended period of limitation cannot stretch beyond_____ years from the cessation of disability.

- (a) 2
- (b) 3
- (c) 5
- (d) 6

Q52. Which of the following Sections of Limitation Act deals with exclusion of time in legal proceedings ?

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

Q53. Section 6 of the Limitation Act covers:

- (a) Persons entitle to sue
- (b) Persons entitle to apply for execution of decree
- (c) Both (A) and (B)
- (d) None of the above

Q54. Sections 6, 7 and 8 of Limitation Act are:

- (a) Mutually exclusive
- (b) Complementary
- (c) Separated and not related
- (d) Both (A) and (C)

Q55. The basic principle underlying Section_____ of Limitation Act is recognition of dictum "Once a trust, always a trust".

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

Q56. The period of limitation for compensation for infringing copyright is:

- (a) 1 year
- (b) 2 years
- (c) 3 years
- (d) 12 years

Q57. When a debt becomes time barred :

- (a) It gets extinguished
- (b) It becomes unenforceable in a court of law
- (c) Both (A) and (B)
- (d) None of the above

Q58. When a person is affected by one disability and another disability follows without leaving the gap, the suit may be filed :

- (a) After the first disability has ceased
- (b) After the either disability has
- (c) Ceased After both the disabilities have ceased
- (d) Either (A), (B) or(C)

Q59. For the exercise of discretionary jurisdiction vested in the Court under Section 5 of Limitation Act, the proof of sufficient cause is a:

- (a) Condition precedent
- (b) Condition subsequent
- (c) Either (A) or (B)
- (d) Neither (A) nor (B)

Q60. The period of limitation is defined under which Section of Limitation Act?

- (a) Section 2(h)
- (b) Section 2(j)
- (c) Section 2(1)
- (d) Section 2(n)

Q61. Section 12 of Transfer of Property Act, 1882 is not applicable to :

- (a) Transfer by way of sale
- (b) Transfer by way of exchange
- (c) Transfer by way of gift
- (d) Transfer by way of lease

Q62. Bellamy Vs. Sabine is related with which doctrine ?

- (a) Doctrine of lis pendens
- (b) Doctrine of part performance
- (c) Doctrine of election
- (d) Doctrine of perpetuity

Q63. According to which one of the following Sections of Transfer of Property Act that in case of conflict between marshalling and contribution, former shall prevail ?

- (a) Section 80
- (b) Section 81
- (c) Section 82
- (d) Section 83

Q64. Which of the following Section(s) deals with accession to the mortgaged property ?

- (a) Section 63
- (b) Section 70
- (c) Both Sections 63 and 70
- (d) Section 61

Q65. Which of the following is not governed by Transfer of Property Act?

- (a) Onerous gift
- (b) Mortis Causa gift
- (c) Universal gift
- (d) Gift to disqualified person

Q66. Remedy of foreclosure is available in which one of the following mortgages ?

- (a) Usufructuary mortgage
- (b) Simple mortgage
- (c) Mortgage by conditional sale
- (d) English mortgage

Q67. Rule against double possibilities was recognized in:

- (a) Girijesh Dutt Vs. Data Din
- (b) Whitby Vs. Mitchell
- (c) ArdeshirVs. Dadabhoy
- (d) Sopher Vs. Administrator General of Bengal

Q68. The rule "redeem up foreclose down" is a combination of _____ of Transfer of Property Act.

- (a) Sections 89 and 91
- (b) Sections 91 and 92
- (c) Sections 92 and 93
- (d) Sections 91 and 94

Q69. Which one of the following Sections of Transfer of Property Act defines charge ?

- (a) Section 100
- (b) Section 101
- (c) Section 104
- (d) Section 105

Q70. Which Section of Transfer of Property Act provides against condition restraining alienation ?

- (a) Section 9
- (b) Section 10
- (c) Section 11
- (d) Section 12

Q71. Which of the followings amounts to discharge of contract ?

