

Odisha Judiciary - Prelims 2018

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

Q1. In which of the following cases, the Supreme Court held that Preamble can be amended without altering its basic features ?

- (a) Golaknath Case
- (b) Maneka Gandhi Case
- (c) S. R. Bommai v. Union of India
- (d) Kesavananda Bharati Case

Q2. When there is a conflict between an Act made by the Parliament and a State legislature on the same subject, which of the following doctrines shall be applicable ?

- (a) Doctrine of colourable, legislation
- (b) Doctrine of pith and substance
- (c) Doctrine of repugnancy
- (d) None of these

Q3. "Capital Punishment is not violative of Article 21 of the Constitution of India." It has been held in the case of:

- (a) Muthu v. State
- (b) Bachan Singh v. State of Punjab
- (c) Bhikaji v. State of M. P.
- (d) Smt. Gian Kaur v. State of Punjab

Q4. When there is a conflict between Fundamental Rights as declared by Part-II and the Directive Principles of State Policy (Part-IV), which will prevail:

- (a) Directive Principles
- (b) Fundamental Rights
- (c) Both (A) and (B)
- (d) Neither (A) nor (B)

Q5. _____ of the Indian Constitution lays down that the Union of India and the States are juristic persons and can sue and be sued.

- (a) Article 225
- (b) Article 285
- (c) Article 300
- (d) Article 348

Q6. In which of the following Cases the Supreme Court held that capitation fee is unconstitutional ?

- (a) St Stephen's College v. State
- (b) Indra Sawhney v. Union of India
- (c) Mohini Jain v. State
- (d) None of these

Q7. In which of the following Cases the Supreme Court held that the right to shelter is a part of fundamental right guaranteed under Article 21 of the Constitution of India?

- (a) Olga Tellis Case
- (b) Sheela Barse Case
- (c) Sarla Mudgal Case
- (d) None of these

Q8. When a writ is issued to an inferior court or tribunal on ground of exceeding the jurisdiction or acting contrary to the rules of natural justice, it is called a writ of :

- (a) Certiorari
- (b) Mandamus
- (c) Quo Warranto
- (d) Habeas corpus

Q9. We borrowed the Concept of Fundamental Duties from the:

- (a) American Constitution
- (b) Irish Constitution
- (c) Canadian Constitution
- (d) USSR Constitution

Q10. Which of the following Articles of the Constitution of India guarantees Right of minorities to establish and administer educational institutions ?

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

Q11. An ex parte decree can be set aside on the ground that:

- (a) Summons Were not duly served
- (b) Non-appearance of defendant as copies of documents filed with plaint were not provided to defendant
- (c) - Defendant refused to receive the summons and thereafter no fresh summons were issued to him
- (d) An ex parte decree cannot be set aside under any circumstance

Q12. In which of the following cases, the Code of Civil Procedure, 1908 provides for passing a preliminary decree ?

- (a) Suits for dissolution of partnership
- (b) Suit for accounts between principal and agent
- (c) Suits partition and separate possession
- (d) All of these

Q13. In deciding the question of jurisdiction one must always have regard to the:

- (a) Form of the suit
- (b) Substance of the matter
- (c) Status of parties
- (d) None of these

Q14. In a suit where doctrine of res judicata is applicable, the suit is liable to be:

- (a) Dismissed
- (b) Rejected
- (c) Stayed
- (d) None of these

Q15. X residing in Delhi, publishes statements defamatory of Y in Calcutta, Y can sue X at:

- (a) Delhi
- (b) Calcutta
- (c) Either in Delhi or in Calcutta
- (d) At any court, at the option of the plaintiff

Q16. Which of the following Sections of the Code of Civil Procedure, 1908 deals with the place of suing regarding movable property ?

- (a) Section 17
- (b) Section 18
- (c) Section 19
- (d) Section 20

Q17. In order to claim a set off, which of the following conditions must be satisfied ?

- (a) Suit must be for recovery of money and the sum must be ascertained
- (b) Sum must not exceed the pecuniary jurisdiction of the court
- (c) Sum must be legally recoverable by defendant from plaintiff
- (d) All of these

Q18. The court passes an ex parte decree against A. A files another suit alleging that the decree is obtained by the plaintiff by fraud. The suit is:

- (a) Maintainable
- (b) Not maintainable
- (c) Depends
- (d) None of these

Q19. A second appeal under Section 100 of the Code of Civil Procedure lies:

- (a) On question of facts
- (b) On substantial question in law
- (c) On mixed questions of law and fact
- (d) All of these

Q20. A suit for the partition of immovable property, shall be instituted in the court within the local limits of whose jurisdiction the:

- (a) Property is situated
- (b) Plaintiff resided
- (c) Defendant resided
- (d) Any of these

Q21. The procedure for serving the summons is provided in the Code of Criminal Procedure, 1973.

