

MAHARASHTRA JUDICIAL SERVICE
PRELIMINARY EXAM 2010

1. President of India is elected/ nominated by

- (A) Ministers of Union Government and States
- (B) Prime Minister
- (C) Chief Justice of India
- (D) None of the above

2. A suit for specific performance of contract is dismissed. Whether subsequent suit for compensation for breach of contract is maintainable?

- (A) Yes, with permission of court, in the next suit.
- (B) No.
- (C) Yes, if superior court directs,
- (D) None of the above.

3. An offence of criminal intimidation involves

- (A) Assault
- (B) Battery
- (C) Affray
- (D) Threat

4. Unlawful assembly under the Indian Penal Code, consists of how many members?

- (A) Four or more
- (B) Five or more
- (C) Six or more
- (D) Seven or more

5. What is re-examination of a witness?

- (A) Recalling the witness.
- (B) Repeated examination of the witness
- (C) Cross examination of one's own witness.
- (D) None of the above..

From Student to Lawyer to Judge

6. Whether transfer of property only by one of the competent co-owner of the property is legal?

- (A) Yes
- (B) No
- (C) Yes, only if court permits
- (D) None of the above.

7. In exchange under the provisions of the Transfer of Property Act, which of the following statements is true?

- (A) There is a consideration
- (B) There is no consideration
- (C) There is no transfer of property
- (D) None of the above

8. Whether a mortgagor can make lease of the mortgaged property?

- (A) yes.
- (B) Yes, with certain conditions provided by the Transfer of Property Act.
- (C) No:
- (D) None of the above.

9. In a Criminal case service of summons can be made on the witness

- (A) only through police bailiff
- (B) only through
- (C) only both(A)and (B)
- (D) even by Registered Post A.D.

10. What is a private document?

- (A) Document executed in a family.
- (B) Secret document.
- (C) Document in custody of a private person.
- (D) Document other than a public document.

11. In petty offences the accused may plead guilty

- (A) only in person
- (B) only through an advocate
- (C) only. (A) and (B) both

From Student to Lawyer to Judge

(D) above and also by transmitting plea through post or messenger

12. Term 'admission' in the Indian Evidence Act involves

- (A) Consent
- (B) Agreement
- (C) Submission

(D) None of the above

13. Whether a person who is not owner of an immovable property can recover the possession by a decree from the true owner?

- (A) Yes
- (B) Yes, only, if the owner is a trustee
- (C) No
- (D) None of the above

14. Whether a suit by a social club for a decree of perpetual injunction against police is maintainable to restrain them from filing criminal proceedings, as according to the plaintiff the police harass it?

- (A) Yes
- (B) No
- (C) Discretion of court
- (D) None of the above

15. Whether specific performance of contract can enforced against a transferee of immovable property contracted to transfer?

- (A) Yes
- (B) No
- (C) Yes, only in certain circumstances
- (D) None of the above

16. Which of the following is a legal transfer under provisions of the Transfer of Property Act?

- (A) A right to sue
- (B) A chance of an heir-apparent to succeed
- (C) An easement apart from dominant heritage
- (D) Second mortgage of the property

From Student to Lawyer to Judge

17. According to the provisions of the Constitution of India which law shall apply for interpretation of the Constitution?

- (A) Interpretation of Constitution
- (B) The General Clauses Act 1897.**
- (C) Interpretation of Statutes.
- (D) None of the above

18. State which of the statements is true?

- (A) Partner is an agent of the firm.**
- (B) Partner is owner of the firm
- (C) Partner is director of the firm
- (D) None of the above

19. If the defendant fails to file written statement

- (A) The court would hear the suit ex-parte
- (B) The court may pass judgment against him**
- (C) The Court shall issue notice
- (D) None of the above

20. What is legal disability under the Limitation Act?

- (A) Permanent physical disability
- (B) Partial but serious physical disability
- (C) Disability due to poverty
- (D) None of the above**

21. Cognizable offence means

- (A) a serious offence
- (B) offence in which police officer may arrest without warrant**
- (C) session triable offences
- (D) none of the above

22. Which of the following contracts is not specifically enforceable?

- (A) To sell an agriculture property
- (B) To sell a dwelling house
- (C) To perform in a singing programme**
- (D) None of the above

From Student to Lawyer to Judge

23. A proceeding filed after the prescribed period of limitation is to be dismissed

- (A) only when defendant sets up such defence
- (B) only when registry raises objection
- (C) even by the court itself
- (D) none of the above

24. Who is empowered to proclaim emergency?

- (A) The Prime Minister
- (B) Council of Ministers.
- (C) The President of India
- (D) The Election Commission.

25. Whom of the following can move the court for plea bargaining?

- (A) The Police Officer
- (B) The complainant
- (C) Only the accused
- (D) Both the accused or the complainant.

