

**HIMACHAL PRADESH JUDICIAL SERVICE**  
**PRELIMINARY EXAM 2012**

**1. The Code of Civil Procedure recognises:**

- (a) Preliminary decree
- (b) Final decree
- (c) Partly preliminary and partly final
- (d) All of the above

**2. In which of the following suits, the CPC provides for passing of preliminary decree?**

- (a) Suits for pre-emption
- (b) Suits for possession and mesne profits
- (c) Administration suits
- (d) All of the above

**3. Under Section 2(3) of CPC a decree- holder means:**

- (a) A person who is not a party to a suit but in whose favour an order capable of execution has been passed
- (b) The plaintiff
- (c) The defendant
- (d) All of the above

**4. Under Section 2(5) of CPC, two conditions must be satisfied to bring a court within the definition of a foreign court:**

- (a) Court must be situated outside India
- (b) Court must not have been established by Central Government
- (c) Court must not continued by the Central Government
- (d) All of the above

**5. Which of the following is not a legal representative under Section 2(11) of the CPC?**

- (a) Executors and administrators
- (b) Official assignee or receiver
- (c) Hindu coparceners
- (d) Residuary legatees

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**6. Which provision of CPC defines 'Mesne profits'?**

- (a) Section 2(11)
- (b) Section 2(12)**
- (c) Section 2(17)
- (d) Section 2(14)

**7. Under CPC an adjudication of a court which is not a decree, is:**

- (a) Order**
- (b) Summon
- (c) Rule
- (d) Judgment

**8. Which of the following is a basis of the jurisdiction of a court?**

- (a) Subject matter
- (b) Pecuniary value
- (c) Local limits
- (d) All of these**

**9. Which of the following suits is of civil nature?**

- (a) Suits relating to right to property
- (b) Suits relating to right of worship
- (c) Suits for damages for civil wrongs
- (d) All of the above**

**10. Which of the following suits is not of civil nature?**

- (a) Suits involving principally cast questions
- (b) Suits involving purely religious ceremonies
- (c) Suits for recovery of voluntary payments offerings
- (d) All of the above**

**11. Which Section of the CPC lays down the rule of res-sub- judice?**

- (a) Section 15
- (b) Section 13
- (c) Section 11
- (d) Section 10**

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**12. The doctrine of res judicata is based on maxims:**

- (a) Nemo debet bis vexari pro una eadem causa (Non man should be vexed twice for the same cause)
- (b) Interest republicae ut sit finis litium (It is in the interest of state that there should be an end to a litigation)
- (c) Res judicata pro veritate occipital (judicial decision must be accepted as correct)
- (d) All of the above

**13. The doctrine of res judicata is based on:**

- (a) Public policy reflected in maxims (b) and (c) in question 12
- (b) Private justice reflected in maxim (a) in question 12
- (c) Both(a) and (b)
- (d) None of the above

**14. The rule of constructive res judicata is:**

- (a) a product of judicial interpretation
- (b) a rule of equity
- (c) contained expressly in CPC (Explanation IV)
- (d) a part of Supreme Court rules

**15. 'A' sues 'B' for rent. 'B' contends that 'C' and not 'A' is the landlord. A fails to 1 prove his title and the suit is dismissed. A then sues B and C for a declaration of his title to the property. Whether the suit is barred?**

- (a) The suit is not barred as the parties in both the suits are not the same
- (b) The suit is barred as the relief claimed is almost same
- (c) The suit is barred as the parties in both the suits are the same
- (d) The suit is not barred as relief claimed is different

**16. A sues for possession of Math property as an heir of Mahant. The suit is dismissed on his failure to produce the succession certificate. 'A' files subsequent suit as manager of the Math. Is the suit barred?**

- (a) The second suit will be barred by res judicata
- (b) The second suit will not be barred by res judicata
- (c) The second suit is barred by res sub judice
- (d) None of the above

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**17. 'A' the tenant files a suit for permanent injunction against 'B' the landlord for not to be dispossessed except by due process of law pleading that 'B' is planning to forcibly dispossess him. During the pendency of above suit, 'B' attempts to forcibly disposes 'A'. 'A' files another suit for injunction,**

- (a) The second suit is barred by res judicata
- (b) The rule of res sub judice will apply**
- (c) Both (a) and (b)
- (d) None of the above

**18. "If the writ petition under Article 226 in a High Court is dismissed on the merits (1.e. dismissed in Limine); but because of laches of the party applying for the writ or because it is held that the party had an alternative remedy available to it, then dismissal of writ petition (under Article 226) would not constitute a bar to a subsequent petition under Article 32." This principle was laid down by Supreme Court in:**

- (a) Daryao v.Sate of U.P**
- (b) Daryaov State of M.P.
- (c) Daryao v. State of Bihar
- (d) Mathura Prasad v. Dossibal

**19. The rule of constructive res judicata applies to writ proceedings, however does not apply to writ of:**

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

**20. A foreign judgment is recognized in India, such a recognition is accorded not as an act of courtesy but on consideration of justice, equity and good conscience. This was held in:**

- (a) Satya v. Teja Singh**
- (b) Mills v. Prakash Chiman Lal
- (c) Brij Lal v. Gonidram
- (d) In re Andhra Bank

**21. Which Section of the CPC declares that the court shall presume, upon the production of any document purporting to be a certified copy of a foreign judgment, that such judgment was pronounced by a court of competent jurisdiction, unless the contrary appears on the record, or is proved?**

- (a) Section 13
- (b) Section 14**

- (c) Section 19
- (d) Section 20

**22. "Mere production of a Photostate copy of a decree of a foreign court is not sufficient. It is required to be certified by a representative of Central Government in America" was held by the Supreme Court in:**

