

MAHARASHTRA JUDICIAL SERVICE
PRELIMINARY EXAM 2012

1. Summons of Court can be served by:

- (a) Only a police officer
- (b) An office of the court
- (c) Public servant
- (d) Any of them

2. Under Code of Criminal Procedure substituted service of summons can be made:

- (a) By affixing summons on the house
- (b) By a Registered Post
- (c) By Courier
- (d) None of it

3. Under Section 97 of the Code of Criminal Procedure search warrant to fine out a person can be issued if:

- (a) The person is absconding
- (b) The person is unlawfully confined
- (c) The person is missing
- (d) Whereabouts of such a person are not known

4. Under section 107 of the Code of criminal procedure executive magistrate can obtain bond from a person if

- (a) The person habitual offender
- (b) The person is likely to abscond
- (c) The person is likely to commit a breach of peace
- (d) The person frequently quarrels with his neighbor

5. A divorced wife is entitled to maintenance from her husband:

- (a) Till she remarries
- (b) Till her son becomes major
- (c) Till she is employed
- (d) Till she is death

From Student to Lawyer to Judge

6. Executive Magistrate can put a party in possession of immovable property

(a) Upon the police report that a dispute in respect of such property is likely to disturb public peace.

(b) If that party is dispossessed unlawfully

(c) If the rival party denies to deliver possession of a property though such party is owner of it

(d) None of the above

7. In a private complaint case process can be issued against an accused after

(a) Complaint in writing is presented to the court

(b) Complaint's statement on oath is recorded

(c) The magistrate is of the opinion that there is sufficient ground to proceed with the case

(d) Police upon investigation submit a report that there is sufficient ground

8. Any defect in charge

(a) Can be cured by amending it in any

(b) Cannot be cured if such amendments is likely to cause serious prejudice to the accused

(c) Can be cured by amending it though it causes prejudice to the accused

(d) Can be cured by amending it with a direction to retrial if such amendment is causing prejudice to the accused.

9. Statement of an accused is recorded.

(a) To give him opportunity to state his defence

(b) To enable him to explain circumstances appearing in the evidence against him

(c) To extract the truth from his mouth

(d) To verify whether he can be released on probation.

10. The Court application for plea bargaining by the accused, to satisfy itself that it is made voluntarily.

(a) Examines him in open Court

(b) Examines him in Camera

(c) Records his evidence on Oath

(d) Seeks his affidavit

From Student to Lawyer to Judge

11. "Decree" means

- (a) Extract of the Judgment
- (b) Bill of costs
- (c) Reasons for which the suit is decreed
- (d) Formal expression of the court of an adjudication determining the rights of parties

12. "Judgment" means

- (a) Part of the decree
- (b) Statement of the Judges on the grounds of decree or order
- (c) Adjudication of right
- (d) None of the above

13. If objection of the jurisdiction on the Court is taken at the hearing of any application for interim relief, the Court shall proceed to

- (a) The trial of the suit immediately
- (b) Frame the issues
- (c) Decide interim application before framing preliminary issue of jurisdiction
- (d) To determine issue as to the jurisdiction

14. Res-judicata means

- (a) Staying the suit during pendency of the previous suit between the same parties involving similar issues
- (b) Not trying the suit if suit involving similar issues between similar parties is decided
- (c) Bar to further suit
- (d) Expending trial of the suit

15. Objection jurisdiction of a Court can be allowed if it is raised.

- (a) At any stage of the trial
- (b) At anytime before the plaintiff leads his evidence
- (c) At the earliest possible opportunity and before issues are settled
- (d) Even at the stage of appeal

16. In case of a decree for the payment of money, the Court can order interest at the rate of

- (a) 6% per annum
- (b) 12% per annum

From Student to Lawyer to Judge

- (c) 9% per annum
- (d) 15% per annum

17. Under the inherent powers of the Civil Court it can pass orders

- (a) To refer the matter Mediator
- (b) Necessary for the ends of justice or to prevent abuse of the process of the Court
- (c) For compelling the parties to settle their case
- (d) For compelling a plaintiff to withdraw his suit

18. Defendant can claim temporary injunction in a suit filed by the plaintiff

- (a) To prevent the suit property being alienated or damaged
- (b) To prevent the plaintiff from dispossessing defendant from the suit property
- (c) To prevent the plaintiff from causing any (legal injury to the defendant
- (d) All of the above

19. The defendant shall present his written statement within days from the service of summons upon him.

- (a) 90
- (b) 120
- (c) 30
- (d) 60

20. Where any period is fixed or granted by the Court for doing an act prescribed by the Code of Civil Procedure, the Court may enlarge such period.