26. Who appoints the Prime Minister of India?

- (A) Members of the House of people
- (B) Members of the Parliament.
- (C) The President of India
- (D) None of the above.

27. Mesne profit means.

- (A) profit earned by a mission
- (B) very minimum profit
- (C) profit received or could have been received by a wrongful possessor of property
- (D) none of the above

28. What is estoppel?

- (A) Prohibition from proving certain facts
- (B) Prohibition from claiming property
- (C) To stop a person
- (D) None of the above

From Student to Lawyer to Judge

29. The plaintiff proves that there is a breach of contract to transfer an Immovable property.

- (A) The court shall grant decree for specific performance
- (B) The court has discretion to grant or refuse such decree**
- (C) Superior court's direction necessary
- (D) None of the above

30. A contracts to pay B Rs.1000/- if B's house is burnt.

- (A) The contract is void
- (B) It is contingent contract**
- (C) It is voidable contract
- (D) None of the above.

31. What is a voidable contract?

- (A) Unlawful contract
- (B) A contract unperformed
- (C) An agreement enforceable at the option some parties only**
- (D) None of the above

32. In absence of a contract or law, monthly lease is terminable.

- (A) By one month's notice
- (B) By 15 day's notice expiring with the month end of the tenancy month**
- (C) By permission of court
- (D) None of the above

33. What is the effect on limitation Institute a suit, in case where statutory notice is required by law to be issued before institution of a suit?

- (A) No effect
- (B) The prescribed period of notice is excluded**
- (C) Leave of court is required
- (D) None of the above

34. If the suit is filed in a court having no jurisdiction _____

- (A) it shall be dismissed
- (B) it may be dismisses
- (C) it shall be returned**

From Student to Lawyer to Judge

(D) it shall be sent to record room

35. Whether a mortgagee under simple mortgage can take possession of the mortgaged property?

(A) Yes

(B) No

(C) Only if court permits

(D) None of the above

36. If the landlord fails to comply the order of court to redeliver possession of the tenanted premises to tenant, upon repairs.

(A) the landlord is liable for imprisonment and fine

(B) the landlord is liable to pay compensation only.

(C) or possession would lie asutt for

(D) none of the above

37. Thirty years old document is produce from a proper custody.

(A) Court shall presume it's execution

(B) Court may presume it's execution.

(C) Presumption not involved

(D) None of the above

38. Since when the period of limitation begin to run for a suit for possession of an immovable property on title?

(A) The date of dispossession

(B) The date, defendant's possession becomes adverse to the plaintiff

(C) After service of notice

(D) None of the above

39. When no date for performance of a contract is fixed, from which time the period of limitation to file suit for specific performance of contract would start?

(A) The date of contract.

(B) The date on which contract was written

(C) The date when the plaintiff has notice that performance is refused

(D) None of the above

From Student to Lawyer to Judge

40. The proceedings for recovery of tenanted premises by a member of armed forces and other landlords enumerated in section 23 of the Maharashtra Rent Control Act is required to be filed in/before

- (A) a special court
- (B) a regular court
- (C) a competent authority**
- (D) None of the above

41. Which of the following is true statement as regards actionable claim?

- (A) Non-transferable
- (B) In some cases orally transferable
- (C) Instrument**
- (D) None of the above

42. What is the period of limitation to file a suit for compensation for libel, from the date of publication?

- (A) Two years
- (B) One year**
- (C) Three years
- (D) None of the above

43. Judgment debtor means?

- (A) Borrower of a bank
- (B) Defendant
- (C) Person against whom a decree is passed.**
- (D) None of the above

44. Dacoity is a kind of.....

- (A) House breaking
- (B) Assault
- (C) Robbery**
- (D) Looting

45. What is res-judicata?

- (A) A court
- (B) A tribunal
- (C) A principle of law**
- (D) None of the above

From Student to Lawyer to Judge

46. A variance to the contract without surety's consent discharges him as to subsequent transactions between principal debtor and the creditor.

- (A) False
- (B) True**
- (C) Court has discretion to decide
- (D) None of the above

47. Under section 82 of the Indian Penal Code what is the age of a child under which the act done by it is not an offence?

- (A) Sixteen years
- (B) Eighteen years
- (C) Seven years**
- (D) Fourteen years

48. What is judicial notice?

- (A) Notice issued by a judge
- (B) Demeanour of a witness noticed by judge
- (C) Facts brought to the notice of judge
- (D) None of the above**

49. Offence of defamation relates to harming

- (A) association of a person
- (B) property of a person
- (C) family of a person
- (D) the reputation of a person**

50. An ordinance in a state is promulgated by

- (A) Chief Minister
- (B) Chief Justice of High Court
- (C) Governor of the State**
- (D) None of the above

51. Whether all agreements made without consideration are void?

- (A) No**
- (B) Yes
- (C) No, if permission from court is obtained.
- (D) None of the above.