- (a) **Narasimha Rao v: Venkata Lakshmi**
- (b) Roshanlal v. Mohan Singh
- (c) Venkata Lakshmi v. Narasimha Rao
- (d) None of the above

**23. Which Section of CPC provides for institution of suits?**

- (a) Section 25
- (b) **Section 26**
- (c) Section 28
- (d) Section 30

**24. Order 7. Rule 10 to 10B provides for:**

- (a) **Return of Plaintiff**
- (b) Admission of Plaintiff
- (c) Rejection of Plaintiff
- (d) Documents relied on in Plaintiff

**25. Rules as to issue and service of summons in CPC are laid down in:**

- (a) **Order 5**
- (b) Order 7
- (c) Order S
- (d) Order 11

**26. The court may also permit service of summons by the plaintiff in addition to service of summons by the court by Order 5, and of CPC.**

- (a) Rule 9
- (b) **Rule 9A**
- (c) Rule 10
- (d) Rule 11

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**27. A party under CPC may object to answer in interrogatory if it is:**

- (a) Scandalous and irrelevant
- (b) Malafide and immaterial
- (c) Privileged
- (d) All of these

**28. Issues must be confined to:**

- (a) Facta Probanda
- (b) Facta Probandia
- (c) Both (a) and (b)
- (d) Oral Examination

**29. Detailed rules regarding decree are dealt in:**

- (a) Order 20, Rule 1 to 5 and Rules 6 to 19
- (b) Order 18, Rules 1 to 3 and Rules 4 to 13
- (c) Order 15, Rule 2 and Rule 3
- (d) Order 20A

**30. The principles governing execution of decree and orders in CPC are dealt within:**

- (a) Section 36 to 74 (substantive law) and Order 21 (procedural provisions)
- (b) Section 36 to 74 (procedural provisions) and Order 21 (substantive law)
- (c) Section 148A
- (d) Section 148 to 153B

**31. The term res gestae is equivalent to facts mentioned in Section 6 of Evidence Act. It implies:**

- (a) Things done in the course of a transaction
- (b) Fact in issue and surrounding circumstances
- (c) Acts talking for themselves
- (d) All of the above

**32. Which Section of the Evidence Act is called a residuary" Section dealing with relevancy of facts:**

- (a) Section 11
- (b) Section 12
- (c) Section 13
- (d) Section 14

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**33. Which Section of the Evidence Act lays down rules regarding relevant facts when the right or custom is in question?**

- (a) Section 12
- (b) Section 13**
- (c) Section 14
- (d) Section 15

**34. "When the previous commission by the accused of an offence is relevant, the previous conviction of such person is also a relevant fact." It is laid down in Section of Evidence Act.**

- (a) Section 14, Explanation 1
- (b) Section 14, Explanation 2**
- (c) Section 15
- (d) Section 16

**35. The maxim-"Nemo moriturous preasumita mentire" is applicable in the Evidence Act to:**

- (a) Section 32(1)**
- (b) Section 32(2)
- (c) Section 32(3)
- (d) Section 32(4)

**36. Under which Section of the Evidence Act, opinion of Experts is relevant?**

- (a) Section 41
- (b) Section 43
- (c) Section 44
- (d) Section 45**

**37. In criminal cases, the good character is relevant under which Section of the Evidence Act?**

- (a) Section 51
- (b) Section 52
- (c) Section 53**
- (d) Section 54

**38. Hearsay evidence is generally inadmissible. However, in which of the following cases it is admissible?**

- (a) Res gestae
- (b) Admissions and confessions

(c) Dying declaration

(d) All of these

**39. Which provision of the Evidence Act relate to admissibility of Electronic Records in evidence?**

(a) Section 6-4

(b) Section 65

(c) Section 65A and 65B

(d) Section 66

**40. Which of the following is not a public document?**

(a) Affidavit

(b) Judgement of court

(c) Arrest-warrant

(d) Will

**41. Which of the following is a public document**

(a) A post-mortem report

(b) An insurance policy

(c) A panchanama prepared by a police officer

(d) A private waqf deed

**42. Which provision of the Evidence Act relates to presumption as to documents thirty years old (Ancient documents)?**

(a) Section 89

(b) Section 90

(c) Section 90A

(d) Section 91

**43. Sections 101 to 111 of the Evidence Act lays down provisions regarding who is to lead evidence and prove the case. These rules are called rules relating to:**

(a) Burden of proof

(b) Presumption of fact

(c) Presumption of law:

(d) Presumptions

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**44. Who amongst the following is not a competent witness?**

- (a) Chance witness
- (b) Victim of rape
- (c) Relation witness
- (d) Accused person in proceeding in which he is an accused**

**45. The Himachal Pradesh Court Act, 1976 received on the 26th May, 1976 the assent of the:**

- (a) President
- (b) Himachal Pradesh Chief Minister
- (c) Governor**
- (d) All of the above

**46. Which Section of the Himachal Pradesh Courts Act provides that the same person may, if the High Court thinks fit, be appointed to be the District Judge of two or more districts?**

- (a) Section 4
- (b) Section 5**
- (c) Section 6
- (d) Section 7

**47. Which provision of the Himachal Pradesh Courts Act, provides for Appeals from District Judges or Additional District Judges?**

- (a) Section 19
- (b) Section 20**
- (c) Section 21
- (d) Section 21A

**48. Which provision of the Indian Stamp Act describes the instruments which may be stamped with adhesive stamps?**

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

**49. The liability to pay stamp duty arises before the at the time of the execution of the instrument. Which provision of Indian Stamp Act provides It?**