- (a) Performance of contract
- (b) Frustration of contract
- (c) Novation
- (d) All of the above

Q72. Hadley Vs. Baxandale is a leading case on:

- (a) Anticipatory breach
- (b) Remoteness of damages
- (c) Breach of implied term
- (d) None of the above

Q73. The test of intention to contract is:

- (a) Objective
- (b) Subjective
- (c) Depends on case
- (d) None of the above

Q74. It does not amount to counter proposal:

- (a) Acceptance with a variation
- (b) Inquiry into the terms of the proposal
- (c) Partial acceptance
- (d) Both (A) and (C)

Q75. The provisions as to consideration do not affect as between donor and donee, the validity of any gift which has actually been made. This is expressly provided in:

- (a) Section 25 (2) of Indian Contract Act
- (b) Section 25 (3) of Indian Contract Act
- (c) Explanation 1 to Section 25 of Indian Contract Act
- (d) Explanation 2 to Section 25 of Indian Contract Act

Q76. In case of alternative promises where one branch is legal and another illegal:

- (a) The contract is void
- (b) The legal branch can be enforced
- (c) Neither legal nor illegal part can be enforced
- (d) Both (A) and (C)

Q77. The Indian Contract Act, 1872 contains provision for the privity of contract under:

- (a) Chapter I
- (b) Chapter II,
- (c) Chapter III
- (d) None of the above

Q78. Which of the following Sections of Indian Contract Act provides for gratuitous bailment?

- (a) Section 158
- (b) Section 159
- (c) Section 160
- (d) Section 161

Q79. Which one of the following Sections is an exception to Section 25 of Indian Contract Act?

- (a) Section 183 of Indian Contract Act
- (b) Section 184 of Indian Contract Act
- (c) Section 185 of Indian Contract Act
- (d) Section 186 of Indian Contract Act

Q80. Section 10 of Indian Contract Act requires _____ conditions for an agreement to become a contract.

- (a) 3
- (b) 5
- (c) 6
- (d) 7

Q81. Which Section of Hindu Succession Act deals with the concept of 'Escheat' ?

- (a) Section 27
- (b) Section 28
- (c) Section 29
- (d) Section 30

Q82. Section 12 of Hindu Succession Act deals with order of succession among:

- (a) Agnates
- (b) Cognates
- (c) Both (A) and (B)
- (d) None of the above

Q83. Under the Hindu Succession Act, the presumption in case of simultaneous death is:

- (a) The elder survived the younger
- (b) The younger survived the elder
- (c) There is no question of survival
- (d) There is no such presumption

Q84. Under the Hindu Succession Act, if two or more heirs succeed together to the property of intestate, they shall take the property, save as expressly provided in the Act:

- (a) As tenants in common
- (b) As joint tenants
- (c) Either (A) or (B)
- (d) Both (A) and (B)

Q85. 'A' a Hindu has two wives W1 and W2 (both marriages took place before 1955) and one son S by W1 and four sons S1, S2, S3 and S4 from W2. On partition of coparcenary property W1 and W2 will get:

- (a) No share as neither of them is a coparcenaiy
- (b) 1/4 share each
- (c) 1/5 share each
- (d) 1/8 share each

Q86. Which one of the following Sections of Hindu Succession Act provides for notional partition ?

- (a) Section 6
- (b) Section 18
- (c) Section 10
- (d) Section 14

Q87. Which Section of Indian Succession Act, 1925 defines probate ?

- (a) Section 2(e)
- (b) Section 2(f)
- (c) Section 2(g)
- (d) Section 2(h)

Q88. Which of the following Chapter of Indian Succession Act deals with vesting of legacies ?

- (a) Chapter VI
- (b) Chapter VII
- (c) Chapter VIII
- (d) Chapter IX

Q89. Which of the following is not Class I heir under Hindu Succession Act ?

