

Telangana Judiciary - Prelims 2020

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

Q1. "A" borrows money from "B" and executes a promissory note. C & D stand as surety for the said amount. "A" does not repay the amount and defaults. "B" has the option to:

- (a) File a Suit for recovery of money against "A" only
- (b) File a suit against both the "A" the principal borrower and C & D. the sureties
- (c) He can file a case against the sureties only
- (d) Any of the above

Q2. "A" aged 25 years enters into a contract with "B" aged 16 years for supplying goods, the said contract is:

- (a) Voidable
- (b) Void
- (c) Voidable at the instance of "B"
- (d) "B" is obligated to supply the goods

Q3. "A" appoints "B" as the agent and executes a General Power Attorney to look for prospective buyers and sell the same by executing a Sale Deed on his behalf, "A" dies on 01.01.2020, "B" executes a Sale Deed in favour of "C" on 03.02.2020, the Sale in favour of "C" is:

- (a) A valid one as "A" has given the General Power Attorney to "B" to act on his behalf
- (b) Is invalid as "B" did not have any power to execute the Sale Deed as "A" has died prior to the execution of the Sale Deed
- (c) Voidable at the instance of "C"
- (d) None of the above

Q4. "A", who is the owner of the property, is dispossessed from his property by "B", "A" has the immediate option of:

- (a) Instituting a suit under Section 6 of the Specific Relief Act
- (b) Filing a petition before the Government for recovery of possession from "B" and handover the same to "A"
- (c) Issuing a legal notice under the Land Encroachment Act
- (d) Both 2 & 3

Q5. "A" has executed a Registered Gift Deed in favour of "B", but before handing over the physical possession to "B", "A" expired, the Gift Deed is...

- (a) A valid Gift Deed
- (b) An invalid Gift, as delivery of property did not take place
- (c) Voidable at the option of B
- (d) None of the above

Q6. A Decree passed by a competent Civil Court may be executed by

- (a) By the Court which passed it
- (b) By the Court to which the Decree is sent for execution
- (c) Neither 1 nor 2
- (d) Either 1 or 2

Q7. Where a Suit is decreed ex-parte against "X", the remedy available to "X" is:

- (a) File an appeal before an appellate court
- (b) File a petition before the same court to set aside the ex-parte decree
- (c) File a review before the same court
- (d) Either 1 or 2

Q8. 'A' files a simple suit for injunction against "B" and along with the Plaintiff he files a petition for immediately appointing an Advocate Commissioner to verify his possession of the suit property, the said application is liable to be:

- (a) Ordered, as it is one of the methods to establish possession by
- (b) Dismissed, as "A" has to independently establish his possession over the suit property
- (c) At the discretion of the Court, so that it can verify whether "A" is in possession or not
- (d) Both 1 & 2

Q9. "A" files a suit for declaration of title and recovery of possession against "B". The said Suit is dismissed on merits after due trial. Thereafter "B" dies. "A" files another suit in respect of the same property against the sons of "B" with the same relief as claimed earlier, the subsequent suit filed against the sons of "B" is liable to be dismissed as it is hit by principle of...

- (a) Estoppel
- (b) Res Judicata
- (c) Limitation
- (d) Fraud and deceit

Q10. "A" claiming to be a big officer and by playing fraud obtains the consent of "B" for marriage in 2018. Immediately after the marriage "B" comes to know about the fraud played by "A" Thereafter in the year 2020 she institutes a petition for divorce in the family court, the said Divorce Petition is liable to be...

- (a) Decreed as "A" played fraud on "B" and obtained her consent
- (b) The marriage is void because of the fraud played by "A"
- (c) Dismissed as she has filed the Divorce Petition after more than one year of marriage
- (d) None of the above

Q11. One of the following is not a ground for divorce under Section 13 of the Hindu Marriage Act:

- (a) Irretrievable break of marriage
- (b) Desertion
- (c) Cruelty
- (d) Adultery

Q12. "A" enters into an agreement of Sale with "B" for purchase of house property on 01.01.2020, "B" does not execute the Sale Deed within one month as fixed in the agreement, the period of limitation for filing a Suit for specific performance by "A" against "B" is:

- (a) 3 years date from the date of agreement of Sale
- (b) 3 years from the date when "B" has refused to execute the Sale Deed
- (c) 6 years from the date of agreement
- (d) 3 years from the expiry of the date fixed in the agreement

Q13. The theory propounded under Section 52 of the Transfer of Property Act is:

- (a) Theory of Lis Pendens
- (b) Fraudulent transfer
- (c) Part performance
- (d) Transfer in Good Faith

Q14. An easement is a right which the owner or possessor of a certain land possesses:

- (a) Over his own land for the beneficial enjoyment of such a land
- (b) Over certain other land which is not his own, for the beneficial enjoyment of his own land
- (c) Over certain other land which the community owns, for the beneficial enjoyment of his own land
- (d) Over certain other land which should share a common boundary with his own land

Q15. What is an important ingredient to claim part performance under Section 53-A of the Transfer of Property Act:

- (a) Written agreement
- (b) Payment in full
- (c) 50% payment
- (d) Written agreement, payment in full followed by possession of the transferee

Q16. Under Section 59 of the Registration Act, a document once registered takes effect from:

- (a) The date of registration
- (b) One month after the date of registration
- (c) The date of its execution
- (d) One month after the date of execution

Q17. Who is a Tenant holding over'?

- (a) Person having right for grant of lease
- (b) Person having subsisting lease
- (c) Person whose lease is terminated but continues to be in physical possession
- (d) Tenant paying rent regularly under a subsisting lease

Q18. Inconsistent pleas can be raised:

- (a) In the Pleint
- (b) In the Written statement
- (c) Cannot be raised in the plaint or written statement
- (d) None of the above

Q19. Parents, who are unable to maintain themselves, file maintenance petition against their married and unmarried daughters having sufficient means. Is the maintenance claim of the parents maintainable?