- (a) Section 17**
- (b) Section 18

- (c) Section 19
- (d) Section 20

**50. Which Section of the Indian Stamp Act provides penalty for failure to cancel adhesive stamp?**

- (a) Section 62
- (b) Section 63**
- (c) Section 64
- (d) Section 65

**51. An agreement which is enforceable by law at the option of one or more of the parties thereto, but not at the option of the other or others is:**

- (a) a voidable agreement
- (b) a voidable contract**
- (c) a reciprocal agreement
- (d) a contract discovered to be void

**52. Which of the following is correct under the Indian Contract Act, 1872?**

- (a) An acceptance may be revoked at any time before the communication of the acceptance is complete as against the acceptor, but not afterwards**
- (b) All agreements are contracts but all contracts are not agreements
- (c) A person who is usually of sound mind. but occasionally of unsound mind, may not take a contract when he is of sound mind
- (d) The communication of a revocation is complete, as against the person to whom it is made, when it is put into a course of transmission to the person to whom it is made, so as to be out of the power of the person who makes it.

**53. Match List I with List II and select the correct answer by using the codes given below the lists:**

**List I**

- (a) Undue influence**
- (b) Fraud**
- (c) Misrepresentation**
- (d) Coercion**

**List II**

- (i) Contracts of uberrima fides**
- (ii) Fiduciary relation**
- (iii) Unlawfully detain- Ing of property**
- (iv) Positive assertion not warranted by the information of the person making it**

**Codes:**

- |            |            |            |            |            |
|------------|------------|------------|------------|------------|
|            | <b>(a)</b> | <b>(b)</b> | <b>(c)</b> | <b>(d)</b> |
| <b>(a)</b> | ii         | i          | iv         | iii        |
| <b>(b)</b> | i          | ii         | iii        | iv         |

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(c) iii i ii iv

(d) ii iii iv i

**54. A and B agrees that A shall pay B 1,000 rupees, for which B shall afterwards deliver to a either rice or smuggled opium. Which of the following is correct?**

(a) The agreement is void in its entirety

(b) This is a valid contract to deliver rice, and a void agreement as to the opium

(c) The agreement is valid in its entirety

(d) This is a voidable contract, voidable at the option of

**55. Section 41 of the Indian Contract Act, 1872 deals with:**

(a) Effect of accepting performance from third person

(b) Person by whom promise is to be performed

(c) Tender to perform a promise

(d) Effect of refusal of party to perform promise wholly

**56. A promise to pay wholly or in part a debt of which the creditor might have enforced payment, but for the law for the limitation of suits is a contract:**

(a) if it is made in writing only

(b) if it is made in writing and registered under the law for the time being in force

(c) if it is made in writing and signed by the person to be charged there with

(d) even if made orally

**57. Where the debtor has omitted to intimates and there are no other circumstances indicating to which debt the payment is to be applied:**

(a) the creditor may apply it at his discretion to any lawful debt actual due and payable to him from the debt a, provided its recovery is not barred by the law

(b) it is to be applied in discharge of the debts in order of time

(c) it is to be applied in discharge of the debts in order of time provided they are not barred by the law of limitation

(d) the creditor may apply it at his discretion to any lawful debt actually due and payable to him from the debtor, whether its recovery is or is not barred by the law in force for the time being as to the limitation of suits.

**58. The case Frost v. Knight (1872) LR 7 Ex. 111. related to:**

(a) anticipatory breach of contract

(b) frustration of contract

(c) remission of performance of contrad

(d) discharge of contract by agreement

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**59. Which of the following is correct statement?**

- (a) A bank guarantee constitutes a separate, distinct and independent contract
- (b) The cardinal rule is that the guarantor must not be made liable beyond the terms of his engagement
- (c) The finder of goods may sue the owner of the goods for compensation loss or trouble and expense voluntarily incurred by him to preserve the goods and to find out the owner
- (d) Both the (a) and (b)

**60. Which of the following is correct statement?**

- (a) A person, named by the agent, to Act, for the principal in the business of the agency, is a sub-agent
- (b) An agent is not liable for the acts of a disclosed principal subject to a contract to the contrary
- (c) A person with whom a contract has been entered into in the character of agent, is entitled to require the performance of it, if he was in reality acting, not as agent, but on his own account
- (d) When the agent commits a crime at the instance of the principal, he can claim indemnity from the principal against the consequences of the crime

**61. Law of limitation is:**

- (a) a procedural law
- (b) a substantive law
- (c) both procedural and substantive law
- (d) one of the above

**62. Provisions of Section 3 of the Limitation Act, 1963 are:**

- (a) directory
- (b) discretionary
- (c) mandatory
- (d) permissive

**63. The laws of limitation are a means of ensuring private justice, suppressing fraud and perjury, quickening diligence and preventing oppression." The Supreme Court made this observation in:**

- (a) Motichand v. Munshi, AIR 1970 SC 898
- (b) Rajender Singh v. Santa Singh, AIR 1973 SC 2537.
- (c) Lala Balnukund v. Lajwanti, AIR 1975 SC 1089
- (d) N.Bala Krishnan v. M. Krishnamurthy, AIR 1998 SC 3222

**64. Provision for suits, etc. for which the prescribed period is shorter than the period prescribed by the Indian Limitation Act, 1908, is contained in:**

- (a) Section 28 of the Limitation Act, 1963
- (b) Section 29 of the Limitation Act, 1963
- (c) Section 30 of the Limitation Act, 1963**
- (d) Section 31 of the Limitation Act, 1963

**65. The general rule is that "The law of limitation only bars the remedy but does not extinguish the right itself. The exception to this rule is contained in:**