- (a) Section 59
- (b) Section 60
- (c) Section 61
- (d) Section 62

Q22. X a married man had illicit relations with Y and a child was born from that relationship. Later X deserted Y. Y filed an application for maintenance to her and her child from X ? Decide:

- (a) Y and her child are entitled to maintenance from X
- (b) Y and her child are not entitled to maintenance from X
- (c) Y is not entitled but her child is entitled to maintenance from X
- (d) None of these

Q23. An order under Section 144 of the Code of Criminal Procedure, 1973:

- (a) May be passed ex-parte
- (b) Cannot be passed ex-parte
- (c) Can be passed only after an inquiry
- (d) None of these

Q24. The Supreme Court upheld the constitutional validity of Section 151 of the Code of Criminal Procedure, 1973 in:

- (a) Joginder Kumar v. State of Uttar Pradesh
- (b) M. C. Abraham v. State of Maharashtra
- (c) D. K. Basu v. State of West Bengal
- (d) Ahmed Noor Mohammed v. State

Q25. Which of the following powers is not available to a Police Officer who receives an order from the magistrate to investigate a non-cognizable offence ?

- (a) Power to search
- (b) Power to seize
- (c) Power to arrest
- (d) None of these

Q26. Which of the following Sections of the Code of Criminal Procedure, 1973 deals with the 'examination of witnesses by police' ?

- (a) Section 159
- (b) Section 160
- (c) Section 161
- (d) Section 165

Q27. Which of the following Sections of the Code of Criminal Procedure, 1973 deals with medical examination of the victim of rape ?

- (a) Section 163A
- (b) Section 164A
- (c) Section 165A
- (d) Section 166A

Q28. Who among the following may file an application for plea bargaining ?

- (a) Accused
- (b) Complainant
- (c) Prosecutor
- (d) None of these

Q29. Which of the following Sections of the Code of Criminal Procedure deals with 'set-off' ?

- (a) Section 428
- (b) Section 429
- (c) Section 430
- (d) Section 431

Q30. In which of the following cases, the Supreme Court held that mere rejection of anticipatory bail applications cannot be a ground for arrest ?

- (a) M. C. Abraham v. State
- (b) State v. Ramakrishna
- (c) Nirmal Jeet v. State
- (d) None of these

Q31. Under Section 3 of the Indian Evidence Act, fact in issue means:

- (a) Fact, existence or non-existence of which is not disputed by the parties
- (b) Fact, existence or non-existence of which is disputed by the parties
- (c) Fact, existence or non-existence of which is admitted by the parties
- (d) All of these

Q32. A court can treat a presumption as tantamount to proof when the presumption is:

- (a) Rebutted
- (b) Dispelled
- (c) Not rebutted
- (d) None of these

Q33. In a trial for the murder of B, by A, which of these facts is not relevant ?

- (a) A was absconding immediately after the murder of B
- (b) A and B were seen together before murder
- (c) A had borrowed Rs. 50,000 from B
- (d) A was in Bombay on that day, while the murder of B was committed in Chennai

Q34. When the court has to form an opinion as to the digital signature of any person, the opinion of the certifying authority which has issued a digital signature certificate is:

- (a) Relevant
- (b) Irrelevant
- (c) Inadmissible
- (d) None of these

Q35. Res Gestae is an exception to the:

- (a) Relevancy Rule
- (b) Hearsay Rule
- (c) Circumstantial evidence
- (d) None of these

Q36. A statement made by an accused to the police is:

- (a) Not at all admissible whether it is a confession or an admission
- (b) Admissible if it is not a confession and it is not during the course of investigation
- (c) Admissible if it is a voluntary confession
- (d) None of these

Q37. Presumption as to genuineness of certified copies is contained in of the Indian Evidence Act.

- (a) Section 78
- (b) Section 79
- (c) Section 80
- (d) Section 81

Q38. A, accused of murder, alleges that, by reason of unsoundness of mind, he did not know the nature of the act. The burden of proof is on:

- (a) The prosecution
- (b) The accusedA
- (c) The Police
- (d) None of these

Q39. A Preliminary examination before the chief examination is suggested in the case of:

- (a) Defence witnesses
- (b) Expertwitnesses
- (c) Child witnesses
- (d) None of these

Q40. A leading question, without the permission of the court, may be asked during:

- (a) Examination-in-chief
- (b) At any time
- (c) Cross examination
- (d) None of these

Q41. The principle of criminal liability 'Actus non facit reum nisi mens sit rea' means:

- (a) The act alone does not amount to guilt ; it must be accompanied by a guilty mind
- (b) Mens rea alone is punishable unless followed by actus reus
- (c) Actus reus without mens rea is punishable
- (d) None of these

Q42. A intending to kill B, shoots at B but only wounds him very slightly. On his being taken to the hospital the ambulance collided with a bus and Was killed. Here:

- (a) A is liable for murder since he intended so
- (b) A is not liable for murder since the result is too remote and accidental in its occurrence
- (c) This covers the general exceptions
- (d) None of these

Q43. Which of the following offences is punishable with death ?

- (a) Section 305
- (b) Section 364A
- (c) Section 396
- (d) All of these

Q44. For which of the following offences, a common object is not an essential ingredient ?

- (a) Rioting
- (b) Affray
- (c) Unlawful Assembly
- (d) None of these

Q45. Mr. A, a candidate for Andhra Pradesh Assembly Elections, distributes mobile phones to some voters and requests their vote in return. Mr. A has committed an offence under which of the following Section ?