From Student to Lawyer to Judge

52. What is the prescribed period of limitation to file a suit for money payable for money lent, from the date the loan is made?

- (A) One year
- (B) Two years
- (C) Three years
- (D) None of the above

53. Whether after forwarding report under section 173 of the code of criminal procedure to the concerned Magistrate, the police can continue investigation in the case?

- (A) No
- (B) Only upon permission of Superior Official
- (C) Yes
- (D) Only with permission of the Magistrate

54. Whether a suit for recession of a contract is maintainable?

- (A) No
- (B) Yes
- (C) Maybe
- (D) None of the above

55. What is 'Shall Presume in regard to a fact?'

- (A) Final proof
- (B) Court may presume that the fact is proved
- (C) Court shall presume the fact as proved unless it is disproved
- (D) None of the above

56. A court of session can take cognizance of a criminal case for the offences punishable under the provisions of the Indian Penal Code

- (A) on an application of the complainant
- (B) on a request of the police
- (C) suo motu
- (D) only if the case is committed by a Magistrate

57. A man gifts his property to a temple. subject to the condition, on the death of his wife. What is created by the transaction?

- (A) Spec successionis
- (B) Contingent interest
- (C) Vested interest

(D) None of the above

58. Whether a tenant can be termed as landlord in respect of his sub-tenant, under the provisions Maharashtra Rent Control Act?

(A) Yes

(B) No

(C) Yes, if decree of declaration to that effect is passed

(D) None of the above

59. A promisor agrees to sell his loved cow only because of financial difficulty. Whether it is a free consent under the Contract Act?

(A) No

(B) Yes

(C) Court has discretion to decide

(D) None of the above

60. Whether a gift with condition not to transfer the gifted property is legal?

(A) Yes

(B) No

(C) Yes only with the permission of court

(D) None of the above

61. Whether an oral transfer of a property is legal under the provisions of the Transfer of Property Act?

(A) No

(B) Yes, but with permission of court

(C) No unless Karta of Hindu undivided family agrees

(D) Yes, in certain cases

62. The court can put questions to the accused to explain any circumstances appearing evidence against him

(A) only at his first appearance

(B) only after prosecution evidence is over

(C) at any stage

(D) none of the above

From Student to Lawyer to Judge

63. A person required to execute a bond with or without surety can deposit a sum of money in lieu of executing bond

- (A) as of right
- (B) on the permission of the concerned authority
- (C) to appropriate Government
- (D) None of the above

64. According to the Constitution of India uniform civil code is.

- (A) a fundamental right
- (B) a statutory right
- (C) a directive principle of state policy
- (D) a state, subject

65. Who has control over the subordinate judiciary?

- (A) The High Court
- (B) The Supreme Court of India.
- (C) The Governor
- (D) None of the above.

66. Whether necessary wearing apparel are so for attachment in execution of a decree

- (A) Yes
- (B) No
- (C) Discretion of court
- (D) None of the above.

67. If a party commits breach of an order of temporary Injunction

- (A) It would be punished for contempt of court
- (B) it would be fined
- (C) it's property may be attached
- (D) none of the above

68. What is a partnership at will?

- (A) Created under a will by testator
- (B) Created by consent of all partners
- (C) Partnership without provision for duration
- (D) None of the above

69. The landlord is permitted to increase the rent under the Maharashtra Rent Control Act

- (A) If there is inflation.
- (B) If taxes, cess is increased by any local authority**
- (C) If tenant's income increases
- (D) None of the above

70. Whether goods in transit can be stopped by unpaid seller, after agreeing to receive price later on when the buyer becomes insolvent?

- (A) No
- (B) Yes**
- (C) Yes, by injunction from court
- (D) None of the above

71. What is oral evidence?

- (A) Statements made before court**
- (B) Direct evidence.
- (C) Deposition before court, only after police has recorded the statement.
- (D) None of the above

72. For how much term maximum Judicial magistrate of the first class may pass a sentence for a single offence?

- (A) Five years
- (B) Four years
- (C) Three years**
- (D) Two years

73. Objection to the place of suing can be allowed to be taken...

- (A) Any time
- (B) Directly in appeal
- (C) Only at the first opportunity in the trial court
- (D) None of the above**

74. In a sale of goods, condition Is..

- (A) Limit on the price
- (B) Limit on the quantity
- (C) Stipulation essential to the main purpose of contract**
- (D) None of the above

75. What is the effect of a decree of declaration of title passed by court?

- (A) Binds the parties to the suit only
- (B) It is declaration against everybody.
- (C) Depends on the direction of court
- (D) None of the above

76. Under the provisions of The Maharashtra Rent Control Act, The tenancy agreement

- (A) may be oral
- (B) shall be in writing
- (C) shall be in writing and registered
- (D) none of the above