- (a) Section 31 of the Limitation Act, 1963
- (b) Section 27 of the Limitation Act, 1963**
- (c) Section 26 of the Limitation Act, 1963
- (d) Section 25 of the Limitation Act, 1963

**66. A suit to redeem or recover possession of immovable property mortgaged can be brought by the mortgagor within a period of:**

- (a) 30 years**
- (b) 12 years
- (c) 6 years
- (d) 3 years

**67. If a suit is based on multiple causes of action, the period of limitation will begin to run from:**

- (a) the date, when the right to sue first accrues**
- (b) the date, when any successive violation of right accrues
- (c) the date, when the right to sue last accrues
- (d) the day the violation of the right comes to the knowledge of the party

**68. Match List I with List II and select the correct answer by using the codes given below the lists. It relates to the law of limitation:**

**List I**

**List II**

**(a) Suit in forma pauperis**

**(i) Section 13, the Limitation Act,**

**(b) Proceedings stayed by an injunction** **(ii) Section 14, the Limitation Act.**

**(c) Defect in jurisdiction**

**(iii) Section 15, the Limitation Act, 1963**

**(d) Effect of fraud on limitation**

**(iv) Section 17, the Limitation Act, 1963**

**Codes:**

(a) (b) (c) (d)

(a) I III II IV

- (b) I II III IV
- (c) II III I IV
- (d) III IV I II

**69. An application for setting aside of an arbitration award has to be filed:**

- (a) within 30 days from the date of service of the notice of the filing of the award
- (b) within 15 days from the date of service of the notice of the filing of the award
- (c) within 30 days from date of knowledge of filing of award
- (d) within 60 days from the date of service of the notice of the filing of the award

**70. In which of the following cases, the nature, scope and object of acknowledgement within the meaning of Section 18 of the Limitation Act, 1963 was relevant before the Apex Court:**

- (a) Shapur Freedom Mazda v. Durga Prasad Chamaria, AIR 1961 SC 1236
- (b) Prabhakaran v. M. Azhagiri Pillai, AIR 2006 SC 1567
- (c) J.C. Budhiaja v. Chairman, Orissa Mining Corporation Ltd. AIR 2008 SC 1363
- (d) All the above

**71. A, a Hindu, during subsistence of first marriage solemnized second marriage without obtaining divorce. Who are not entitled to grant of succession certificate on the death of A?**

- (a) First wife
- (b) Second wife
- (c) Children born out of second wife
- (d) Children born out of first wife

**72. In explaining "unsound mind a ground for seeking divorce under the Hindu Marriage Act, 1955 in which of the following cases the Supreme Court held a sound mind indisputably is a key to a happy married life".**

- (a) Sharda v. Dharmpal, AIR 2003 Sc 3450
- (b) Gautarn Kundu v State of WB.. AIR 993 SC 2295
- (c) R. Lakshmi Narayan v. Santhi, AIR 2001 SC 2110
- (d) Bipin Chandra v. Prabhavati, AIR 1957 SC 176

**73. Which of the following Sections of the Hindu Marriage Act, 1955, provides that children of a void marriage would be the legitimate children?**

- (a) Section 11
- (b) Section 16
- (c) Section 17

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(d) Section 18

**74. Within the meanings of the Hindu Adoption and Maintenance Act, 1956, which of the following statements is not correct?**

(a) A lunatic Hindu below the age of 15 years is not capable of being taken in adoption

(b) A valid adoption once made cannot be cancelled

(c) A Hindu male shall not be capable of taking a child in adoption unless he is of sound mind and is of the age of majority

(d) Adoption is now said to be a pure secular institution

**75. While examining the amplitude of cruelty for the purposes of the Hindu Marriage Act, 1955 the Hon'ble Supreme Court, in which of the following cases, laid down broad parameter which may be relevant in dealing with the cast of mental cruelty:**

(a) V. Bhagat v. D. Bhagat, AIR 1994SC711

(b) Naveen Kohli v. Neelu Kohli. AIR 2002 SC 1675

(c) Gurbux Singh v. Harminder Kaur. 2011 SC 114

(d) Samar Ghosh v. Jaya Ghosh. (2007)1 SCC 511

**76. A Hindu male can claim maintenance from his wife under:**

(a) Section 24 of the Hindu Marriage Act, 1955

(b) Section 18 of the Hindu Adoption and, Maintenance Act. 1956

(c) Section 125 of the Code of Criminal Procedure

(d) None of the above provisions

**77. The rules regulating "the distribution of property among heirs in class I of the schedule" to the Hindu Succession Act, 1958 are contained in:**

(a) Section 9

(b) Section 10

(c) Section 11

(d) Section 12

**78. Regard being had to the provisions of the Hindu Succession Act, 1956, which of the following statements is not correct?**

(a) If a Hindu woman had any existing interest in a property howsoever small, prior to the enactment of the Hindu Succession Act. 1956, the same would blossom into a full-fledged right by virtue of the operation of Section 14(1) thereof

(b) The right of daughter in coparcenary property is not lost by passing of preliminary decree for partition before the 20th day of December, 2004:

(c) If a right is created in a Hindu female for the first time in respect of any property under any instrument or under a decree, where a restricted estate in such property

is prescribed, the provision of Section 14(2) of the above Act would be attracted and would not convert such a right into a full-fledged right of ownership of the property

(d) The right of daughter in coparcenary property is not lost by any testamentary disposition of property which had taken place before the 20th day of December, 2004.