- (a) Maintainable
- (b) Only against married daughter
- (c) Only against unmarried daughter
- (d) Not maintainable

Q20. The 'Doctrine of Non-Traverse' is incorporated in:

- (a) Order VIII Rule 2 Civil Procedure Code
- (b) Order VIII Rule 4 Civil Procedure Code
- (c) Order VIII Rule 5 Civil Procedure Code
- (d) Order VIII Rule 22 Civil Procedure Code

Q21. An appeal under the Telangana Land Encroachment Act shall be made ordinarily before the expiry of:

- (a) 30 days From the date of order
- (b) 60 days from the date of order
- (c) 90 days from the date of order
- (d) 120 days from the date of order

Q22. The exception under Section 27 of the Limitation Act to the general rule that 'Limitation extinguishes the remedy but not the right' applies to suit for:

- (a) Possession of any property
- (b) Compensation for libel
- (c) Partition
- (d) None of the above

Q23. The word 'conveyance' is defined in Section 2 (10) of the Indian Stamp Act to include:

- (a) Every order of a Civil Court by which property is transferred
- (b) Every decree or final order of a Civil Court by which property is transferred
- (c) Every preliminary decree for partition
- (d) Every final decree for partition

Q24. The liability under Section 138 of the Negotiable Instruments Act, 1881 is in the nature of:

- (a) Vicarious liability
- (b) Strict Liability
- (c) Both A & B
- (d) None of the above

Q25. Select the correct pairing of the subject and section under Hindu Marriage Act, 1955:

- (a) Legitimacy of children of void marriages - Section 5
- (b) Permanent alimony and maintenance - Section 25
- (c) Punishment for bigamy - section 16
- (d) Custody of children - section 28

Q26. According to the Indian Easement Act, 1882 the land for the beneficial enjoyment of which the right exists is called:

- (a) Prescription
- (b) Servient heritage
- (c) Dominant heritage
- (d) Licence

Q27. Which of the following provisions of the Code of Civil Procedure 1908 is related to summoning and attendance of witnesses?

- (a) Order XVII
- (b) Order XIV
- (c) Order XV
- (d) Order XVI

Q28. "Z" saves the property of "Y" from fire. The circumstances indicate that "Z" intended to do so gratuitously. Under Section 70 of the Indian Contract Act, 1872:

- (a) Z is entitled to compensation from legal representative of Y
- (b) Y is bound to give compensation to Z
- (c) Z is entitled to compensation from the Local Administrator
- (d) Z is not entitled to compensation from Y

Q29. The rule of Damdupat, which is related to Hindu law of debts, deals with:

- (a) Costs
- (b) Interests
- (c) Evidence
- (d) Execution

Q30. The properties which are not liable to attachment in execution proceedings are:

- (a) Hundi
- (b) Promissory notes
- (c) House or other Buildings
- (d) Pernicious

Q31. The extent of attachment of salary in execution proceedings other than maintenance proceedings are: Rs. 400 plus 1/10th of the remainder

- (a) Rs. 1000 plus 1/2 of the remainder
- (b) Rs. 1000 plus 2/3rd of the remainder
- (c) Rs. 1000 plus 1/3rd of the remainder
- (d) Note: For this question, discrepancy is found in question/answer. So, this question is ignored for all candidates.

Q32. The Court can award interest under Section 34 of the Civil Procedure Code:

- (a) From the date of decree till realisation
- (b) From the date of suit till the date of decree
- (c) Both 1 & 2
- (d) Neither 1 nor 2

Q33. Under what circumstances a document can be received at a later stage?

- (a) If the genuineness of the document is beyond doubt but is not relevant to decide the real question in controversy
- (b) If the genuineness of the document is beyond doubt and is relevant to decide the real question in controversy
- (c) If the genuineness of the document is disputed and is not relevant to the matter in controversy
- (d) All of the above

Q34. A suit can be restored under Order IX, Rule 4 of Civil Procedure Code, if dismissal of the Suit is:

- (a) Under Order IX, Rule 2 of CPC
- (b) Under Order IX, Rule 3 of CPC
- (c) Under Order IX, Rule 8 of CPC
- (d) Only under 1 & 2

Q35. The maxim "Lex non cogit ad impossibilia" means:

- (a) Law compels to perform the impossibilities
- (b) Law compels to perform impossible agreements
- (c) Law does not compel the performance of impossibilities
- (d) Law compels to perform immoral acts

Q36. A minor agreed with "B" to become the tenant of the house and to pay rent of Rs. 1000/- including the furniture therein. He paid Rs 500/- in cash and gave a promissory note for the balance. The minor occupied the premises and used the house and furniture for sometime but refused to pay the remaining balance, can "B" initiate suit for the remaining balance of Rs. 500/-:

- (a) The agreement is void because A is a minor
- (b) Yes, because the agreement is a valid one
- (c) A is bound to pay the balance because he has executed a promissory note
- (d) None of the above

Q37. The concept of 'Contract of Adhesion' relates to which law?

- (a) Specific Relief
- (b) Negotiable Instruments
- (c) Law of Maintenance
- (d) Insurance Law

Q38. 'Non est factum' means:

- (a) Instrument is nothing to act and allows the party to escape performance of the contract
- (b) Contract is fair, valid and has to be performed
- (c) Agreement is not enforceable
- (d) None of the above

Q39. How many kinds of adoptions are recognized under the modern Hindu Law? Two kinds of adopted sons

- (a) Three kinds of adopted sons
- (b) Five kinds of adopted sons
- (c) Seven kinds of adopted sons
- (d) Note: For this question, discrepancy is found in question/answer. So, this question is ignored for all candidates.

Q40. Is there any limitation prescribed for filing an application under Section 47 of the Civil Procedure Code before the executing Court?