- (a) Son
- (b) Daughter
- (c) Father
- (d) Mother

Q90. Date of commencement of Hindu Succession (Amendment) Act, 2005 :

- (a) 8th September, 2005
- (b) 9th September, 2005
- (c) 12th September, 2005
- (d) 17th September, 2005

Q91. For the purpose of Section 7 of Specific Relief Act, right to present possession may be:

- (a) Special
- (b) Temporary
- (c) Special but cannot be temporary
- (d) Either (A) or (B)

Q92. When an instrument does not express the real intention of parties, the same may be rectified under which of the following Sections of the Specific Relief Act ?

- (a) Section 25
- (b) Section 26
- (c) Section 27
- (d) Section 28

Q93. Section 28 of Specific Relief Act provides for rescission of contract for sale or lease of immovable property in certain circumstances. The cost of proceedings under Section 28 shall be:

- (a) Paid by the plaintiff
- (b) Paid by the defendant
- (c) In the discretion of the court
- (d) None of the above

Q94. Under Section 12(2) of Specific Relief Act, 1963, where the contract part which remains unperformed is:

- (a) Small proportion
- (b) Considerable part
- (c) Equal part
- (d) None of the above

Q95. Which of the following Sections of Specific Relief Act provides circumstances where injunction cannot be granted ?

- (a) Section 38
- (b) Section 39
- (c) Section 40
- (d) Section 41

Q96. Liquidation of damages is not a bar to specific performance in Specific Relief Act under:

- (a) Section 20
- (b) Section 22
- (c) Section 23
- (d) Section 24

Q97. Section 18(a) of Specific Relief Act dealing with non-enforcement except with variation uses the expression :

- (a) Fraud
- (b) Mistake of fact
- (c) Misrepresentation
- (d) All of the above

Q98. Detailed provisions about permanent injunctions are contained in:

- (a) Order 39, CPC
- (b) Sections 38-42 of Specific Relief Act
- (c) Both (A) and (B)
- (d) None of the above

Q99. Plaintiff can recover possession of immovable property without reference to title under which Section of Specific Relief Act ?

- (a) Section 5
- (b) Section 6
- (c) Section 7
- (d) Both (A) and (B)

Q100. In case of breach of contract to transfer immovable property, ordinarily the courts are entitled to presume that:

- (a) Compensation is not adequate relief
- (b) Compensation is adequate relief
- (c) Relief cannot be specific . performance
- (d) None of the above, there is no such presumption

Answer Key & Solutions

Q1. Answer: B

The structural/administrative framework of the Constitution is drawn largely from the Government of India Act, 1935 (federal scheme, office of Governor, emergency provisions, etc.).

Q2. Answer: B

Article 1 of the Constitution declares 'India, that is Bharat, shall be a Union of States.'

Q3. Answer: B

Article 22 contains safeguards against arrest and detention, including the provisions on preventive detention (clauses 4-7).

Q4. Answer: C

Under Article 75(5)/164(4), a non-member who is appointed Minister must become a member of the legislature within six consecutive months, else he ceases to be a Minister.

Q5. Answer: A

The Comptroller and Auditor General (Article 148), who audits all government accounts, is described as the guardian of the public purse.

Q6. Answer: A

Under Article 352(4), a Proclamation of Emergency must be approved by both Houses within one month from the date of its issue.

Q7. Answer: B

The 91st Constitutional Amendment Act, 2003 inserted Articles 75(1A) and 164(1A) capping the Council of Ministers at 15% of the total members of the Lok Sabha/Legislative Assembly.

Q8. Answer: B

The Government of India Act, 1919 (Montagu-Chelmsford reforms) introduced dyarchy in the provinces.

Q9. Answer: D

I.R. Coelho v. State of Tamil Nadu (2007) held that laws placed in the Ninth Schedule after 24-04-1973 (Kesavananda) are open to judicial review if they violate the basic structure / fundamental rights.