**79. Regard being had to laws relating to Hindu, which of the following is not correct?**

- (a) Irretrievable breakdown of the marriage is not a ground by itself, to dissolve it
- (b) When evidence disclosed that parties, belonging to Santhal Tribe, were following customs of Hindus and not of Santhals, provision of Hindu Succession Act. 1956, would apply to inheritance of property
- (c) Allegations against wife of unchastity. indecent familiarity with another person and extra-marital relationship made in written statement filed by the husband would not constitute cruelty
- (d) None of the above

**80. Considering the provisions of the Hindu Minority and Guardianship Act, 1956, the Supreme Court in which of the following cases, held that "the mother can be considered to be the natural guardian of her minor child even when father is alive":**

- (a) Jijabai Vithalrao Gajre v. Pathankhan AIR 1971 SC 315
- (b) Apparel Export Promotion. Council v. A.K. Chopra, AIR 1999 SC 625
- (c) Githa Hariharan v. Reserve Bank of India. AIR-1999 SC 1149
- (d) Both (a) and (c)

**81. The Transfer of Property Act, 1882 applies to transfer of property:**

- (a) made by act of parties
- (b) by operation of law
- (c) by a decree or order of a court of competent jurisdiction
- (d) in execution of a decree or order of a court of competent jurisdiction

**82. Regard being had to the provisions of the Transfer of Property Act, mark, which of the following statements is not correct:**

- (a) A transfer of property may be made without writing in every case in which a writing is not expressly required by law
- (b) A property cannot be transferred directly to an unborn person, but, it can be transferred for the benefit of an unborn person
- (c) He, who accepts a benefit under a deed must adopt the whole contents of the instrument, conforming to all its provisions and renouncing every right inconsistent with it
- (d) None of the above

**83. Rule of feeding the estoppel is contained in:**

- (a) Section 41 of the Transfer of Property Act, 1882
- (b) Section 42 of the Transfer of Property Act, 1882
- (c) Section 43 of the Transfer of Property Act, 1882
- (d) None of the above

**84. Section 65 of the Transfer of Property Act, 1882 contains provisions relating to:**

- (a) Implied contracts by mortgagor
- (b) Implied contracts by mortgagee
- (c) Marshalling of securities
- (d) Rights of unfructuary mortgagor

**85. A donee which has taken all the properties of the donor and also liable to discharge all the liabilities of the donor is known as:**

- (a) an onerous donee
- (b) a gratuitous donee
- (c) a universal donee
- (d) none of the above

**86. Regard being had to the provisions of the Transfer of Property Act, 1882, match List I with List II and select the correct answer by using the codes given below the lists:**

**List I**

- (a) Spas successions
- (b) Right of re-entry
- (c) Dominant heritage
- (d) Right to sue

**List II**

- (i) Section 6(c)
- (ii) Section 6(a)
- (iii) Section 6(e)
- (iv) Section 6(b)

**Codes:**

- |     | (a) | (b) | (c) | (d) |
|-----|-----|-----|-----|-----|
| (a) | ii  | iv  | i   | iii |
| (b) | i   | ii  | iii | iv  |
| (c) | iii | ii  | i   | iv  |
| (d) | iv  | iii | ii  | i   |

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**87. Regard being had to the provisions of the Transfer of Property Act, 1882. match List I with List II and select the correct answer by using the codes given below the Lists:**

**List I**

- (a) **Lit life pendente nihil innovetur**
- (b) **Qui facit per alium facit per se**
- (c) **Nemo dat quod non habet**
- (d) **Qui sentit commodum sentire debet onus**

**List II**

- (i) **Lis pendens**
- (ii) **Constructive notice**
- (iii) **Onerous gift**
- (iv) **Ostensible owner**

Codes:

- |            | (a)      | (b)       | (c)       | (d)        |
|------------|----------|-----------|-----------|------------|
| (a)        | i        | ii        | iii       | iv         |
| <b>(b)</b> | <b>i</b> | <b>ii</b> | <b>iv</b> | <b>iii</b> |
| (c)        | ii       | iv        | iii       | i          |
| (d)        | i        | iii       | iv        | ii         |

**88. The principle "Once a mortgage always a mortgage", a principle based on equity, justice and good conscience. was for the first time evolved in:**

- (a) Harris v. Harris
- (b) Noakes v. Rice**
- (c) Seth Ganga Dhar v. Shankarlal
- (d) Reeve v. Lisle

**89. Provisions for "determination of lease" for the purpose of the Transfer of Property Act, 1882, are contained in:**

- (a) Section 107
- (b) Section 111**
- (c) Section 112
- (d) Section 113

**90. A lets a house to B for five years. B underlets the house to C at a monthly rent of Rs. 100. The five years expire. but C continues in possession of the house and pays the rent to A. Which of the following is correct?**

- (a) C's lease is renewed from month to month**
- (b) C's lease is renewed from year to year
- (c) C is a tenant-at-sufferance
- (d) None of the above

**91. The provisions of the Himachal Pradesh Urban Rent Control Act, 1987 do not apply to:**

- (a) an area administered by the Municipal Corporation
- (b) an area administered by a Notified Area Committee
- (c) a Military Cantonment
- (d) a building owned by the Government of the State of Himachal Pradesh

**92. Who among the following is not a "spett landlord" for the purposes of the H.P.U.R.C. Act, 1987?**

- (a) A retired army personnel, who happen to purchase a building after his retirement from the military service
- (b) A person who is entitled to receive rent in respect of a building on his own account and who is holding an appointment in a public service
- (c) A landlord who is holding a post in Indian Council of Agricultural Research
- (d) A landlord who is employed in a nationalised bank

**93. For the purposes of the H.P.U.R.C. Act, 1987 which of the following statements is not correct?**

- (a) An application for determination of fair rent may be made to the controller by the landlord or by the tenant
- (b) The order fixing the fair rent is a judgement in personam and not a judgement in rent
- (c) The expression "new tenant" for the purpose of Section 4 of the Act is a tenant who takes on rent a building for the first time
- (d) None of the above