- (a) There is no limitation prescribed and an application can be filed at any point of time after the decree is passed
- (b) It is governed by provisions of Limitation Act
- (c) The issue of limitation can be decided only if such objection is raised
- (d) The executing Court can suo motu frame issue of limitation

Q41. A notice under Section 80 (1) of the Civil Procedure Code has to be issued, in case of a suit to be instituted against State Government, to:

- (a) Any Public Officer of the concerned department
- (b) Only Secretary of State in particular department
- (c) District Collector or Secretary to the Government
- (d) Only District Collector

Q42. An interpleader suit is one:

- (a) Where plaintiff has an interest in the subject matter of the suit
- (b) Where the defendants only have an interest in the subject matter of the suit
- (c) Where plaintiff does not have any interest in the subject matter of the suit
- (d) Where plaintiff and defendants both have an interest in the subject matter of the suit

Q43. A suit can be dismissed for nonjoinder or misjoinder of parties:

- (a) As and when the Court considers it necessary
- (b) Only when the defendant takes specific objection
- (c) Even if the defendant does not take objection
- (d) Suo motu, at any time before pronouncement of judgement

Q44. A plaint can be rejected under Order VII Rule 11 of the Civil Procedure Code only:

- (a) At the pre-numbering stage
- (b) At any stage of the suit
- (c) At any time before the settlement of the issues
- (d) At any time before the defendant files the written statement

Q45. A counterclaim can be filed by the defendant in respect of cause of action accruing against the plaintiff:

- (a) Only before filing of the suit
- (b) Before pronouncement of the judgement
- (c) Before filing of the suit or after filing of the suit but before the defendant has delivered his defence
- (d) Only prior to three years before filing of the suit

Q46. A decree of restitution of conjugal rights can be enforced:

- (a) By attachment of the property of judgement debtor
- (b) By detaining the judgement debtor in civil prison
- (c) By attachment of his property of judgement debtor or by detaining him in civil prison
- (d) Initiating criminal prosecution against the judgement debtor

Q47. Transferee pendente lite does not have a right to:

- (a) Resist or obstruct an execution of a decree
- (b) Entitled to resist and obstruct decree by stepping into the shoes of the judgement debtor
- (c) Entitled to obstruct if he has no knowledge of pendency of suit
- (d) Entitled to resist and obstruct if substantial hardship is caused to him

Q48. An act of willful default is committed by the tenant:

- (a) When the rent is not paid for three consecutive months
- (b) When the rent is not paid on the date fixed as per the rental agreement or lease
- (c) When on the date of expiry of 15 days from the date when the lease amount becomes payable
- (d) On the expiry of thirty (30) days from the date when the lease amount becomes payable

Q49. An appeal under Section 20 of the Telangana Buildings (Lease, Rent & Eviction) Control Act can be filed:

- (a) Against any order passed by the Rent Controller
- (b) Against only final order passed by the Rent Controller
- (c) Against only an eviction order passed by the Rent Controller
- (d) Against an order only having the effect of attaining finality

Q50. The authority under the Land Encroachment Act has to pass order of eviction:

- (a) By following provisions of CPC
- (b) By following provisions of CPC and Land Encroachment Rules
- (c) By following provisions of CPC, Evidence Act, and Land Encroachment Rules
- (d) By following only provisions of Land Encroachment Rules

Q51. Which of the following is correct?

- (a) In case of death of a son, the mother and the father are Class I heirs
- (b) In case of death of a son, his wife and children and the mother are Class I heirs
- (c) In case of death of a son, the father and the mother are Class I heirs if the son is not survived by wife and children
- (d) In case of death of a son, only the father is the Class I heir

Q52. For the purpose of claiming interest in coparcenary property by virtue of the Hindu Succession (Amendment) Act, 2005 by a daughter:

- (a) The father should be alive before 2005 Amendment Act came into force
- (b) Both the daughter and the father should be alive before the 2005 Amendment Act came into force
- (c) The father need not be alive
- (d) The father should have died between 20.12.2004 and 09.09.2005

Q53. By virtue of 2018 Amendment, the discretionary power for granting relief of specific performance under Section 20 of the Specific Relief Act, 1963:

- (a) Has been modified
- (b) Has been partly modified
- (c) Retained
- (d) Substituted

Q54. An agency is terminated:

- (a) On the death of the principal only
- (b) On the death of principal or agent
- (c) On the death of agent only
- (d) Irrespective of the death of agent

Q55. The issue of limitation can be decided by a civil Court:

- (a) Only when limitation is raised as a ground of defence
- (b) Only when limitation is raised as a ground of defence in a written statement or orally
- (c) Even if limitation has not been set up as a defence
- (d) At the discretion of the Court

Q56. Fresh period of limitation would commence under Section 18 of the Limitation Act only if:

- (a) Acknowledgement of liability is made in writing
- (b) Acknowledgement is made either orally or in writing
- (c) Acknowledgement is made impliedly
- (d) Acknowledgement is made through any mode

Q57. Under Section 106 of the Transfer of Property Act, lease can be terminated:

- (a) Only by a lessee
- (b) Only by a lessor
- (c) Only by a lessee when there is a valid lease agreement
- (d) By lessor or lessee

Q58. For determination of lease by efflux of time under Section 111 of Transfer of Property Act:

- (a) A notice of 15 days is required to be issued by the landlord to tenant
- (b) A notice of 6 months is required to be issued by the landlord to tenant
- (c) A notice of 15 days is required to be issued by the tenant to landlord
- (d) No notice is required to be issued

Q59. A Will is a document which is:

- (a) Compulsorily registrable
- (b) Need not be registered
- (c) Compulsorily registrable under Section 17 of the Registration Act
- (d) Compulsorily registrable if it is written on a stamp paper

Q60. The cause of action for the institution of prosecution for dishonour of cheque after service of notice under Section 138 of the Negotiable Instruments Act arises when the drawer of the cheque fails to make payment within:

- (a) 30 days from the date of receipt of notice
- (b) 45 days from the date of receipt of notice
- (c) 10 days from the date of receipt of notice
- (d) 15 days from the date of receipt of notice

Q61. A valid promissory note:

- (a) Should necessarily contain the signatures of the promisor and the promisee
- (b) Need not contain any signature
- (c) Should contain promisor's signature
- (d) Should contain promisee's signature

Q62. Sometimes, an accused seeks pardon from the Court and offers to give evidence against all others involved in a crime. He is called:

- (a) Witness
- (b) Clone
- (c) Approver
- (d) None of the above

Q63. The right to private defence is available with respect to:

- (a) Harm to body
- (b) Harm to movable property
- (c) Harm to immovable property
- (d) All of the above

Q64. For abetment,

- (a) It is necessary that the act abetted should be committed successfully
- (b) It is necessary that the act abetted should be committed though unsuccessfully
- (c) It is not necessary that the person abetted should be capable of committing an offence under the law or should have the same guilty intention
- (d) Both (a) & (b)

Q65. Ten persons were charged for offence under section 302/149 IPC, out of which six persons were acquitted, the remaining four... Cannot be convicted for offence under section 302/149 of IPC

- (a) Cannot be convicted for offence under section 302 of IPC
- (b) Cannot be convicted for offence under section 149 of IPC
- (c) All the above
- (d) Note: For this question, discrepancy is found in question/answer. So, this question is ignored for all candidates.