- (a) Not exceeding 90 days in total
- (b) Not exceeding 30 days in total
- (c) Not exceeding 60 days in total
- (d) Not exceeding 120 days in total

21. Where a thirty years old document is produced before the Court, it may presume

- (a) That the facts stated in the document are proved
- (b) That the document is duly executed
- (c) That the content of it are proved
- (d) All the above

From Student to Lawyer to Judge

22. A document can be proved :-

- (a) By producing it before the Court
- (b) By examining the party who has produced it
- (c) By examining the person in whose hand writing the document is written or signed
- (d) By examining the person in whose favour the document is executed

23. A confessional statement made before police

- (a) is admissible
- (b) is not admissible
- (c) is admissible only if it relates to a fact discovered in consequence of it
- (d) is admissible if it is made on oath in writing

24. Admission is :-

- (a) a conclusive proof of the fact stated therein
- (b) not a conclusive proof but operates only as estoppels
- (c) a weak piece of evidence
- (d) an evidence on which the Court can act

25. Admission means :-

- (a) statement made before Court
- (b) statement made in a document
- (c) statement suggesting inference as to any fact in issue
- (d) none of the above

26. A fact is relevant :-

- (a) if it is mentioned in the pleadings
- (b) if it is mentioned in the document relied by any of the parties
- (c) if it is connected with a fact in issue so as to form part of the same transaction
- (d) all of the above

27. A fact is said to be proved

- (a) if it is admitted
- (b) if it is incorporated in a document
- (c) if it is not denied
- (d) if its existence is so probable that a prudent man would accept it as existing

From Student to Lawyer to Judge

28. Evidence means and includes

- (a) statements before police
- (b) statements in pleadings
- (c) statements of witness required to be made before the Court
- (d) all of the above

29. Primary evidence of a document means

- (a) It's certified copy'
- (b) It's Xerox copy
- (c) Document itself
- (d) Authenticated copy

30. A child born out of valid marriage can be proved to be legitimate child of the if it is born within of its dissolution

- (a) 280 days
- (b) One year
- (c) Nine months
- (d) None of the above

31. Which of these cannot be lawfully transferred as per Transfer of Property Act 1882?

- (a) Salary of public officer
- (b) Machinery attached to land
- (c) Property yielding income
- (d) Paddy field

32. As per Section 6 of Transfer of Property Act, 1882, an easement transferred apart from the dominant heritage

- (a) Can
- (b) Cannot
- (c) May
- (d) Must

From Student to Lawyer to Judge

33. Which of these is immovable proper a the provisions of Transfer of Property Act 1882?

- (a) Standing timber
- (b) Grass
- (c) Fruit trees
- (d) Growing crops

34. The term "transfer" under the Transfer of Property Act, 1882, refers to

- (a) Partly or whole transfer
- (b) Absolute or conditional transfer
- (c) Contingent transfer
- (d) Both (a) and (b) are correct

35. As per Section 9 of Transfer of Property Act. 1882 oral transfers are :-

- (a) valid
- (b) voidable
- (c) conditionally valid
- (d) illegal

36. under the provision of Transfer of Property Act, the unborn child acquires vested interest :-

- (a) Upon his birth
- (b) 7 days after his birth
- (c) 18 years after his birth
- (d) No acquisition of vested interest

37. The Mortgage. in which without delivering possession of mortgaged property, the mortgagor binds himself personally to pay the mortgage money is known as

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

From Student to Lawyer to Judge

38. The gift of future property is:-

- (a) void
- (b) voidable
- (c) Valid
- (d) void ab initio

39. The rule of lis Pendens applies when the suit n which right to immovable property

- (a) is fraudulent
- (b) in directly in question
- (c) is pending between two persons and one of them sells property
- (d) is pending in a court which does not have jurisdiction

40. Rule against perpetuity prescribes that

- (a) Every transfer of immovable property must be by registered document
- (b) Every transfer of immovable property must be in writing
- (c) No transfer of property can operate to create an interest which is to take effect after the lifetime of one or more persons living on the date of such transfer
- (d) None of the above

41. If a contract comprises an agreement Ito do an act and also not to do certain acts:

- (a) No injunction can be granted to prevent performance of the negative agreement
- (b) Injunction can be granted to prevent performance of negative agreement only if affirmative agreement is enforceable
- (c) Injunction can be granted to compel performance of both or any of them
- (d) Injunction can be granted to compel performance of either of them only

42. A suit for recovery of possession based on the previous possession of a person can be filed by such a person even against real owner of that property who has dispossessed him