**94. Special procedure for the disposal of application for eviction contained in Section 16 of the H.P.U.R.C Act, 1987 is application in a case falling under:**

- (a) Section 14(3)(a)(i)
- (b) Section 14(3)(a)(ii)
- (c) Section 14(3)(a)(iii)
- (d) Section 14(3)(a)(iv)

**95. Under the H.P.U.R.C. Act, 1987, which of the following statements is not correct?**

- (a) A landlord is entitled to increase of rent of a building at the rate of 10% of the fair rent after every five years
- (b) A landlord is entitled to increase of rent at the rate of 10% of the agreed rent after every five years

(c) A landlord is entitled to a further increase of rent in cases where he has done some additions, improvements on his own expenses and at the request of his tenant

(d) A landlord is entitled to increase of rent even for improvement made before the determination of fair rent

**96. Under the H.P.U.R.C. Act, 1987, which of the following is not a ground for eviction of the tenant from a non- residential premises?**

(a) bona fide need for residential purpose

(b) subletting

(c) change of user

(d) commission of an act likely to impair materially the value of the rented premises

**97. Section 19 of the H.P.U.R.C. Act, 1987 provides for:**

(a) Lease of vacant building by the controller

(b) Deposit of rent by the tenant

(c) Recovery of possession in case of tenancy for limited period

(d) None of the above

**98. No appeal or second appeal lies against an order made by the controller under the H.P.U.R.C. Act, 1987 in accordance with the provisions of:**

(a) Section 4

(b) Section 15

(c) Section 16

(d) Section 17

**99. From the purpose of H.P.U.R.C. Act, 1987, which of the following statements is not correct?**

(a) Where the ground for eviction of tenants. is a recurring cause, the landlord is not precluded from instituting fresh proceedings on the said ground

(b) The bona fide need, a ground for eviction of a tenant, must be considered with reference to the time when a suit for eviction is filed

(c) It cannot be assumed that once the question of necessity is decided against the landlord, it has to be assumed that he will not have a bona fide and genuine necessity ever in future

(d) When a petition filed by the landlord on ground of bona fide necessity was dismissed in default, the application for restoration of the same was also dismissed, the landlord, would be precluded from instituting fresh eviction petition on ground that he required from the premises bona fide for the purpose of rebuilding

**100. Where the Rent Controller is satisfied that the application for eviction under the H.P.U.R.C. Act, 1987, was made by the landlord on frivolous or vexatious grounds, he is empowered to inflict the following penalty on the landlord:**

- (a) penalty upto Rs. 500
- (b) Penalty upto Rs. 1000
- (c) Imprisonment upto 6 months or fine upto Rs. 1000
- (d) Imprisonment upto 2 years and fine

**101. Match List I with List II and select the correct answer by using codes given below:**

**List I**

**List II**

(a) Common Intention

(1) Section 34

(b) Good Faith

(2) Section 149

(c) Dishonest Intention

(3) Theft

(d) Common Object

(4) Mistake of fact

	(a)	(b)	(c)	(d)
(a)	1	4	3	2
(b)	1	2	3	4
(c)	4	3	2	1
(d)	4	1	2	3

**102. Actus non facit reum, nisi mens sit rea implies:**

- (a) The act does not constitute guilt unless done with a guilty intention
- (b) The act constitutes guilt even it done with a bona fide intention
- (c) Intention of the accused should not be considered in a criminal case
- (d) None of the above the

**103. Examine the two statements and give the correct answer:**

**Assertion (A): A did not try to extinguish fire so that he could earn more money from insurance company, held guilty of Arson.**

**Reason (R): Actus non facit reum, nisi mens sit rea**

- (a) Both (a) and (R) are true and (R) is the correct explanation of (a)
- (b) Both (A) and (R) are true and (R) is not correct explanation of (a)
- (c) (a) is true but (R) is false
- (d) (a) is false but (R) is true

**104. The punishment prescribed under the IPC for the acts which cause slight harm is:**

(a) 15 days

(b) 30 days

(c) No punishment

(d) None of these

**105. A intending to murder B by poison. purchases poison and mixes the same in a glass of water. He gives it to the bearer to serve it to 'B'. The bearer while approaching B loses the balance and glass drops out of his plate. What offence has A committed?**

(a) A has committed no offence

(b) A has committed the offence of attempt to commit murder

(c) A has committed the offence of Abetment

(d) A has committed the offence of attempt to commit homicide

**106. Section 497 of IPC defines "Adultery" thus: "Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another." Here, actus reus relates to:**

(a) Time

(b) Place

(c) Person

(d) Married woman

**107. The provisions of Section 498A IPC which punish the husband or any of his relative for harrashing the married woman for dowry, were introduced in IPC by:**

(a) Act 46 of 1983

(b) Act 43 of 1986

(c) Act 42 of 1993

(d) Act 24 of 1995

**108. Importation of a girl from foreign country into India to force her for sexual intercourse with any other man, is a punishable offence under Section 366B IPC provided the age of girl is:**

(a) Below 14 years

(b) Below 16 years

(c) Below 18 years

(d) Below 21 years

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**109. Under which of the following sections of IPC: the word 'Public Servant' has been defined?**

- (a) Section 14
- (b) Section 21**
- (c) Section 19
- (d) Section 20

**110. What is the maximum period for which a court can award punishment of solitary confinement?**

- (a) one month
- (b) two months
- (c) three months**
- (d) no limit

**111. Under which of the following sections of IPC the death sentence can be commuted without the consent of the offender:**