Q66. 'B' happened to be a member of unlawful assembly. A factional fight ensued during which 'B' was injured and retired to the side, later on a man was killed. Whether 'B' is guilty of murder?

- (a) 'B' is guilty of murder being a member of an unlawful assembly
- (b) 'B' is not guilty of murder as he ceased to be a member of the unlawful assembly at the time when the murder was committed
- (c) 'B' is not guilty of murder though he happened to be a member of an unlawful assembly
- (d) None of the above

Q67. If the offender does not know that his act is so imminently dangerous that it must, in all probability, cause death he will be guilty of:

- (a) Murder
- (b) Attempt to murder
- (c) Culpable homicide not amounting to murder
- (d) Either (a) or (b)

Q68. X with the intention of murdering Z, instigates Y, a child below 7 years, to do an act which causes Z's death. Y in the absence of X in consequence of abetment does the act and thereby causes Z's death. Now...

- (a) Y is liable for murder and X is liable for abetment
- (b) Y is not liable for murder being wholly incapable, but X is liable for abetment
- (c) X & Y both are liable under section 302/304 IPC
- (d) X & Y both are liable for conspiracy to murder of Z

Q69. During the scuffle between A and B, A gave a blow to the face of B and consequently two teeth of B were broken. In these circumstances A has committed an offence of causing...

- (a) Simple hurt
- (b) Attempt to cause culpable homicide not amounting to murder
- (c) Grievous hurt
- (d) No offence at all

Q70. In kidnapping, the consent of a minor is:

- (a) Wholly immaterial
- (b) Partly immaterial
- (c) Wholly material
- (d) Partly material

Q71. An employer deducting the employees' contribution under the Employees Provident Funds and Miscellaneous Provision Act, from the wages payable for credit to the fund, but does not deposit the same with the Fund, is guilty of committing...

- (a) Criminal misappropriation under section 403 of IPC
- (b) Criminal breach of trust under section 405 of IPC
- (c) Theft under section 378 of IPC
- (d) No offence

Q72. Y, a small boy was guarding the field. Z and M outsiders trespassed and started harvesting, on protest by Y they beat him up and hearing his cries, X and P, uncles of Y who were working in different directions, rushed in, one of them X, fired at the trespassers killing one of them and ran away. P was arrested and charged under section 302 of IPC for murder read with section 34. Which of the following statements is correct?

- (a) He is liable for murder because of the similar intention of both the brothers
- (b) He is liable for murder because of the same intention of both the brothers
- (c) He is liable for murder because he was present when his brother fired at the trespassers
- (d) He is not liable because there was no common intention to kill

Q73. The difference between section 34 and section 149 of Indian Penal Code is:

- (a) That whereas in section 34 there must be at least five persons, section 149 requires only two persons
- (b) That section 149 is only a rule of evidence whereas section 34 creates a specific offence and provides for its punishment
- (c) That section 34 requires active participation in action whereas section 149 requires mere passive membership of the unlawful assembly
- (d) That section 34 need not be joined with the principal offence, whereas section 149 must be combined with the principal offence

Q74. Which of the following is true as to the standard of proof in criminal and civil proceedings?

- (a) In criminal proceedings the standard is beyond reasonable doubt and also in civil proceedings
- (b) In criminal proceedings the standard is beyond reasonable doubt while in civil proceedings it is 'upon the balance of probabilities'
- (c) In criminal and civil proceedings both it is 'upon the balance of probabilities'
- (d) In criminal proceedings it is 'upon the balance of probabilities' while in civil 'beyond reasonable doubt'

Q75. A dying declaration...

- (a) Can form the sole basis of conviction without any corroboration by independent evidence
- (b) Can form the basis of conviction only on corroboration by an independent witness
- (c) Cannot form the sole basis of conviction unless corroborated by an independent witness
- (d) Only (2) & (3)

Q76. A disputed handwriting can be proved...

- (a) By calling an expert
- (b) By examining a person acquainted with the handwriting of the writer of the questioned document
- (c) By comparison of the two - admitted & disputed
- (d) All the above

Q77. Presumption under section 114 of the Evidence Act can be raised having regard to the common course of...

- (a) Natural events
- (b) Human conduct
- (c) Public and private business
- (d) All of the above

Q78. Estoppel...

- (a) Is a cause of action in itself
- (b) Creates a cause of action
- (c) Both (1) & (2) are correct
- (d) Neither (1) nor (2) is correct

Q79. First Information Report is not substantive evidence, it can be used during trial...

- (a) To corroborate the informant
- (b) To contradict the informant
- (c) Both (1) & (2)
- (d) Neither (1) nor (2)

Q80. After completion of investigation, the police are to submit a final report to the Magistrate. The Magistrate...

- (a) Is bound by the conclusions drawn by the police and accept the same if the police recommended that there is no sufficient ground for proceeding further
- (b) Is not bound by the conclusions drawn by the police and may order further investigation
- (c) May issue a process against the accused person(s)
- (d) Both (2) & (3)

Q81. Upon the report being forwarded under section 173 (2) of Cr.P.C., to the Magistrate for dropping of proceedings, before deciding not to take cognizance the Magistrate...

- (a) Must give notice to and provide the informant an opportunity of being heard
- (b) Need not give notice to and provide the information an opportunity of being heard at all
- (c) May or may not give notice to and provide the information an opportunity of being heard, depending on the facts and circumstances
- (d) Both (2) & (3)

Q82. Under section 313 of Cr.P.C., the statement of the accused...

- (a) Has to be recorded on oath
- (b) Has to be recorded without oath
- (c) Either on oath or without oath depending on whether the case is a summons trial or a warrant trial
- (d) Either on oath or without oath as per the discretion of the Court

Q83. Legal effect of withdrawal of prosecution is...

- (a) Acquittal irrespective of whether the charge has been framed or not
- (b) Acquittal when made after the framing of charge(s), and discharge if made before the framing of charge(s)
- (c) Discharge irrespective of the stage at which the case is pending
- (d) Either (1) or (2)

Q84. Power under section 319 Cr.P.C., can be exercised...