- (a) within one year of his dispossession
- (b) within three years of the dispossession
- (c) within six months of his dispossession
- (d) is not maintainable

From Student to Lawyer to Judge

43.A suit for specific performance of contract for its enforcement can be decreed when:-

- (a) there exists no standard for ascertaining the actual damage caused by the non-performance of it
- (b) the compensation in money would afford adequate relief
- (c) a contract which is in its nature determinable
- (d) performance of it required a Court to continuously supervise it

44. A Court may not exercise its discretion to decree specific performance of a contract when

- (a) the contract gives the plaintiff an unfair advantage over the defendant
- (b) when there exists no measure for ascertaining actual damage from breach of such contract
- (c) the contract is voidable at the option of plaintiff
- (d) it involves some hardship to the defendant which he could foresee

45. A suit for rescission of contract by any person having interest in it, can be decreed in his favour

- (a) Where the contract is terminable by defendant
- (b) Where the contract is voidable at the option of plaintiff
- (c) Where the contract is contingent
- (d) None of the above

46. No Court shall declare that the plaintiff is entitled to a right :-

- (a) if he is minor
- (b) if he is able to seek further relief than mere declaration but omits to do so
- (c) if he is insane
- (d) if his right is based on a contingent contract

47. A perpetual injunction is granted to the plaintiff

- (a) to restore possession of his property to him
- (b) to protect him physically
- (c) to prevent the breach of an obligation existing in his favour
- (d) none of the above

48. In a suit for perpetual or mandatory injunction:-

- (a) Plaintiff cannot be granted damages
- (b) Plaintiff can be granted damages if claimed specifically by him
- (c) Plaintiff can be granted damages even if not specifically claimed by him

(d) None of the above

49. In a suit for specific performance of a contract where earnest money is paid by the plaintiff

(a) it cannot be refunded if the specific performance is refused

(b) it can be refunded even if it is not specifically prayed

(c) it can be refunded only if it is specifically claimed

(d) it is to be forfeited

50. To claim specific performance of a contract, it is

(a) necessary to plead and prove that the plaintiff is ready and willing to perform his part of contract

(b) necessary to plead and prove that the plaintiff has always been ready and willing to perform his part of contract

(c) necessary to prove that the plaintiff was ready and willing to perform his part of contract

(d) even if not pleaded and proved accordingly the Court can draw such inference from the circumstances

51. Person in occupation of premises is tenant if

(a) he is only permitted to use that property

(b) he is put in exclusive possession of it and pays rent

(c) such person had lived for few days with the deceased original tenant as his friend

(d) all of the above

52. A landlord shall not be entitled to recovery of possession so long as the tenant :-

(a) does not get other premises

(b) keeps the premises good

(c) is ready and willing to pay rent

(d) pays rent and permits increases and observes the terms and condition of tenancy

53. A tenant cannot be evicted even if he erects a permanent structure :-

(a) if landlord does not raise any objection

(b) if tenant obtains permission of Corporation

(c) if such construction was necessary for safety of the building

(d) if landlord consents to it in writing

From Student to Lawyer to Judge

54. Premises let to banks or public sector undertakings having paid up share capital of Rs..... are exempted from protection of Maharashtra Rent Control 1999.

- (a) 2 crores
- (b) 1 crore
- (c) 3 crores
- (d) 5 crores

55. No decree can be passed against a tenant for the requirement of premises for landlord unless :-

- (a) the tenant has acquired possession of other premises.
- (b) the tenant has capacity to purchase other premises.
- (c) the tenant admits the plaintiff's right in the suit.
- (d) landlord bonafide claims it and is likely to suffer greater hardship.

56. A landlord can get possession of premises for its demolition and Construction of building only if :-

- (a) landlord has sufficient funds with for it
- (b) he has approved plan and estimates
- (c) landlord undertakes to provide premises equal in carpet area of the existing one
- (d) all of the above

57. A proceeding to recover possession of premises from a licensee is to be filed in

- (a) Court of small causes in Brihan Mumbai and elsewhere the Civil Court (J.D.)
- (b) City Civil Court or elsewhere the Civil Court (S.D.)
- (c) The Court of competent authority appointed by the State Government under the MRC Act
- (d) None of the above

58. If a landlord withholds any essential supply or service to the tenanted premises the tenant can seek remedy by way of

- (a) Suit in Small Causes/Civil Court
- (b) Application to the Competent Authority appointed by the Government
- (c) Application for restoration in the Small Cause/Civil Court
- (d) Writ petition in the Hon'ble High Court