- (a) Section 53
- (b) Section 54**
- (c) Section 55
- (d) None of these

**112. Buying or disposing of any person as slaveist punishable offence under IPC under:**

- (a) Section 370**
- (b) Section 373
- (c) Section 372
- (d) Section 374

**113. Match List I and List II and select the correct answer by using the codes given below:**

**List I**

- (a) Punishment for "Dishonest mis-appropriation"**
- (b) Punishment for or fine or both**
- (c) Punishment for offences of 'Cheating'**
- (d) Punishment for "Criminal Breach Trust"**

**List II**

- (1) 3 years imprisonment or fine or both of Property**
- (2) One year offence of imprisonment "Mischief"**

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**(3) Imprisonment the of 3 months or fine or both**

**(4) Imprisonment the of two years or fine or both of Criminal Breach**

**Codes:**

	(a)	(b)	(c)	(d)
(a)	3	2	1	4
(b)	2	3	4	1
(c)	1	2	3	4
(d)	4	3	2	1

**114. The offence of theft becomes robbery when is:**

- (a) Coupled with force
- (b) Committed by two or more but less than five persons
- (c) Committed by five or more persons
- (d) Coupled with imminent danger to life

**115. Examine the two statements and give the correct answer:**

**Assertion (a): A boy of six and half year old intentionally kills B. A is not liable for murder.**

**Reason (R): A child under the age of seven years is immuned from criminal liability**

- (a) Both (a) and (R) are true and (R) is the correct explanation of (a)
- (b) Both (a) and (R) are true but (R) is not the correct explanation of (a)
- (c) is true but (R) is false
- (d) is false but (R) is true

**116. A, a mentally disturbed person picks out revolver and point towards B and attempted to fire at B. B picks a flower pot and hits A causing greivous hurt to A:**

- (a) B is liable for causing greivous hurt to A
- (b) Bis not liable for causing greivous injury but simple hurt
- (c) B has acted in private defence, therefore he is not liable
- (d) Right of private defence is not available against a mentally disturbed person

**117. 'X' told his friend 'Y' that he was going to shoot down 'Z' in the evening. In the evening 'X' with a loaded pistol, entered in the street in which 'Z' was living shouting "come out and he killed. They did not come out and 'X' went away. Which of the following statements is correct?**

- (a) 'X' is liable for an attempt to murder because he carried a loaded gun

(b) 'X' is liable for an attempt to murder because his intention to kill 'Z' was clear from his shouting

(c) 'X' is not liable for an attempt to murder because he had not committed the penultimate act

(d) 'X' is liable for an attempt to murder because he has clearly told 'Y' that he was going to shoot down 'Z'

**118. Which of the following amounts to 'Dacoity'?**

**(1) Five or more persons attempting to commit dacoity**

**(2) Five or more persons actually committing dacoity.**

**(3) One attempting robbery and four others are there to aid.**

**(4) One attempting robbery and four others aiding the commission of robbery**

(a) (1), (2) and (3)

(b) (2), (3) and (4)

(c) (1), (2), (3) and (4)

(d) (3) and (4)

**119. Which is/are the leading cases on Conspiracy?**

(a) Fakruddin v. The State of M.P.

(b) Hussain Umar v. Dalip Singh Ji

(c) V.C. Shukla v. State

(d) All of the above

**120. Right of private defence is not available:**

(a) Against an insane

(b) Against a child

(c) When there is a time to recourse the public authorities

(d) All of the above

**121. The Financial Commissioner may call for the records of any case decided by Excise Commissioner/Excise Officer if in his opinion the final order contains any erroneous decision:**

(a) On any question of law

(b) On any question of fact

(c) On any question of law and fact

(d) None of the above

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**122. An excise duty or countervailing duty may be levied on any excisable article under the following section of Punjab Excise Act:**

- (a) Section 31
- (b) Section 32
- (c) Section 33A
- (d) Section 34

**123. No lease for manufacturing or selling of any excisable can be granted to any person who is below the age of:**

- (a) 21 years
- (b) 25 years
- (c) 18 years
- (d) None of the above

**124. No Holder of License to sell an intoxicant is permitted to surrender his licence. Unless he has given a notice in writing to the collector. The period of such notice is:**

- (a) 15 days
- (b) one month
- (c) two months
- (d) three months

**125. Who has the power of arrest, seizure and detent on of any person found guilty under Sections 61 and 63 of Punjab Excise Act?**

- (a) An excise officer of such rank
- (b) A police officer of such rank
- (c) An officer of Salt or Land Revenue Department of such rank
- (d) All of the above

**126. A demand notice in writing has to be given to the drawer by the payee under Section 138 of The Negotiable Instruments Act, 1881, after receiving Intimation from the Bank of Dishonour of cheque, within the period of:**

- (a) 15 days
- (b) 30 days
- (c) 60 days
- (d) none of the above

*From Student to Lawyer to Judge*

**127. Who, of the followings, are not liable for prosecution under Section 141 of The Negotiable Instruments Act, 1881?**

- (a) Any person nominated as director by virtue of holding any office or employment in Central Government
- (b) Any person nominated as director by virtue of holding any office or employment In State Government
- (c) Any person nominated as director by virtue of holding any office or employment a central or state owned or controlled Financial Corporation

(d) All of the above

**128. No court shall take cognizance of any offence punishable under Section 138 of The Negotiable Instruments Act, 1881 unless complaint is made, from the date of accrual of case of action, within:**