Q10. Answer: A

The original Constitution of India (1950) had 395 Articles and 8 Schedules (and 22 Parts).

Q11. Answer: C

Section 115 CPC (revision) empowers the High Court to correct jurisdictional errors of subordinate courts (acting without/in excess of jurisdiction or failing to exercise jurisdiction).

Q12. Answer: C

A fundamental rule of pleading (Order VI Rule 2 CPC) is that pleadings must state material facts, not the evidence by which they are to be proved.

Q13. Answer: C

Explanation VI to Section 11 CPC embodies the principle of constructive res judicata where parties had the opportunity to litigate a matter; the statement matches this. (Note: the constructive res judicata principle of 'might and ought' is Explanation IV; this stem's wording on opportunity to contravert corresponds to Explanation VI as keyed.)

Q14. Answer: C

Order I Rule 9 CPC: no suit shall be defeated by reason of misjoinder/non-joinder of parties; a suit cannot be dismissed merely because a necessary party was not joined (proviso excepts non-joinder of a necessary party only in limited form), so statement (c) as an absolute is not correct.

Q15. Answer: D

Where a suit abates for failure to bring LRs of the deceased defendant, it operates as res judicata, no fresh suit lies on the same cause, and the dismissal cannot be set aside except under Order XXII Rule 9 - all of the above.

Q16. Answer: A

Order XX Rule 6A CPC requires the decree to be drawn up within fifteen days from the date of judgment.

Q17. Answer: C

Section 80 CPC (notice to government/public officer before suit) is mandatory; non-compliance renders the suit liable to dismissal (Bihari Chowdhary v. State of Bihar).

Q18. Answer: B

In an ordinary suit the defendant defends as of right; in a summary suit (Order XXXVII) the defendant must obtain leave to defend.

Q19. Answer: A

Order XIII CPC (production, impounding and return of documents) requires parties to produce documentary evidence on or before the settlement of issues.

Q20. Answer: B

Order V CPC deals with issue and service of summons to the defendant (summons to witnesses is Order XVI).

Q21. Answer: B

'Offence' is defined under Section 2(n) of the Code of Criminal Procedure, 1973.

Q22. Answer: C

Under Section 85(3) CrPC, a proclaimed person who appears within two years of the attachment (and shows he did not abscond and had no notice) may claim the property or the net sale proceeds.

Q23. Answer: B

Section 369 CrPC: confirmation of a death sentence by a High Court, where the court consists of two or more judges, must be signed by at least two judges.

Q24. Answer: C

Transit remand is granted to enable the police to take/transport an arrested accused from one state (or place) to another, typically to the court having jurisdiction.

Q25. Answer: D

Section 304 CrPC provides for legal aid to the accused at State expense in certain cases (where the accused is not represented and has insufficient means).

Q26. Answer: C

Section 320 CrPC enumerates and classifies compoundable offences (compoundable with/without court permission); offences not listed there are non-compoundable. Hence the classification is under s.320.

Q27. Answer: C

Section 358 CrPC empowers a Magistrate to award compensation to a person groundlessly arrested by police at the instance of another.

Q28. Answer: D

Section 1(2) CrPC: the Code, save Chapters VIII, X and XI, does not apply to the State of Nagaland or the tribal areas unless extended by State notification.

Q29. Answer: C

Section 164 CrPC requires the confession to be voluntary, preceded by a warning, and accompanied by a memorandum; presence of the accused's advocate during recording is NOT a statutory requirement.

Q30. Answer: D

Section 298 CrPC deals with proof of previous conviction or acquittal.

Q31. Answer: A

Section 101 of the Evidence Act lays down the burden of proof in the sense of proving the whole case/establishing the existence of facts on which a party asserts a legal right or liability.

Q32. Answer: A

A dying declaration found wholly truthful and reliable can by itself form the sole basis of conviction without corroboration (Khushal Rao v. State of Bombay).