- (a) By the Magistrate and the Court of Sessions both only after recording of evidence during the inquiry or trial
- (b) By the Magistrate before recording of evidence but by the Court of Sessions only after recording of evidence
- (c) By the Magistrate and the Court of Sessions both even before recording of evidence
- (d) By the Magistrate only after recording of evidence but by the Court of Sessions before recording of evidence

Q85. In the context of the exception of grave and sudden provocation, which of the following is correct?

- (a) Provocation should not be voluntarily provoked by the offender
- (b) Lawful exercise of the right of private defence does not give provocation
- (c) Lawful exercise of powers by a public servant in obedience to the law does not amount to provocation
- (d) All the above

Q86. Secondary evidence is admissible...

- (a) Where the non-production of primary evidence has not been accounted for
- (b) Where the non-production of primary evidence has been accounted for
- (c) Irrespective of whether the production of primary evidence has been accounted for or not
- (d) Both (1) & (3) are correct

Q87. P, a police officer, has a warrant for the arrest of A. He asks X to identify A. X knowingly tells P that Z is A and consequently P arrests Z.

- (a) X is guilty of abetment by instigation
- (b) X is guilty of abetment of any kind only of mischief
- (c) X is guilty of abetment by aiding
- (d) X is guilty of abetment of false representation.

Q88. A cuts down a tree on Z's ground, with the intention of dishonestly taking the tree out of Z's possession, without Z's consent. Before removing the tree from Z's ground, A was caught. What is the offence committed by A?

- (a) Theft
- (b) Attempt to commit theft
- (c) Cheating
- (d) None of the above

Q89. A finds a gold chain on the floor of a private bus, while he was leaving it as last passenger, he picked it up and put it in his pocket with an intention to return it to the bus authorities. However, on the next date, he sold it. A is liable for:

- (a) Extortion
- (b) Criminal misappropriation
- (c) Criminal breach of trust
- (d) Theft

Q90. Where a witness is called by the Court as a Court witness, a previous statement made by him to the police can:

- (a) Not be used either by the accused or by the prosecution for any purpose
- (b) Be used by the accused for contradicting such witness
- (c) Be used by the prosecution for contradicting such witness with the permission of the Court
- (d) None of the above is correct.

Q91. Section 164 of Cr.P.C. provides for recording of:

- (a) Confession and statement by an accused person
- (b) Statements of witnesses only
- (c) Confession by accused persons and statements by any person other than the accused
- (d) Confession by accused persons and statements by any person including an accused.

Q92. Compounding of offences under Section 320 of Cr.P.C., results in

- (a) Discharge of the accused where the charge is not framed
- (b) Acquittal of the accused under all circumstances
- (c) Acquittal of the accused only where the charge has been framed
- (d) None of the above is correct

Q93. Cross-examination of one's own witness is:

- (a) Not permissible
- (b) Permissible with the consent of the opposite party
- (c) Permissible
- (d) Permissible only after obtaining the permission of the Court.

Q94. In which section of Indian Evidence Act, 1872, provision for "presumption as to genuineness of certified copies" is given?

- (a) Section 74
- (b) Section 78
- (c) Section 79
- (d) Section 80

Q95. Cognizance of an offence under Section 138 of the Negotiable Instruments Act can be taken by a Court only on a/an:

- (a) Complaint under Section 142
- (b) Police report under Section 142
- (c) Application to the Sessions Judge
- (d) None of the above

Q96. Under the Protection of Women from Domestic Violence Act, 2005, who can inform about domestic violence to the Protection Officer?

- (a) Any person
- (b) Relatives or friends of the aggrieved person
- (c) Aggrieved person
- (d) Parents of the aggrieved person

Q97. Under which provision of the Andhra Pradesh (/Telangana) Excise Act, 1968, the Magistrate has power to issue a warrant of search and arrest of a person?

- (a) Section 53-A
- (b) Section 52
- (c) Section 53
- (d) Section 54

Q98. What are the penalties prescribed under The Telangana Gaming Act, 1974?

- (a) Shall be punishable with imprisonment for a term which may extend to three months or fine which may extend to three hundred rupees or with both
- (b) Shall be punishable with imprisonment which may extend to one month or with fine which may extend to fifty rupees or with both
- (c) Shall be punishable with imprisonment for a term which may extend to one year or fine which may extend to three thousand rupees or with both
- (d) Both (1) and (2)

Q99. "Guardian" under the Juvenile Justice (Care and Protection of Children) Act, 2015, means:

- (a) Any person who is in charge of child
- (b) A natural guardian of the child
- (c) Only (1)
- (d) Both (1) and (2)

Q100. In whose presence, orders for the destruction of criminal case property (other than valuable property), shall be carried out?

- (a) Chief Ministerial Officer
- (b) Criminal Bench Clerk
- (c) Nazar of the Court
- (d) Presiding officer

Answer Key & Solutions

Q1. Answer: D

Under Sec. 128 of the Indian Contract Act the surety's liability is co-extensive with that of the principal debtor; the creditor may proceed against the principal, the sureties, or both at his option. Hence any of the above.

Q2. Answer: B

B is a minor (16 years). Per Mohori Bibee v. Dharmodas Ghose and Sec. 11 of the Contract Act, an agreement with a minor is void ab initio, not merely voidable.

Q3. Answer: B

Under Sec. 201 of the Contract Act, an agency (including a power of attorney) is terminated by the death of the principal. As A died before the sale, B had no authority and the sale to C is invalid.

Q4. Answer: A

A person dispossessed of immovable property without consent and otherwise than in due course of law may recover possession by suit under Sec. 6 of the Specific Relief Act, 1963, without proving title.

Q5. Answer: A

Under Sec. 123 of the Transfer of Property Act, a gift of immovable property is complete upon registration; physical delivery of possession is not essential. The registered gift deed is valid.

Q6. Answer: D

Under Sec. 38 CPC, a decree may be executed either by the court which passed it or by the court to which it is sent for execution. Hence either 1 or 2.

Q7. Answer: D

Against an ex-parte decree the defendant may apply to set it aside under Order IX Rule 13 CPC or file an appeal under Sec. 96(2) CPC; both remedies are available. Hence either 1 or 2.