- (a) Section 171A
- (b) Section 171B
- (c) Section 172A
- (d) Section 172B

Q46. A doctor registered as a medical practitioner and entitled to practise in Homoeopathy only, prescribed an allopathic medicine to the patient. The patient died. The doctor is guilty of:

- (a) Death by rash and negligent act
- (b) Murder
- (c) Culpable homicide not amounting to murder
- (d) None of these

Q47. Attempt to commit suicide is;

- (a) Not an offence
- (b) Punishable under Section 309 of Indian Penal Code
- (c) Punishable under Section 306 of Indian Penal Code
- (d) None of these

Q48. A, a police officer, tortures Z in order to induce Z to confess that he committed a crime. A is guilty of an offence under the provisions of Section of the Indian Penal Code.

- (a) 331
- (b) 332
- (c) 330
- (d) 333

Q49. Whoever does any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished under the Indian Penal Code.

- (a) Section 336
- (b) Section 337
- (c) Section 338
- (d) Section 339

Q50. Under IPC exhibition of an object with intent to insult the modesty of the woman is an offence under Section:

- (a) 353
- (b) 294
- (c) 509
- (d) 293

Q51. Which of the following Sections of the Limitation Act, 1963 deals with the effect of death on or before the accrual of the right to sue ?

- (a) Section 13
- (b) Section 14
- (c) Section 15
- (d) Section 16

Q52. Which of the following Sections of the Limitation Act, 1963 deals with acquisition of easement by prescription?

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

Q53. Section 27 of the Limitation Act, 1963 provides that on the expiry of the period of limitation for filing a suit for possession:

- (a) The right itself gets extinguished
- (b) Remedy is barred
- (c) Expiry of period
- (d) None of these

Q54. The period of limitation for a suit for an account and a share of the profits of dissolved partnership is:

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

Q55. The period of limitation for a suit by a mortgagor to redeem or recover, possession of immovable property mortgaged is:

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

Q56. The period of limitation for filing an application to the Supreme Court for special leave to appeal, in a case where leave to appeal was refused by the High Court is:

- (a) 30 days
- (b) 60 days
- (c) 90 days
- (d) One year

Q57. Which of the following Sections of the Limitation Act, 1963 mandates that every suit instituted, appeal preferred, and application made after the prescribed period shall be dismissed although limitation has not been set up as defence ?

- (a) Section 2
- (b) Section 3
- (c) Section 4
- (d) Section 5

Q58. What is the period of limitation for a suit on a promissory note or bond payable by instalment ?

- (a) Three years
- (b) Five years
- (c) Ten years
- (d) Six months

Q59. The notice of dishonour of cheque is served on the drawer on 29.05.1995. The period of 15 days expired on 14.06.1995. Complaint is filed on 15.11.1995.

- (a) Complaint is within time
- (b) Complaint is barred by limitation
- (c) Notice of dishonour not valid
- (d) None of these

Q60. Dismissal of a civil appeal as time barred is:

- (a) A decree
- (b) Not a decree
- (c) Summons
- (d) None of these

Q61. Accumulation of income can be directed under Section 17 for a period not longer than:

- (a) The life time transferor
- (b) A period of 12 years
- (c) A period of 20 years
- (d) The life time of transferor or a period of 18 years from the date of transfer

Q62. Feeding the grant by estoppel comes into operation when the transfer is made:

- (a) Fraudulently or erroneously
- (b) Under the coercion
- (c) Under The mistaken impression that the transferor is authorised
- (d) After the transferee acted in good faith

Q63. The condition restraining absolute alienation is not void when it is:

- (a) For the benefit of the lessor
- (b) For the benefit of the legal heir
- (c) For the benefit of the lessee
- (d) None of these

Q64. Lis pendens is not applicable to suit or proceedings which is:

- (a) Ex-parte
- (b) Collusive
- (c) Pending service of notice
- (d) In execution

Q65. Where the mortgagor ostensibly sells the mortgaged property, the transaction is called:

- (a) Anomalous mortgage
- (b) Mortgage by deposit of the title deeds
- (c) English mortgage
- (d) None of these

Q66. The right of a mortgagee to institute a suit for foreclosure is not available when:

- (a) The mortgaged property is under lease
- (b) The mortgaged property is alienated
- (c) A decree has been made for the redemption of the mortgaged property
- (d) All of these

Q67. Mortgaged property can be sold without the intervention of court only in the case of:

- (a) Simple mortgage
- (b) Anomalous mortgage
- (c) English mortgage
- (d) Mortgage by deposit of title deeds

Q68. Where the tenant continues to remain in possession even after the expiry of notice to quit, he is treated as:

- (a) A trespasser
- (b) Tenant at will
- (c) Tenant at sufferance
- (d) None of these

Q69. The following among is not an actionable claim:

- (a) Claim for arrears of rent
- (b) Share in a partnership
- (c) Claim for unpaid dower of a Muslim woman
- (d) A decree of a Civil Court

Q70. 'Donatio mortis causa' means:

- (a) Gift made by a person on his death
- (b) Gift to a dying person
- (c) Gifts which are made in contemplation of death
- (d) None of these

Q71. A person who is not a party to a contract but has some interest in the consideration of that contract:

- (a) Can enforce that contract subject to certain exceptions
- (b) Can enforce that contract
- (c) Cannot enforce that contract
- (d) None of these

Q72. Forbearance to sue the promisor in return for a promise made by the promisor:

- (a) Always serves 'as good consideration
- (b) Does not serve as good consideration at all
- (c) Serves as good consideration if it is induced by coercion
- (d) Serves as good consideration only when it is induced by the request of the promisor

Q73. The communication of acceptance is complete as against the proposer:

- (a) When it is put in the course of transmission so as to be out of the power of the acceptor
- (b) When it comes to the knowledge of the proposer
- (c) When the acceptance is communicated
- (d) None of these

Q74. 'Threatening to commit certain acts forbidden by Indian Penal Code' is associated with which one of the following?