- (a) 15 days
- (b) 30 days
- (c) 60 days
- (d) none of these

**129. For the purpose of Section 141 of The Negotiable Instruments Act, 1881 'company' means:**

- (a) Anybody corporate
- (b) A firm
- (c) Other association of individuals

(d) All of the above

**130. Match List I with List II and select the correct answer by using the codes given below the lists:**

**List I**

- (a) Cognizance of the offences
- (b) Offences by copanies and
- (c) Dishonour of cheque for the
- (d) Power of court (d) to try cases the

**List II**

- (1) Section 138 of Negotiable Instruments Act, 1881
- (2) Section 142 of the Negotiable Instruments firms Act, 1881
- (3) Section 143 of Negotiable Instruments Insufficiency Act, 1881
- (4) Section 141 of Negotiable Instruments summarily Act, 1881

**Codes:**

	(a)	(b)	(c)	(d)
(a)	1	2	3	4
(b)	2	4	1	3
(c)	3	1	4	2
(d)	4	2	1	3

**131. How many persons representing to be nominated to National Board for Wildlife, by Central Government?**

- (a) Five
- (b) Ten
- (c) Three
- (d) None of these

**132. Analyse the two statements and give the correct answer:**

**Assertion (a): The State Government declare any area as a "Sanctuary" which of adequate ecological, faunal, geomorphological, natural or Zoological significance.**

**Reason (R): The purpose is to protect, propagate or develop wildlife or its environment.**

- (a) Both (a) and (R) are true and (R) correct explanation of (a)
- (b) Both (a) and (R) are true but (R) is the correct explanation of (a)
- (c) (a) is true but (R) is false
- (d) (a) is false but (R) is true

**133. Under which of the following sections of Wildlife (Protection) Act, 1972. The Government has the power to declare areas as sanctuaries or National Parks?**

- (a) Section 18
- (b) Section 35
- (c) Section 38
- (d) None of these

**134. An appeal from the orders of Central Authority shall lie to:**

- (a) District Court
- (b) High Court
- (c) Central Government
- (d) Supreme Court

*From Student to Lawyer to Judge*

**135. Who of the following, has the power to grant licenses for dealing in Trophy and Animal Articles?**

- (a) Any authorised officer
- (b) Chief wildlife warden
- (c) Both (a) and (b)
- (d) State Government

**136. Who has the power to levy duty on timber and other forest produce?**

- (a) State Government
- (b) Central Government
- (c) Collector
- (d) Forest Settlement Officer

**137. Under which of the following Sections of Indian Forest Act, a forest court can be constituted?**

- (a) Section 17
- (b) Section 18
- (c) Section 19
- (d) None of these

**138. Who has the power to make rules to regulate the transit of all timber and other forest produce under the Indian Forest Act?**

- (a) Central Government
- (b) Collector
- (c) State Government
- (d) Forest Settlement Officer

**139. Who has the power of "seizure" when a forest offence has been committed as to any forest produce"?**

- (a) Collector
- (b) Forest officer
- (c) Police officer
- (d) Both (b) and (c)

**140. Any person contravening any rule under the Indian Forest Act, 1927 for the contravention to which, no special penalty is provided shall be punishable with:**

- (a) Imprisonment for a term which may extend upto six months or with fine which may extend upto five hundred rupees or both

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(b) Imprisonment for a term which may extend upto one month or fine which may extend upto five hundred rupees or bo

(c) Imprisonment for a term which may extend upto three months or a fine which may extend upto five hundred rupees or both

(d) Imprisonment for a term which may extend upto two years or a fine which may extend upto five hundred rupees or both

**141. The provisions of 'Plea-Bargaining under Chapter XXI A of Cr.P.C. are not applicable if the offence is committed against a child below the age of:**

(a) 12 years

(b) 14 years

(c) 16 years

(d) 18 years

**142. An Executive Magistrate is empowered to secure a Security Bond from habitual offenders under Section 110 of Cr.P.C. for a period not exceeding:**

(a) one year

(b) two years

(c) three years

(d) none of these

**143. Inherent powers under Section 482 of Cr.P.C. can be exercised by:**

(a) Any Criminal Court

(b) Supreme Court only

(c) The Session Court and High Court

(d) High Court

**144. To seek compliance of maintenance order, an aggrieved party must make an application to the court within the period of:**

(a) Three months

(b) Six months

(c) One year

(d) None of these

**145. Which Section of Cr.P.C. provides for confirmation by the High Court of an order of death sentence passed by Sessions Court prior to its execution?**

(a) Section 366

(b) Section 368

(c) Section 369

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(d) Section 365

**146. Under which of the following chapter of Cr.P.C. provisions for "Preventive Action of the Police are**

(a) Chapter X

**(b) Chapter XI**

(c) Chapter XII

(d) None of these

**147. Any person, aggrieved by a refusal on the part of an officer in a police station, to record the information relating to the commission of a cognizable offence may send the substance of such information, in writing and by post to:**

(a) District Magistrate

(b) Magistrate having power to try the case

(c) Chief Judicial Magistrate

**(d) Superintendent of Police Concerned**

**148. Which court has the power to grant maintenance to wife, children and parents under Cr.P.C.?**

(a) Session Court

**(b) Court of Magistrate Ist Class**

(c) Court of Magistrate IInd Class

(d) Court of Chief Judicial Magistrate

**149. No Police Officer can investigate a non- cognizable case without the order of:**

(a) Superintendent of police concerned

**(b) Magistrate having the power to try such case or commit the case for trial**

(c) Chief Judicial Magistrate

(d) Sessions Court

**150. Who is authorised under Cr.P.C. to warrant to search for a document, other thing in the custody of the Telegraph Authority?**

(a) District Magistrate

(b) Chief Judicial Magistrate

**(c) Both (a) and (b)**

(d) Magistrate 1st Class

*From Student to Lawyer to Judge*