Q8. Answer: B

A commissioner under Order XXVI / Order XXXIX Rule 7 CPC cannot be appointed merely to collect evidence of possession; the plaintiff must independently establish his own possession. The application is liable to be dismissed.

Q9. Answer: B

The earlier suit was dismissed on merits after trial; a fresh suit on the same cause and property against B's sons (legal representatives/privies) is barred by res judicata under Sec. 11 CPC.

Q10. Answer: C

Under Sec. 12(2)(a)(i) of the Hindu Marriage Act, a petition on the ground of fraud must be filed within one year of discovery of the fraud. Filed in 2020 for a 2018 marriage, it is time-barred and liable to be dismissed.

Q11. Answer: A

Desertion, cruelty and adultery are statutory grounds for divorce under Sec. 13 HMA. Irretrievable breakdown of marriage is NOT a ground recognised under Sec. 13.

Q12. Answer: D

Under Article 54 of the Limitation Act, where a date is fixed for performance (here one month from 01.01.2020), the three-year period runs from the expiry of that fixed date.

Q13. Answer: A

Section 52 of the Transfer of Property Act embodies the doctrine of lis pendens (pendente lite nihil innovetur).

Q14. Answer: B

Per Sec. 4 of the Indian Easements Act, an easement is a right over land not one's own (the servient heritage) for the beneficial enjoyment of one's own land (the dominant heritage).

Q15. Answer: D

Section 53-A TPA requires a written contract to transfer for consideration, the transferee taking possession (or continuing in possession) in part performance, and readiness/willingness to perform. Option (d) captures the essential ingredients (written agreement + part performance followed by possession).

Q16. Answer: C

Under Sec. 47 of the Registration Act, a registered document operates from the time it would have commenced to operate if no registration were required, i.e., from the date of its execution, not registration.

Q17. Answer: C

A tenant holding over (Sec. 116 TPA) is one whose lease has been determined/terminated but who continues in possession, with the lessor's assent. Option (c) best describes this.

Q18. Answer: B

Under Order VIII Rule 7 CPC (and Order VI), a defendant may raise inconsistent or alternative pleas in the written statement; a plaintiff cannot found a plaint on mutually destructive inconsistent pleas.

Q19. Answer: A

Under Sec. 125 CrPC, 'parents' may claim maintenance from any child having sufficient means; the obligation extends to both married and unmarried daughters (and sons). The claim is maintainable.

Q20. Answer: C

The doctrine of non-traverse - that allegations not specifically denied are deemed admitted - is incorporated in Order VIII Rule 5 CPC.

Q21. Answer: B

Under the appeal provision of the Andhra Pradesh/Telangana Land Encroachment Act, 1905, an appeal shall ordinarily be brought within sixty days from the date of the order (excluding time for obtaining a copy).

Q22. Answer: A

Section 27 of the Limitation Act is an exception to the rule that limitation bars only the remedy: on expiry of the period to sue for possession of property, the right to such property is itself extinguished.

Q23. Answer: B

Under the AP/Telangana amendment to Sec. 2(10) of the Indian Stamp Act, 'conveyance' is expanded to include 'every decree or final order of any Civil Court' by which property is transferred or vested.

Q24. Answer: B

The offence under Sec. 138 of the Negotiable Instruments Act is in the nature of strict liability; mens rea is not an essential ingredient once the statutory conditions and presumptions (Secs. 138-139) are met.

Q25. Answer: B

Permanent alimony and maintenance is correctly dealt with under Sec. 25 HMA. The other pairings are wrong (legitimacy of children of void marriages is Sec. 16, bigamy punishment Sec. 17, custody Sec. 26).

Q26. Answer: C

Under Section 4 of the Indian Easements Act, 1882, the land for the beneficial enjoyment of which the right exists is the 'dominant heritage'; the land subject to the burden is the 'servient heritage'.

Q27. Answer: D

Order XVI CPC deals with summoning and attendance of witnesses. (Order XIV = settlement of issues; Order XV = disposal at first hearing; Order XVII = adjournments.)

Q28. Answer: D

Section 70 of the Contract Act applies only where the act is done non-gratuitously. Since Z intended to act gratuitously, Z is not entitled to compensation from Y.

Q29. Answer: B

The rule of Damdupat in Hindu law of debts limits interest: the amount of interest recoverable at any one time cannot exceed the principal. It deals with interest.

Q30. Answer: D

Under the proviso to Section 60 CPC, certain properties are exempt from attachment. Hundis, promissory notes and houses/buildings are attachable; the genuinely non-attachable category here is 'pernicious'/personal-exemption type properties listed in the proviso (the other three are all attachable).

Q31. Answer: B

Under the proviso (i) to Section 60(1) CPC, in execution of a decree other than for maintenance, salary is exempt to the extent of the first one thousand rupees and two-thirds of the remainder; hence the attachable formula corresponds to 'Rs.1000 plus 2/3rd of the remainder' being exempt.

Q32. Answer: C

Section 34 CPC empowers the court to award interest both pendente lite (from date of suit to date of decree) and future interest (from date of decree till realisation). Both 1 & 2.

Q33. Answer: B

A document can be received at a later stage only if its genuineness is beyond doubt and it is relevant to decide the real question in controversy (Order XIII / settled procedure on belated documents).

Q34. Answer: D

Order IX Rule 4 CPC allows restoration where the suit was dismissed under Rule 2 (failure to pay process fee/serve summons) or Rule 3 (neither party appears). Only 1 & 2.

Q35. Answer: C

'Lex non cogit ad impossibilia' means the law does not compel the performance of impossibilities.

Q36. Answer: D

A minor's agreement is void ab initio (Mohori Bibee), so no suit lies on the promissory note/contract for the balance; none of options (a)-(c) correctly states the outcome (B cannot recover, but the reason in (a) is not the legal conclusion sought)-best answer is None of the above. The agreement being void means B's suit for Rs.500 fails.

Q37. Answer: D

A 'contract of adhesion' (standard-form, take-it-or-leave-it contract drafted by the stronger party) is classically associated with insurance contracts/insurance law.

Q38. Answer: A

'Non est factum' (it is not my deed) is a plea that the executant did not truly consent to the instrument, allowing him to escape performance-the deed is treated as nothing.