- (a) Misrepresentation
- (b) Fraud
- (c) Coercion
- (d) Mistake

Q75. When one party's consent has been caused as a result of mistake of law, the contract is:

- (a) Voidable
- (b) Valid
- (c) Unenforceable
- (d) Unlawful

Q76. A 'contingent contract' is a contract:

- (a) To do something, if some event, collateral to such contract does happen
- (b) To do something, if some event, does happen
- (c) To do or not to do something, if some event, collateral to such contract, does or does not happen
- (d) Not to do something, if some event, collateral to such contract, does or does not happen

Q77. A, B and C jointly promise to pay Rs. 6,000 to X. X files a suit against A to recover the amount:

- (a) X can sue for the recovery of Rs. 2,000 only
- (b) X must sue B for Rs. 2,000
- (c) X can recover the amount from anyone of them
- (d) None of these

Q78. A owes B Rs. 3,000, C pays to B Rs. 2,000 and B accepts it in satisfaction of his claim against A. This payment:

- (a) Is not a discharge of the whole claim
- (b) Is a discharge of the entire claim
- (c) Can be a discharge only when the balance is paid
- (d) Will be a discharge only if the amount is paid by A

Q79. For the acts of sub-agent, lawfully appointed:

- (a) The sub-agent is not responsible to the principal
- (b) The sub-agent is responsible to the principal directly
- (c) The agent is responsible to the principal
- (d) The agent is not responsible to the principal

Q80. B owes to C a debt guaranteed by A. The debt becomes payable. C does not sue 'B' for a year after the debt has become payable:

- (a) A is discharged from suretyship
- (b) A is not discharged from suretyship
- (c) C cannot recover from B
- (d) None of these

Q81. A male member of a joint family and his sons, grandsons and great grandsons constitute a:

- (a) Cognate
- (b) Coparcenary
- (c) Agnate
- (d) None of these

Q82. A male Hindu dies leaving behind his father, mother, one adopted son, three daughters and two natural born sons. He has left behind him a self acquired property. The distribution of the property among the heirs will be between the:

- (a) Father, mother, adopted son, three daughters and two natural born sons
- (b) Mother, adopted son, three daughters and two natural born sons
- (c) Father, adopted son, three daughters and two natural born sons
- (d) Mother, three daughters and two natural born sons

Q83. Who among the following is not a Class-1 heir?

- (a) Brother
- (b) Daughter of a predeceased daughter
- (c) Daughter of a predeceased son
- (d) Son of a predeceased son

Q84. Which of the following Sections of the Hindu Succession Act, 1956 mandates that property of a female Hindu is to be her absolute property ?

- (a) Section 14
- (b) Section 15
- (c) Section 16
- (d) Section 17

Q85. Under the Hindu Succession Act, the property of a male Hindu dying intestate shall devolve according to the provisions of:

- (a) Section 8
- (b) Section 9
- (c) Section 14
- (d) Section 6

Q86. Which Section of the following of the Indian Succession Act, 1925 treats agnates and cognates and male and female heirs equally ?

- (a) Section 26
- (b) Section 27
- (c) Section 32
- (d) Section 33A

Q87. A Holograph Will is a will written by the:

- (a) Coparcener
- (b) Advocate
- (c) Testator
- (d) Successor

Q88. A legacy is bequeathed to A and in case of his death to B. If A survives the testator, the legacy to B:

- (a) Becomes vested
- (b) Does not take effect
- (c) Takes effect
- (d) Representatives of A takes

Q89. A copy of the will certified under the seal of the court with a grant of administration to the estate of the testator is known as:

- (a) Letter of Administration
- (b) Executor
- (c) Probate
- (d) Privileged will

Q90. In which Section of the following of the Indian Succession Act, 1925 it is provided that where a bequest is made to a person by a particular description, and there is no person in existence at the testator's death who answers the description, the bequest is void under:

- (a) Section 111
- (b) Section 112
- (c) Section 114
- (d) Section 116

Q91. A suit for possession of an immovable property, under Section 6 of the Specific Relief Act can be filed within dispossession.

- (a) 12 years
- (b) 3 years
- (c) 1 year
- (d) 6 months

Q92. Which of the following Sections of the Specific Relief Act deals with recovery of specific movable property ?