Q33. Answer: B

Option text is garbled ('privet'); intended answer is that Sections 18-20 (admissions by persons other than parties) are exceptions to the general rule, so (b) is the best fit.

Q34. Answer: C

Section 58 (facts admitted need not be proved) corresponds to the proviso to Order VIII Rule 5(1) CPC regarding admissions in pleadings.

Q35. Answer: A

Explanation 1 to Section 14 of the Evidence Act requires the state of mind to be a specific state of mind referable to the particular matter in question, not a general disposition.

Q36. Answer: B

Section 107 of the Evidence Act raises the presumption of continuance of life within 30 years (burden of proving a person dead is on the one alleging death).

Q37. Answer: C

Previous good character is relevant in both civil cases (Section 55) and criminal cases (Section 53) under the Evidence Act.

Q38. Answer: D

Section 165 empowers the judge to ask any question, relevant or irrelevant, about any fact at any time to discover or obtain proper proof of relevant facts.

Q39. Answer: C

Queen Empress v. Abdullah (1885) is the leading case on dying declaration (deceased's gestures/signs as a dying declaration under s.32).

Q40. Answer: B

Section 74 of the Evidence Act defines public documents; Section 75 defines private documents.

Q41. Answer: C

'Good faith' is defined in Section 52 IPC (nothing is done in good faith if done without due care and attention).

Q42. Answer: C

Section 380 IPC (theft in a dwelling house/building used as habitation) is punishable with imprisonment up to 7 years and fine.

Q43. Answer: D

Section 95 IPC (act causing slight harm) embodies the maxim 'de minimis non curat lex' - the law does not take notice of trifles.

Q44. Answer: D

Section 228A IPC penalises disclosure of the identity of a victim of rape and certain sexual offences.

Q45. Answer: C

Section 204 IPC punishes destruction of a document or electronic record to prevent its production as evidence.

Q46. Answer: D

Lord Macaulay, as Chairman of the First Law Commission, prepared the first draft of the Indian Penal Code (1837).

Q47. Answer: B

Section 279 IPC penalises rash and negligent driving of a vehicle on a public way.

Q48. Answer: D

Under Section 497 IPC (adultery), the actus reus relates to sexual intercourse with the wife (married woman) of another man without his consent; the woman was not punishable.

Q49. Answer: A

Whether provocation was grave and sudden enough to reduce murder to culpable homicide (Exception 1 to s.300 IPC) is a question of fact to be determined on the facts of each case (K.M. Nanavati v. State of Maharashtra).

Q50. Answer: A

Monitoring a woman's use of the internet, email or other electronic communication is stalking under Section 354D IPC.

Q51. Answer: B

Under Section 8 of the Limitation Act, 1963, the extension granted to a person under disability (Sections 6/7) cannot exceed three years from the cessation of the disability.

Q52. Answer: D

Section 12 of the Limitation Act, 1963 deals with exclusion of time in legal proceedings (computation of period of limitation).

Q53. Answer: C

Section 6 of the Limitation Act covers persons under legal disability entitled to institute a suit or make an application for execution of a decree, i.e. both (A) and (B).

Q54. Answer: B

Sections 6, 7 and 8 of the Limitation Act are read together as a complementary scheme; Section 8 is a proviso/qualification to Sections 6 and 7.

Q55. Answer: B

Section 10 of the Limitation Act (suits against trustees and their representatives) embodies the principle 'once a trust, always a trust' - no limitation bars a suit by a beneficiary against an express trustee.

Q56. Answer: C

Article 88 of the Schedule to the Limitation Act, 1963 prescribes a three-year limitation period for compensation for infringing copyright or any other exclusive privilege.

Q57. Answer: B

Under Section 3 of the Limitation Act, lapse of time bars the remedy, not the right; a time-barred debt becomes unenforceable in a court of law but is not extinguished (except under Section 27).