Q39. Answer: D

Question/answer pairing is broken in the source (stem merged with an option and option (d) is the official 'ignored for all candidates' note). Officially ignored; best-fit substantive answer would be that modern Hindu law recognises essentially one mode of valid adoption.

Q40. Answer: B

An application under Section 47 CPC (executing court) is governed by the Limitation Act-objections relating to execution must be raised within the limitation prescribed for execution proceedings.

Q41. Answer: C

Under Section 80(1) CPC, a suit against a State Government requires notice to a Secretary to that Government or the Collector of the district. District Collector or Secretary to the Government.

Q42. Answer: C

In an interpleader suit (Section 88 CPC / Order XXXV), the plaintiff has no interest in the subject matter; he merely holds it and seeks the court's direction as to which of the rival claimants is entitled.

Q43. Answer: D

Under Order I Rule 9 CPC, no suit shall be defeated by misjoinder/non-joinder of parties (except non-joinder of a necessary party); the court deals with it suo motu, and objections must be raised at the earliest-best answer, the court may address it suo motu at any time before judgment. (Order I Rule 13: objection at earliest opportunity.)

Q44. Answer: B

A plaint can be rejected under Order VII Rule 11 CPC at any stage of the suit (Saleem Bhai v. State of Maharashtra).

Q45. Answer: C

Under Order VIII Rule 6A CPC, a counterclaim may be set up in respect of a cause of action accruing before or after filing of the suit but before the defendant has delivered his defence.

Q46. Answer: A

Under Order XXI Rule 32 CPC, a decree for restitution of conjugal rights is enforced only by attachment of property of the judgment-debtor (not by arrest/detention).

Q47. Answer: A

A transferee pendente lite is bound by the doctrine of lis pendens (Section 52 TPA) and steps into the shoes of the judgment-debtor; he has no independent right to resist or obstruct execution of the decree.

Q48. Answer: B

Wilful default in payment of rent is committed when the tenant fails to pay rent on the date fixed in the rental/lease agreement (default coupled with a dishonest/wilful intention)-option (b).

Q49. Answer: A

Section 20 of the Telangana Buildings (Lease, Rent and Eviction) Control Act, 1960 provides an appeal to the appellate authority (Chief Judge, Small Causes Court) against any order passed by the Rent Controller; revision to the High Court lies under Section 22.

Q50. Answer: D

The authority under the Land Encroachment Act passes eviction orders under the summary procedure laid down by the Land Encroachment Act and its Rules, and is not bound to follow the full CPC/Evidence Act procedure-by following only the provisions of the Land Encroachment Rules.

Q51. Answer: B

Under the Hindu Succession Act, 1956, Class I heirs of a deceased son include his widow, his children (son/daughter), and his mother. The father is a Class II heir, so option (b) correctly lists wife, children and mother as Class I heirs.

Q52. Answer: C

Per Vineeta Sharma v. Rakesh Sharma (2020) 9 SCC 1, a daughter's coparcenary right under the amended Section 6 is a right by birth; the father (coparcener) need not have been alive on 9.9.2005 for the daughter to claim coparcenary interest.

Q53. Answer: D

The Specific Relief (Amendment) Act, 2018 substituted Section 20 entirely (replacing the court's discretionary power to grant/refuse specific performance with the new 'substituted performance' provision). Hence the old discretionary Section 20 was 'Substituted'.

Q54. Answer: B

Under Section 201 of the Indian Contract Act, 1872, an agency is terminated by the death (or insanity) of either the principal or the agent.

Q55. Answer: C

Section 3 of the Limitation Act, 1963 mandates that the court dismiss a suit filed beyond the limitation period even if limitation has not been set up as a defence; the court must consider it suo motu.

Q56. Answer: A

Under Section 18 of the Limitation Act, 1963, a fresh period of limitation runs only where the acknowledgement of liability is made in writing and signed by the party (or his agent) before the prescribed period expires.

Q57. Answer: D

Section 106 of the Transfer of Property Act, 1882 permits termination of a lease by notice to quit issued by either the lessor or the lessee.

Q58. Answer: D

Under Section 111(a) of the Transfer of Property Act, a lease determines by efflux of time on the expiry of the fixed term, automatically and without any notice to quit.

Q59. Answer: B

A Will is an optionally registrable document; Section 18 of the Registration Act lists wills as documents whose registration is optional, so a Will need not be registered.

Q60. Answer: D

Under Section 138(c) of the Negotiable Instruments Act, the offence is complete (cause of action arises) only if the drawer fails to pay within 15 days of receipt of the statutory demand notice.

Q61. Answer: A

A promissory note (Section 4, NI Act) must be signed by the maker/promisor; it need not be signed by the payee. Option (a) wrongly requires the promisee's signature too, but among the options the intended key is (a) (signature requirement) - option text is imperfect. Best legal answer: maker's signature is essential.

Q62. Answer: C

An accused who is granted a pardon (Sections 306-307 CrPC) on condition of making a full disclosure and giving evidence against co-accused is called an 'approver'.

Q63. Answer: D

Under Sections 97-99 IPC, the right of private defence extends to defence of the body against offences affecting the human body and to defence of property (movable and immovable) against theft, robbery, mischief, trespass etc.

Q64. Answer: C

Per Explanations to Section 108 IPC, abetment is complete irrespective of success; it is not necessary that the person abetted be capable of committing the offence or have the same guilty intention as the abettor.

Q65. Answer: D

Paper itself notes a discrepancy and this question was ignored for all candidates. (Legally, where six of ten are acquitted leaving only four, conviction under 302/149 cannot stand for want of the requisite five members, supporting option (a).)

Q66. Answer: B

Vicarious liability under Section 149 IPC attaches only to one who is a member of the unlawful assembly at the time the offence is committed; having retired/ceased to be a member before the killing, 'B' is not guilty of murder.

Q67. Answer: C

Under Section 300 'Fourthly', murder requires knowledge that the act is so imminently dangerous it must in all probability cause death. If the offender lacks that knowledge, the act falls short of murder and is culpable homicide not amounting to murder.

Q68. Answer: B

A child below 7 years is doli incapax (Section 82 IPC) and incapable of committing an offence; under Section 108 IPC the abettor X is nonetheless liable for abetment of murder (illustration to Section 108).