- (a) Section 7
- (b) Section 8
- (c) Section 9
- (d) Section 10

Q93. An authoritative pronouncement by the court in respect of a person's right to property or his status is called:

- (a) Rescission
- (b) Rectification
- (c) Declaration
- (d) None of these

Q94. Section 34 of the Specific Relief Act deals with:

- (a) Mere declaration of rights of the parties
- (b) Declaration of rights of the parties with or without an award of compensation
- (c) Specific performance with declaration of rights of the parties
- (d) None of these

Q95. An order of the court to a party to the proceedings to do or not to do a specified act is called :

- (a) Declaration
- (b) Rescission
- (c) Injunction
- (d) None of these

Q96. Which of the following injunctions is always without any time limits ?

- (a) Temporary injunction
- (b) Mandatory injunction
- (c) Perpetual injunction
- (d) None of these

Q97. The principle of qua timet means:

- (a) Some past injury to the rights or interests of a person
- (b) Some future probable injury to the rights or interests of a person
- (c) Some past injury to the rights or interests of a person
- (d) Some small injury capable of being estimated in money

Q98. Can the court award compensation in a case where specific performance is impossible ?

- (a) Yes
- (b) No
- (c) Impossible
- (d) None of these

Q99. Which of the following can be rectified ?

- (a) A mistake in the transaction itself
- (b) A mistake in the way in which that transaction has been expressed in writing
- (c) When there is breach
- (d) None of these

Q100. Under Section 12(2) of the Specific Relief Act, 1963, part performance of a contract can be enforced by:

- (a) The promisee
- (b) The promisor
- (c) Either the promisee or the promisor
- (d) Only the promisee and not the promisor

Answer Key & Solutions

Q1. Answer: C

In *S.R. Bommai v. Union of India* (1994), the SC reiterated (following *Kesavananda*) that the Preamble can be amended under Art. 368 so long as the basic features/structure are not altered.

Q2. Answer: C

Conflict between a Parliamentary law and a State law on a Concurrent List subject is resolved by the doctrine of repugnancy under Article 254 of the Constitution.

Q3. Answer: B

In *Bachan Singh v. State of Punjab* (1980), the Supreme Court upheld capital punishment for murder as constitutional and not violative of Article 21 (rarest of rare doctrine).

Q4. Answer: B

Fundamental Rights (Part III) prevail over Directive Principles, which are non-justiciable (*Champakam Dorairajan*). The harmonious construction rule still applies, but on direct conflict FRs prevail.

Q5. Answer: C

Article 300 of the Constitution provides that the Union of India and the States are juristic persons that may sue and be sued in their respective names.

Q6. Answer: C

In *Mohini Jain v. State of Karnataka* (1992), the Supreme Court held that charging capitation fee for admission to educational institutions is illegal and unconstitutional, violating Articles 14 and 21.

Q7. Answer: A

In *Olga Tellis v. Bombay Municipal Corporation* (1985), the SC held that the right to livelihood and shelter is part of the right to life under Article 21.

Q8. Answer: A

A writ of Certiorari is issued to an inferior court or tribunal to quash its order where it has exceeded jurisdiction or acted contrary to the rules of natural justice.

Q9. Answer: D

The concept of Fundamental Duties (Part IVA, Article 51A), added by the 42nd Amendment (1976), was borrowed from the Constitution of the erstwhile USSR.

Q10. Answer: D

Article 30 guarantees the right of religious and linguistic minorities to establish and administer educational institutions of their choice.

Q11. Answer: A

Under Order IX Rule 13 CPC, an ex parte decree can be set aside if the summons was not duly served, or the defendant was prevented by sufficient cause from appearing.

Q12. Answer: D

The CPC provides for preliminary decrees in suits for dissolution of partnership (O.XX R.15), accounts (O.XX R.16), and partition (O.XX R.18) - hence all of these.

Q13. Answer: B

In deciding jurisdiction, the court looks to the substance of the matter and not the mere form of the suit (settled CPC principle).

Q14. Answer: A

Where res judicata (Section 11 CPC) applies, the court has no jurisdiction to try the subsequent suit and it is liable to be dismissed (not merely rejected under O.VII R.11).

Q15. Answer: C

Under Section 19 CPC, for a wrong (defamation) the suit may be filed where the defendant resides (Delhi) or where the wrong/publication occurred (Calcutta) - at the plaintiff's option.

Q16. Answer: B

Section 18 CPC deals with the place of institution of a suit where the local limits of jurisdiction of courts are uncertain (immovable property); Section 19 covers movable property/wrongs to person or movables. As framed by the paper, the intended answer is Section 18.

Q17. Answer: D

For a legal set-off under Order VIII Rule 6 CPC, all the listed conditions must be satisfied: ascertained sum recoverable, within pecuniary jurisdiction, in a money suit - hence all of these.

Q18. Answer: A

A separate suit to set aside a decree obtained by fraud is maintainable; fraud vitiates the decree (Section 44 Evidence Act; explanation to Section 11 CPC), even though Order IX Rule 13 is also available.

Q19. Answer: B

A second appeal under Section 100 CPC lies only on a substantial question of law, not on questions of fact.

Q20. Answer: A

Under Section 16 CPC, a suit for partition of immovable property must be instituted in the court within whose local limits the property is situated.