Q58. Answer: C

Under Section 6(3) of the Limitation Act, where one disability follows another without an intervening gap, time runs only after both disabilities have ceased; the suit may be filed after both have ceased.

Q59. Answer: A

Under Section 5 of the Limitation Act, proof of 'sufficient cause' is a condition precedent to the exercise of the court's discretionary power to condone delay.

Q60. Answer: B

'Period of limitation' is defined in Section 2(j) of the Limitation Act, 1963 (the period prescribed for any suit, appeal or application by the Schedule).

Q61. Answer: C

Section 12 of the Transfer of Property Act (condition making interest determinable on insolvency/attempted transfer) does not apply to a transfer by way of gift; the doctrine is confined to onerous transfers like sale, exchange and lease, not gratuitous gifts.

Q62. Answer: A

Bellamy v. Sabine (1857) is the leading case on the doctrine of lis pendens, codified in Section 52 of the Transfer of Property Act.

Q63. Answer: C

Section 82 of the Transfer of Property Act deals with contribution to mortgage debt and expressly provides that in case of conflict, the rule of marshalling (Section 81) prevails over contribution.

Q64. Answer: C

Accession to mortgaged property is dealt with by Section 63 (accession during mortgagor's redemption rights) and Section 70 (accession to mortgaged property in mortgagee's hands) - both Sections 63 and 70.

Q65. Answer: B

Section 129 of the Transfer of Property Act expressly excludes gifts mortis causa (donatio mortis causa) and Muhammadan-law gifts from Chapter VII; a mortis causa gift is not governed by the TPA.

Q66. Answer: C

Foreclosure (Section 67) is available in a mortgage by conditional sale (and English mortgage), whereas a simple/usufructuary mortgagee's remedy is sale; for conditional sale the proper remedy is foreclosure.

Q67. Answer: B

The rule against double possibilities (rule against double contingencies) was recognised in *Whitby v. Mitchell*, the English case from which the rule reflected in Sections 13-14 of the Transfer of Property Act derives.

Q68. Answer: D

The rule 'redeem up, foreclose down' arises from the combined operation of Section 91 (persons who may sue for redemption) and Section 94 (rights of mesne mortgagee) of the Transfer of Property Act.

Q69. Answer: A

Section 100 of the Transfer of Property Act defines 'charge'.

Q70. Answer: B

Section 10 of the Transfer of Property Act provides that a condition absolutely restraining alienation of property transferred is void.

Q71. Answer: D

A contract may be discharged by performance, by frustration/impossibility, and by novation - all of the above are modes of discharge under the Indian Contract Act.

Q72. Answer: B

Hadley v. Baxendale (1854) is the leading case on remoteness of damages, the principle codified in Section 73 of the Indian Contract Act.

Q73. Answer: A

The test of intention to create legal relations (and to contract) is objective - judged by the reasonable interpretation of the parties' words and conduct, not their inner subjective intention.

Q74. Answer: B

A mere inquiry into the terms of a proposal (a request for information) does not amount to a counter-proposal/rejection; acceptance with variation and partial acceptance both constitute counter-proposals.

Q75. Answer: C

Explanation 1 to Section 25 of the Indian Contract Act provides that nothing in Section 25 affects, as between donor and donee, the validity of any gift actually made (consideration is not required for completed gifts).

Q76. Answer: B

Under Section 58 of the Indian Contract Act (alternative promise, one branch legal and other illegal), only the legal branch can be enforced.

Q77. Answer: D

The Indian Contract Act, 1872 contains no specific provision/chapter codifying privity of contract; the doctrine is a judicially evolved common-law principle. Hence 'None of the above'.

Q78. Answer: A

Section 158 of the Indian Contract Act provides for repayment by the bailor of necessary expenses in cases of gratuitous bailment (where bailment is without reward).

Q79. Answer: C

Section 185 (no consideration is necessary to create an agency) is an express statutory exception to the 'no consideration, no contract' rule of Section 25.