77. The landlord can file suit for recovery of possession of the premises from tenant on the ground of default in payment of rent

- (A) only if rent is in arrears for more than 6 months
- (B) only after ninety days notice is issued to the tenant
- (C) with the permission of court
- (D) none of the above

78. Whether injunction to perform negative agreement can be granted?

- (A) No
- (B) Yes
- (C) Only if superior court directs
- (D) None of the above

79. The offence of forgery is committed as regards to

- (A) Government currency notes
- (B) G. C. notes and documents
- (C) Documents or electronic record
- (D) Artistic work

80. Imprisonment in default of fine can not exceed

- (A) one-fourth of the maximum term provided for the offence
- (B) six months
- (C) three months
- (D) none of the above

From Student to Lawyer to Judge

81. After examination of a patient, the surgeon in good faith tells the patient that he can not live and the patient dies in consequences of the shock. Which offence is committed?

- (A) Murder.
- (B) Causing death by negligence
- (C) Culpable homicide not amounting to murder.
- (D) No offence.

82. What is a right of marshalling of a purchaser of a property?

- (A) To get delivery of possession
- (B) To get sale-deed executed
- (C) To sue for specific performance of the contract
- (D) None of the above

83. Whether court can, without exception, try all suits of civil nature?

- (A) No
- (B) Yes
- (C) Maybe
- (D) None of the above,

84. Whether in a suit for specific performance of contract to transfer immovable property, burden of proof is on the plaintiff to prove that the breach of contract can not be adequately relieved by compensation in money?

- (A) Yes
- (B) No
- (C) Discretion of the court
- (D) None of the above

85. Whether a party can prove entries made by itself in a book of account?

- (A) No
- (B) Yes-with the permission of court
- (C) Yes-with the consent of adverse party
- (D) Yes

From Student to Lawyer to Judge

86. What is the difference between wrongful restraint and wrongful confinement?

- (A) No difference
- (B) Difference in gender
- (C) Difference in age of the victim
- (D) None of the above

87. Hari instigates Sachin to set fire to another's house, before setting fire. Sachin commits theft in the house, what is the offence committed by hari?

- (A) No offence
- (B) Abetment to the offence of setting fire only
- (C) Abetment to both offence
- (D) Being member of unlawful assembly

88. What is the effect of law declared by the Supreme Court of India?

- (A) It is a declaration in a particular case
- (B) It has to be interpreted by State.
- (C) It is binding on all courts in India.
- (D) None of the above

89. What is meant by primary evidence

- (A) Basic evidence
- (B) Preliminary evidence
- (C) Essential evidence
- (D) None of the above.

90. The term 'subrogation' is used in The transfer of Property Act in relation to

- (A) Sale
- (B) Mortgage
- (C) Lease
- (D) none of the above

91. In an offence of criminal breach of trust what is necessarily involved?

- (A) Registered society
- (B) Registered trust.
- (C) Registered or unregistered trust

(D) Property.

From Student to Lawyer to Judge

92. The 'Union List', the 'State List' 'Concurrent List' in the Constitution of are prepared to.

- (A) distribute revenue between State Union
- (B) distribute territory
- (C) distribute legislative powers**
- (D) none of the above

93. What is the duration of the Council of State?

- (A) Six years
- (B) Five years.
- (C) Four years
- (D) None of the above**

94. What is the effect of acknowledgement of debt in writing by the defendant after the prescribe period of limitation?

- (A) No effect**
- (B) Acknowledgement provides in period of limitation
- (C) Court has discretion in the matter
- (D) None of the above

95. A person arrested on a charge of committing rape can be medically examined at the request of a police officer of the concerned police station

- (A) only after oral consent of the person
- (B) only after written consent of the force
- (C) only under the order of court
- (D) even by force**

96. Who appoints judicial officers of the subordinate courts, other than district judges?

- (A) The Chief Justice High Court
- (B) The Governor**
- (C) State Public Service Commission
- (D) None of the above

From Student to Lawyer to Judge

97. A minor having lost his parents is maintained by his neighbour. Whether the neighbour can seek recovery of expenses?

- (A) Yes, in certain condition
- (B) No
- (C) Yes, if minor's guardianship is granted by court
- (D) None of the above

98. Whether the court executing the decree has jurisdiction to determine all question relating to execution, discharge or satisfaction of decree?

- (A) No
- (B) Yes
- (C) Discretion of court
- (D) None of the above.

99. According to the Constitution of India. pre constitutional laws inconsistent with the Fundamental Rights are

- (A) Void
- (B) Voidable
- (C) Required to be examined by the courts
- (D) None of the above

100. A causes B a superficial skin-deep injury by a sword. What offence is committed?

- (A) Hurt
- (B) Hurt by a dangerous weapon.
- (C) Bleeding hurt
- (D) Serious hurt

From Student to Lawyer to Judge