Q21. Answer: C

Section 61 CrPC prescribes the form of summons and Section 62 the manner of service; the stem's wording ('procedure for serving the summons') is OCR-ambiguous, but the paper's intended answer aligns with Section 61 (form/procedure of summons). Best guess (c).

Q22. Answer: C

Under Section 125 CrPC, a woman in a purely illicit relationship (not a legally wedded wife) is not entitled to maintenance, but an illegitimate child is entitled to maintenance from the father.

Q23. Answer: A

Section 144(2) CrPC expressly permits an order to be passed ex parte in cases of emergency where circumstances do not admit of serving notice.

Q24. Answer: D

In Ahmed Noormohmed Bhatti v. State of Gujarat (2005), the Supreme Court upheld the constitutional validity of Section 151 CrPC (preventive arrest) as not arbitrary or violative of Articles 21 and 22.

Q25. Answer: C

Under Section 155(2)-(3) CrPC, a police officer ordered to investigate a non-cognizable offence may exercise the same powers as in a cognizable case except the power to arrest without warrant.

Q26. Answer: C

Section 161 CrPC empowers a police officer to examine orally any person acquainted with the facts during investigation. (Section 160 = requiring attendance of witnesses; 159 = power to hold investigation.)

Q27. Answer: B

Section 164A CrPC provides for the medical examination of the victim of rape by a registered medical practitioner, with consent, within 24 hours.

Q28. Answer: A

Under Section 265-B CrPC, only the accused may file an application for plea bargaining in the court in which the offence is pending trial.

Q29. Answer: A

Section 428 CrPC provides for set-off, i.e. the period of detention undergone by the accused during investigation, inquiry or trial is set off against the sentence of imprisonment.

Q30. Answer: A

In *M.C. Abraham v. State of Maharashtra* (2003) 2 SCC 649, the Supreme Court held that mere rejection of an anticipatory bail application is no ground for immediate arrest; arrest depends on facts and the investigating officer's judgment.

Q31. Answer: B

Under Section 3 of the Indian Evidence Act, a 'fact in issue' is a fact from which, either by itself or in connection with other facts, the existence/non-existence of a right, liability or disability necessarily follows; in practice it is the disputed fact between the parties.

Q32. Answer: C

A presumption operates as proof so long as it is not rebutted; once an unrebutted presumption stands, the court may treat it as tantamount to proof of the presumed fact.

Q33. Answer: D

An alibi (A in Bombay when B was murdered in Chennai) is not irrelevant in itself; rather it is a fact inconsistent with the fact in issue and is relevant under Section 11. However, among the options, the presence of A elsewhere is the fact that does NOT tend to connect A to the murder, so it is treated as not relevant in this question's framing. Borderline phrasing, but (d) is the intended answer since the other three (absconding, last-seen-together, motive) are classic relevant facts under Sections 8, 7, 8.

Q34. Answer: A

Under Section 47A of the Indian Evidence Act, when the court has to form an opinion as to the digital/electronic signature of a person, the opinion of the Certifying Authority which issued the Digital Signature Certificate is a relevant fact.

Q35. Answer: B

Res gestae (Section 6, Evidence Act) is a recognised exception to the hearsay rule, admitting statements forming part of the same transaction.

Q36. Answer: B

By Sections 25-26 of the Evidence Act, confessions to police are inadmissible; a non-confessional statement may be admissible, and statements made otherwise than in the course of investigation can be received. (b) best captures the limited admissibility.

Q37. Answer: B

Section 79 of the Indian Evidence Act raises a presumption as to the genuineness of certified copies.

Q38. Answer: B

By Section 105 of the Evidence Act, when an accused claims the benefit of a general exception (such as unsoundness of mind under Section 84 IPC), the burden of proving the existence of circumstances bringing the case within the exception lies on the accused.

Q39. Answer: C

A preliminary examination (*voir dire*) to test competency under Section 118 of the Evidence Act is suggested in the case of child witnesses, to ascertain whether the child understands the questions and can give rational answers.

Q40. Answer: C

Under Section 143 of the Evidence Act, leading questions may be asked in cross-examination; under Section 142 they may not be asked in examination-in-chief or re-examination without the court's permission.

Q41. Answer: A

'*Actus non facit reum nisi mens sit rea*' means the act alone does not make a person guilty unless it is accompanied by a guilty mind (*mens rea*).

Q42. Answer: B

Where death results from an intervening accident (ambulance collision) wholly disconnected from the slight wound, the result is too remote; A is not liable for murder, only for the attempt. The chain of causation is broken.

Q43. Answer: D

All three carry death as a possible punishment: Section 305 (abetment of suicide of a child/insane person), Section 364A (kidnapping for ransom), and Section 396 (dacoity with murder). Hence 'All of these'.

Q44. Answer: B

Affray (Section 159 IPC) is fighting in a public place disturbing public peace and does not require a common object; common object is essential for unlawful assembly (149) and rioting (146).

Q45. Answer: B

Distributing mobile phones to voters to induce their votes is bribery under Section 171B IPC (giving gratification to induce a person to exercise an electoral right).

Q46. Answer: A

A homoeopath prescribing allopathic medicine causing death is guilty of causing death by a rash and negligent act under Section 304A IPC (cf. Poonam Verma v. Ashwin Patel), as he acted without the requisite knowledge/qualification.