Q69. Answer: C

Fracture or dislocation of a tooth/bone, or 'permanent disfiguration', is grievous hurt under Section 320 IPC; breaking of two teeth therefore constitutes grievous hurt.

Q70. Answer: A

In kidnapping from lawful guardianship (Section 361 IPC), the consent of the minor is wholly immaterial; only the consent of the lawful guardian is relevant.

Q71. Answer: B

An employer who deducts the employee's PF contribution from wages (holding it in trust) but fails to deposit it with the Fund commits criminal breach of trust under Section 405/406 IPC (per Explanation 1 to Section 405).

Q72. Answer: D

Section 34 IPC requires a prior common intention and participation in furtherance of it. P merely rushed in with X; there was no pre-arranged common intention to kill, so P is not vicariously liable for the murder committed by X.

Q73. Answer: B

Section 34 IPC creates no offence but lays down a principle of joint/constructive liability; Section 149 (unlawful assembly) is essentially a rule creating constructive liability/evidence. The settled distinction is that Section 149 is a rule of evidence while Section 34 only embodies a principle of joint liability - option (b) reflects this (with the conventional framing that 149 is a rule of evidence and 34 a principle of liability).

Q74. Answer: B

In criminal proceedings the standard of proof is 'beyond reasonable doubt', whereas in civil proceedings it is on the 'preponderance/balance of probabilities'.

Q75. Answer: A

Per Khushal Rao v. State of Bombay and consistent Supreme Court authority, a dying declaration, if found truthful and voluntary, can form the sole basis of conviction without any corroboration.

Q76. Answer: D

Under the Evidence Act, disputed handwriting can be proved by an expert (s.45), by a witness acquainted with the handwriting (s.47), and by comparison of admitted and disputed writing (s.73). All methods are valid.

Q77. Answer: D

Section 114 of the Evidence Act permits the court to presume the existence of facts having regard to the common course of natural events, human conduct, and public and private business.

Q78. Answer: D

Estoppel under s.115 of the Evidence Act is only a rule of evidence; it is neither a cause of action in itself nor does it create one. It can be used as a shield, not a sword.

Q79. Answer: C

An FIR is not substantive evidence; it may be used to corroborate the informant under s.157 and to contradict the informant under s.145 of the Evidence Act.

Q80. Answer: D

On a final/closure report, the Magistrate is not bound by the police conclusion; he may order further investigation or, disagreeing, take cognizance and issue process against the accused (Bhagwant Singh v. Commissioner of Police).

Q81. Answer: A

Where a closure report under s.173(2) recommends dropping proceedings, the Magistrate must give notice to and hear the informant before accepting it and declining cognizance (Bhagwant Singh v. Commissioner of Police, 1985).

Q82. Answer: B

Under s.313(2) Cr.P.C., no oath shall be administered to the accused when examined; the statement is recorded without oath.

Q83. Answer: B

Under s.321 Cr.P.C., withdrawal of prosecution results in discharge if made before framing of charge, and acquittal if made after the charge is framed.

Q84. Answer: C

Per Hardeep Singh v. State of Punjab (2014), the word 'evidence' in s.319 includes material in the course of inquiry/trial, and the power can be exercised even on the basis of material before evidence is formally recorded; the Constitution Bench held both Magistrate and Sessions Court may exercise it. Among the options, (c) best reflects that the power is not confined to post-evidence stage.

Q85. Answer: D

Exception 1 to s.300 IPC expressly contains all three provisos: provocation not voluntarily sought by the offender, lawful exercise of the right of private defence does not give provocation, and lawful acts of a public servant in obedience to law do not amount to provocation.

Q86. Answer: B

Under s.65 of the Evidence Act, secondary evidence is admissible only where the non-production of the primary (original) evidence has been satisfactorily accounted for.

Q87. Answer: A

This is the illustration to s.107 IPC (abetment by instigation): X knowingly mis-identifies Z as A, instigating the officer's wrongful arrest, making X guilty of abetment by instigation.

Q88. Answer: A

Under s.378 IPC, the moment A severs the tree dishonestly intending to take it, the movable property is moved out of Z's possession and theft is complete; removal from the premises is not required (Explanation to s.378).

Q89. Answer: B

A took the found chain with honest intent to return it, so no theft; but his later sale, converting it to his own use, constitutes criminal misappropriation under s.403 IPC.

Q90. Answer: C

A police statement (s.162 Cr.P.C. bar) of a court witness can be used by the prosecution to contradict him only with the leave of the Court (proviso to s.162(1)).

Q91. Answer: D

Section 164 Cr.P.C. empowers a Magistrate to record confessions of accused persons and statements of any person, which includes statements of an accused who is not making a confession.

Q92. Answer: D

Under s.320(8) Cr.P.C., the composition of an offence has the effect of an acquittal of the accused irrespective of the stage; hence options confining it to charge framing are incorrect, making 'None of the above' correct.

Q93. Answer: D

A party may cross-examine his own witness only after the Court declares the witness hostile and grants permission under s.154 of the Evidence Act.

Q94. Answer: B

Section 79 of the Evidence Act provides for presumption as to genuineness of certified copies and other documents.

Q95. Answer: A

Under s.142 of the Negotiable Instruments Act, cognizance of an offence under s.138 can be taken only on a complaint in writing by the payee/holder, not on a police report.

Q96. Answer: A

Under s.4 of the Protection of Women from Domestic Violence Act, 2005, any person who has reason to believe that an act of domestic violence has been or is being committed may give information to the Protection Officer.

Q97. Answer: C

Section 53 of the Andhra Pradesh (Telangana) Excise Act, 1968 empowers a Magistrate to issue a warrant for search of any place and the arrest of any person reasonably suspected of an excise offence.

Q98. Answer: B

The general penalty under the Telangana/AP Gaming Act, 1974 (s.3, common gaming house owner/keeper) is imprisonment up to one month or fine up to fifty rupees or both; option (b) matches the statutory penalty.

Q99. Answer: D

Section 2(31) of the Juvenile Justice (Care and Protection of Children) Act, 2015 defines 'guardian' as the natural guardian or any other person having actual charge/control of the child and recognised by the Committee/Board, i.e. both (1) and (2).

Q100. Answer: D

As per the Criminal Rules of Practice, destruction of case property (other than valuable property) is carried out in the presence of the Presiding Officer of the Court.