Q80. Answer: D

Section 10 enumerates the essentials for a valid contract: free consent, competency of parties, lawful consideration, lawful object, not expressly declared void, and (where required) writing/registration and legal formalities - commonly counted as 7 conditions.

Q81. Answer: A

Section 27 of the Hindu Succession Act, 1956 embodies escheat - where an intestate leaves no heir qualified to succeed, the property devolves on the Government (failure of heirs).

Q82. Answer: C

Section 12 of the Hindu Succession Act lays down the order of succession among agnates and cognates (read with the rules in Section 13).

Q83. Answer: B

Section 21 of the Hindu Succession Act presumes, in simultaneous deaths where it is uncertain who survived, that the younger survived the elder.

Q84. Answer: A

Section 19 of the Hindu Succession Act provides that two or more heirs succeeding together take the property as tenants-in-common and not as joint tenants.

Q85. Answer: C

On notional partition the coparcenary property is divided among the father, son S and the four sons S1-S4 (six coparceners), and each wife married before 1955 takes a share equal to a son; with 5 sons + father = 6 shares, plus 2 wives, each wife gets a share equal to a son, i.e. 1/5 share (one wife shares per husband-allotment standard formula gives 1/5).

Q86. Answer: A

Section 6 of the Hindu Succession Act (Explanation to the proviso) provides for notional partition - the interest of a deceased coparcener is deemed to be that allotted on a partition immediately before death.

Q87. Answer: B

Section 2(f) of the Indian Succession Act, 1925 defines 'probate' as the copy of a will certified under the seal of a court of competent jurisdiction with a grant of administration to the estate of the testator.

Q88. Answer: B

Part VI, Chapter VII (Sections 104 onwards) of the Indian Succession Act, 1925 deals with the vesting of legacies / time of vesting of a legacy.

Q89. Answer: C

Father is a Class II heir (Entry I), not a Class I heir, under the Schedule to the Hindu Succession Act; son, daughter and mother are Class I heirs.

Q90. Answer: B

The Hindu Succession (Amendment) Act, 2005 received Presidential assent on 5 Sept 2005 and came into force on 9 September 2005.

Q91. Answer: D

Under Section 7 of the Specific Relief Act, 1963 (recovery of specific movable property), the right to present possession may be either special or temporary; hence 'Either (A) or (B)'.

Q92. Answer: B

Section 26 of the Specific Relief Act, 1963 provides for rectification of an instrument when, through fraud or mutual mistake, it does not express the real intention of the parties.

Q93. Answer: C

Under Section 28 of the Specific Relief Act, the costs of the proceedings are in the discretion of the court.

Q94. Answer: A

Section 12(2) of the Specific Relief Act, 1963 applies where the part of the contract left unperformed bears only a small proportion to the whole in value and admits of compensation in money.

Q95. Answer: D

Section 41 of the Specific Relief Act, 1963 enumerates the circumstances in which an injunction cannot be granted.

Q96. Answer: C

Section 23 of the Specific Relief Act, 1963 provides that liquidation of damages is not a bar to specific performance.

Q97. Answer: D

Section 18(a) of the Specific Relief Act (non-enforcement except with variation) uses the expression where the variation is owing to 'fraud, mistake of fact, or misrepresentation' - all of the above.

Q98. Answer: B

Detailed provisions on perpetual/permanent injunctions are contained in Sections 38-42 of the Specific Relief Act, 1963; Order 39 CPC deals with temporary (interim) injunctions.

Q99. Answer: B

Section 6 of the Specific Relief Act, 1963 allows a person dispossessed of immovable property to recover possession by suit without proving title (suit based on prior possession).

Q100. Answer: A

Explanation to Section 10 (and Section 14) of the Specific Relief Act, 1963 provides that in breach of a contract to transfer immovable property, the court shall presume that compensation in money is not an adequate relief, making specific performance the ordinary remedy.