Q47. Answer: B

Attempt to commit suicide is punishable under Section 309 of the Indian Penal Code (the section existed and was the law at the time of this 2018 paper). Section 306 deals with abetment of suicide.

Q48. Answer: C

This is the exact statutory illustration to Section 330 IPC: 'A, a police-officer, tortures Z in order to induce Z to confess that he committed a crime. A is guilty of an offence under this section' (voluntarily causing hurt to extort confession).

Q49. Answer: A

Section 336 IPC punishes any act done so rashly or negligently as to endanger human life or the personal safety of others. (337 = hurt thereby; 338 = grievous hurt thereby.)

Q50. Answer: C

Section 509 IPC punishes word, gesture or act (including exhibition of any object) intended to insult the modesty of a woman.

Q51. Answer: D

Section 16 of the Limitation Act, 1963 deals with the effect of death on or before the accrual of the right to sue (or to make an application).

Q52. Answer: A

Section 25 of the Limitation Act, 1963 governs the acquisition of an easement by prescription (e.g., right to light, air, way after 20 years' uninterrupted enjoyment).

Q53. Answer: A

Section 27 is an exception to the general rule: on expiry of the limitation period for a suit for possession, the right to the property itself is extinguished, not merely the remedy.

Q54. Answer: C

Under Article 5 of the Schedule to the Limitation Act, 1963, a suit for an account and a share of the profits of a dissolved partnership is governed by a three-year period (running from the date of dissolution).

Q55. Answer: A

Under Article 61(a) of the Schedule to the Limitation Act, 1963, a suit by a mortgagor to redeem or recover possession of immovable property mortgaged has a limitation period of thirty years.

Q56. Answer: B

Under Article 133 of the Schedule to the Limitation Act, 1963, an application to the Supreme Court for special leave to appeal where leave was refused by the High Court must be filed within sixty days from the date of the order of refusal.

Q57. Answer: B

Section 3 of the Limitation Act, 1963 mandates that every suit, appeal or application made after the prescribed period shall be dismissed, even though limitation has not been set up as a defence.

Q58. Answer: A

Under Article 21 of the Schedule to the Limitation Act, 1963, a suit on a promissory note or bond payable by instalments has a three-year limitation period (running from the expiration of each term of payment).

Q59. Answer: B

Cause of action under S.138/142 NI Act arises after the 15-day notice period (15.06.1995); the complaint had to be filed within one month thereafter (by mid-July 1995). Filed on 15.11.1995, it is barred by limitation.

Q60. Answer: A

Dismissal of a civil appeal as time-barred is a decree; an appellate order disposing of an appeal (including dismissal on limitation) operates as a decree and is itself appealable.

Q61. Answer: D

Section 17 of the Transfer of Property Act, 1882 permits accumulation of income for a period not longer than the life of the transferor, or eighteen years from the date of the transfer.

Q62. Answer: A

Feeding the grant by estoppel (Section 43, TPA) operates where a person fraudulently or erroneously represents that he is authorised to transfer property and professes to transfer it for consideration.

Q63. Answer: C

Under Section 10 of the Transfer of Property Act, a condition restraining alienation is void, but the proviso saves a condition in a lease imposed for the benefit of the lessor (or those claiming under him).

Q64. Answer: B

The doctrine of lis pendens (Section 52, TPA) does not apply to a collusive suit or proceeding, as such a suit is not a bona fide contest of rights.

Q65. Answer: D

Where the mortgagor ostensibly sells the mortgaged property, it is a 'mortgage by conditional sale' (Section 58(c), TPA) - none of the listed options (anomalous, deposit of title deeds, English) describes it, so 'None of these'.

Q66. Answer: C

Under Section 67 of the Transfer of Property Act, the mortgagee's right to foreclosure is not available, inter alia, where a decree has been made for the redemption of the mortgaged property.

Q67. Answer: C

Under Section 69 of the Transfer of Property Act, the power to sell the mortgaged property without the intervention of the court is available in an English mortgage (and certain other specified cases).

Q68. Answer: C

A tenant who continues in possession after the expiry/determination of the tenancy (e.g., after notice to quit) without the landlord's assent is a tenant at sufferance.

Q69. Answer: B

Under Section 3 of the TPA, an actionable claim is a claim to an unsecured debt or to beneficial interest in movable property not in possession; a share/interest in a partnership is not an actionable claim.

Q70. Answer: C

'Donatio mortis causa' means a gift made in contemplation of death - a conditional gift that takes effect on the donor's death and is revocable if he survives (Section 191, Indian Succession Act).

Q71. Answer: C

Under the doctrine of privity of contract, a stranger to a contract cannot enforce it even if he has an interest in the consideration; only a party to the contract can sue on it.

Q72. Answer: D

Forbearance to sue is good consideration only when it is at the desire/request of the promisor, as consideration under Section 2(d) of the Indian Contract Act must move at the promisor's desire.

Q73. Answer: A

Under Section 4 of the Indian Contract Act, the communication of acceptance is complete as against the proposer when it is put in a course of transmission so as to be out of the power of the acceptor.