59. Whether appeal against the decision in appeal of appellate bench of Small Causes Court/District Court would lie before

- (a) Hon'ble High Court
- (b) Competent Authority appointed by the State?
- (c) No appeal lies
- (d) Supreme Court

60. If the landlord fails to keep the premises in good and tenant repairs, the proper remedy for tenant is

- (a) to file a suit
- (b) to make an application to the Court
- (c) to make such repairs himself after 15 days notice to the landlord
- (d) to file a writ petition

61. If sufficient cause is made out the time for filing proceedings in the Court can be extended if

- (a) the delay is for presenting the appeal or application under C.P.C.
- (b) the delay is for filling suit
- (c) the delay is for filling any original proceeding
- (d) all of the above

62. If a cause of action for the suit arises when the plaintiff is minor he may institute the suit

- (a) within the period prescribed by limitation for such suit after he attains majority
- (b) within one year of his attaining majority
- (c) within the time prescribed by limitation from the date of cause of action
- (d) none of the above

63. In computing the period of limitation for any suit, appeal or application the day from which such period is to be reckoned

- (a) shall be excluded
- (b) shall be included
- (c) may be excluded by the Court in an appropriate case
- (d) none of the above

From Student to Lawyer to Judge

64. While computing period of limitation of a suit time spent in another similar proceeding in the Court having no jurisdiction can be excluded if

- (a) the plaintiff had acted in good faith with due diligence
- (b) the plaintiff was misled by a wrong advice
- (c) the plaintiff bonafide found the place where he filled such proceeding more suitable to him
- (d) none of the above

65. A suit can be said to be in limitation even after period prescribed

- (a) if the parties to the suit by agreement had agreed to waive it
- (b) if the defendant admits the whole claim of the plaintiff in notice reply
- (c) if the defendant acknowledges liability of the plaintiff's right before expiration of the period of limitation
- (d) If the defendant does not raise any objection to the plaintiff's claim on the ground of limitation

66. When a new defendant is added in the suit, the suit shall be deemed to have been instituted against him from

- (a) the date of his addition
- (b) the date of institution of the suit
- (c) the date on which issues are framed
- (d) the date on which summons is served on him

67. In case of an easement by prescription the period of twenty years must be ending within-from the date of Institution of the suit

- (a) three years
- (b) two years
- (c) twelve years
- (d) one year

68. Suit on a bill of exchange or promissory note payable at a fixed time should be filed within three years from

- (a) the date of execution
- (b) the date on which time expires
- (c) the date of demand
- (d) the date of denial to pay

from Student to Lawyer to Judge

69. A suit for possession of immovable property based on title can be brought within 12 years from

- (a) the date of dispossession
- (b) the date of demand of possession
- (c) the date on which the defendant refuses to deliver possession
- (d) the date on which possession of defendant becomes adverse**

70. Where no period of limitation is prescribed for an application it can be filed within

- (a) one year
- (b) two years
- (c) three years**
- (d) twelve years

71. An ordinance can be issued by the President at anytime when

- (a) the Parliament is in session
- (b) Lok Sabha is not in session
- (c) Rajya Sabha is not in session
- (d) Both the Houses or Parliament are not in session**

72. The proposal to prefer charge against the President of India should be moved by at least of the total number of members of the House

- (a) 1/10th
- (b) 1/5th
- (c) 2/3rd
- (d) 1/4th**

73. Article 14 of Indian Constitution does not prohibit

- (a) class legislation
- (b) special treatment to an individual
- (c) treatment unequal at an equal footing
- (d) reasonable classification**

74. Under Article 356 a proclamation to remain operative must be approved within 2 months by

- (a) Lok Sabha only
- (b) Rajya Sabha only
- (c) Both the Houses of Parliament**

From Student to Lawyer to Judge

(d) Either (1) or (2)

75. Who presides over the meetings of Lok Sabha in the absence of the Speaker

(a) The President

(b) The Vice-President

(c) Deputy Speaker

(d) Prime Minister

76. Which of the following fundamental rights is available to both the citizens and non- citizens?

(a) The right to six freedoms

(b) The right to equality before law

(c) Cultural and educational rights

(d) The right to equality of opportunity in public employment

77. Who appoints Attorney General of India?

(a) Parliament

(b) Chief Justice of India

(c) Prime Minister

(d) President

78. Who can issue a writ for the enforcement of legal right?

(a) High Court

(b) Supreme Court

(c) Both (a) and (b)