Q74. Answer: C

Under Section 15 of the Indian Contract Act, 'coercion' includes committing or threatening to commit any act forbidden by the Indian Penal Code.

Q75. Answer: B

Under Section 21 of the Indian Contract Act, a contract is not voidable because it was caused by a mistake as to any law in force in India; such a contract remains valid.

Q76. Answer: C

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

Q77. Answer: C

Under Section 43 of the Indian Contract Act, joint promisors are jointly and severally liable; the promisee may compel any one or more of them to perform the whole promise. Hence X can recover the full Rs. 6,000 from any one of them.

Q78. Answer: B

Under Section 41 of the Indian Contract Act (and illustration to s.63), where a creditor accepts a smaller sum from a third person in satisfaction of the claim, it operates as a full discharge of the whole debt. B's acceptance of Rs. 2,000 from C discharges the entire claim against A.

Q79. Answer: C

Under Section 192 of the Indian Contract Act, where a sub-agent is properly (lawfully) appointed, the agent is responsible to the principal for the acts of the sub-agent, and the sub-agent is responsible to the agent (not directly to the principal except for fraud/wilful wrong).

Q80. Answer: B

Under Section 137 of the Indian Contract Act, mere forbearance on the part of the creditor to sue the principal debtor does not, in the absence of any provision in the guarantee, discharge the surety. So A is not discharged.

Q81. Answer: B

Under Mitakshara Hindu law, a coparcenary consists of a male and his three lineal male descendants: sons, grandsons and great-grandsons.

Q82. Answer: B

For self-acquired (separate) property of a Hindu male dying intestate, succession is governed by Section 8 r/w Class I heirs (Schedule). Father is NOT a Class I heir (he is Class II); mother, sons (including adopted), and daughters are Class I heirs and share equally. Hence: mother, adopted son, three daughters and two natural-born sons.

Q83. Answer: A

Brother is a Class II heir under the Hindu Succession Act, 1956, not a Class I heir. Daughter of predeceased daughter, daughter of predeceased son and son of predeceased son are all Class I heirs.

Q84. Answer: A

Section 14 of the Hindu Succession Act, 1956 converts the limited estate of a female Hindu into her absolute property (full ownership).

Q85. Answer: A

Section 8 of the Hindu Succession Act, 1956 lays down the general rules of succession to the property of a male Hindu dying intestate.

Q86. Answer: D

Section 33A of the Indian Succession Act, 1925 (special rule where intestate leaves a widow and no lineal descendants) is the provision; more broadly, the Act's rules of distribution to kindred (ss.33-49) treat agnates and cognates and male and female heirs equally. Among the options, 33A is the designated answer.

Q87. Answer: C

A holograph will is one written entirely in the testator's own handwriting.

Q88. Answer: B

Under Section 120 of the Indian Succession Act, 1925, where a legacy is given to A and on his death to B, and A survives the testator, the legacy over to B does not take effect; A takes the legacy absolutely.

Q89. Answer: C

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

Q90. Answer: C

Section 114 of the Indian Succession Act, 1925 deals with this. (Note: a bequest to a person by a particular description who does not exist at the testator's death is void under Section 105; among the listed options, Section 114, the rule against perpetuity, is the intended key.) Best fit among options is Section 114.

Q91. Answer: D

A suit under Section 6 of the Specific Relief Act, 1963 for recovery of possession of immovable property must be filed within 6 months of dispossession (Section 6(2)(a)).

Q92. Answer: B

Section 8 of the Specific Relief Act, 1963 deals with liability of a person in possession, not as owner, to deliver to persons entitled to immediate possession (recovery of specific movable property).

Q93. Answer: C

A declaration (declaratory decree under Section 34, Specific Relief Act, 1963) is an authoritative pronouncement by the court on a person's legal character or right to property.

Q94. Answer: A

Section 34 of the Specific Relief Act, 1963 provides only for a declaration of status or right; it does not by itself empower the court to grant consequential relief beyond declaration (that is the proviso's effect). So it deals with mere declaration of rights.

Q95. Answer: C

An order of the court directing a party to do or refrain from doing a specified act is an injunction (Sections 36-42, Specific Relief Act, 1963).

Q96. Answer: C

A perpetual (permanent) injunction is granted by the decree at the hearing and on the merits of the suit and operates without any time limit (Section 37, Specific Relief Act, 1963), unlike a temporary injunction.

Q97. Answer: B

A 'quia timet' injunction is one sought to prevent some future probable/apprehended injury to the rights or interests of a person where no injury has yet occurred.

Q98. Answer: A

Yes. Under Section 21 of the Specific Relief Act, 1963, the court may award compensation in lieu of, or in addition to, specific performance, including where specific performance has become impossible.

Q99. Answer: B

Rectification (Section 26, Specific Relief Act, 1963) corrects a mistake in the way the transaction has been expressed in the written instrument so that it reflects the real intention of the parties; it does not correct a mistake in the transaction itself.

Q100. Answer: A

Under Section 12(2) of the Specific Relief Act, 1963, where a part of the contract cannot be performed, the court may direct specific performance of the part that can be performed at the suit of the party who is willing to relinquish the rest, i.e. the promisee (the party seeking performance).