(d) No writ is there for legal right

79. Judges of the Supreme Court, other than the be Chief Justice of Supreme Court, are appointed by

(a) The Prime Minister in consultation with the Cabinet

(b) The President in consultation with Chief Justice of India

(c) Union Public Service Commission

(d) Attorney General of India

From Student to Lawyer to Judge

80. In case there is a conflict between the Preamble and other provisions of Constitution, which will prevail over the other

- (a) Preamble will prevail
- (b) Other provision will prevail
- (c) Both will go side by side
- (d) Interpretation of the Supreme Court will prevail

81. Essential ingredients of the offence mischief is

- (a) intention to cause destruction of a property
- (b) intention to change nature of a property
- (c) intentionally causing wrongful loss or damage to the property of another by destroying or diminishing its value
- (d) none of the above

82. A person entrusted with a property dishonestly converts it to his own use, he commits a

- (a) Fraud
- (b) Cheating
- (c) Criminal misappropriation
- (d) Criminal breach of trust

83. When by putting any person in fear of injury dishonestly induced by another to deliver property it is

- (a) theft
- (b) dacoity
- (c) robbery
- (d) extortion

84. Theft is committed when

- (a) a movable property is taken away secretly without consent of its owner
- (b) a movable property is removed from the custody of its owner
- (c) a movable property is snatched from the hands of its owner
- (d) none of the above

85. Grievous hurt means

- (a) Hurt caused by deadly weapon
- (b) Hurt caused with the intention of committing murder
- (c) Any hurt which endangers life

From Student to Lawyer to Judge

(d) Bruises and lacerated wounds

86. Unlawful assembly means

- (a) an assembly of five or more persons having designed a common object
- (b) an assembly of five or more persons having common object to commit offence**
- (c) an assembly of three or more persons having common object to commit mischief
- (d) None of the above

87. Criminal conspiracy means

- (a) a agreement between two persons from doing an illegal act**
- (b) plan or design or committing acts to oppose wrong traditions in the society
- (c) plan or design or forming association to compel Government to do an act
- (d) agreement between two persons for doing an immoral act

88. If a person instigates, intentionally aids or engages another person to do a thing he is said to have

- (a) Abetted such another person**
- (b) Conspired with that person
- (c) Becomes member of unlawful assembly
- (d) Designed commission of offence

89. When a person gains something by unlawful means to which he is not legally entitled it is

- (a) Cheating
- (b) wrongful gain**
- (c) fraud
- (d) causing injury which is likely to cause death

90. Culpable homicide means

- (a) attempt to cause death
- (b) causing death intentionally**
- (c) causing grievous injury
- (d) causing injury which is likely to cause death

From Student to Lawyer to Judge

91. A suit involving unregistered partnership arising from a right from a contract of such partnership is maintainable

- (a) if it is filed by such firm against a third party
- (b) if it is between the partners
- (c) if it is filed against the firm by third party claiming to be a partner
- (d) if it is filed by the legal heirs of deceased partner for accounts of such firm

92. Partnership firm

- (a) is a legal entity
- (b) is not a legal entity
- (c) is a company
- (d) is a corporate body

93. "Partnership" means

- (a) joint venture
- (b) agreement between the persons to share the profit of a business carried on between them
- (c) agreement between the persons to do some work
- (d) none of the above

94. An agreement is void if

- (a) one of the party to it is minor
- (b) if consent of one of the party is obtained by misrepresenting it
- (c) if it's object is unlawful
- (d) none of the above

95. Agreement to do impossible act is

- (a) voidable
- (b) void
- (c) unlawful
- (d) fraud

96. Communication of a proposal is complete as against the proposer when

- (a) he decides to propose
- (b) when he starts the process of communicating the proposal
- (c) when the proposal reaches the acceptor
- (d) when it is put in a course of transmission to him so as to be out of the power of acceptor

Ans. (Deleted)

97. A contract between an insurance company and vehicle owner to save the later from consequences of a vehicular accident is a contract of

- (a) guarantee
- (b) surety
- (c) bailment
- (d) indemnity**

98. Delivery of goods is deemed to have been accepted by the buyer when

- (a) price of the goods is paid
- (b) the goods are in transit
- (c) the goods are tendered to him
- (d) intimation of their acceptance is sent by him**

99. A contract of sale of goods is a contract whereby

- (a) the price of the goods is stipulated
- (b) seller delivers the goods to the buyer
- (c) seller transfers or agrees to transfer the property in goods to the buyer for a price**
- (d) none of the above

100. Unpaid seller means

- (a) a seller who has not agreed to deliver a specific property
- (b) a seller who has not delivered property, sold
- (c) a seller who is ready to receive a part of agreed price
- (d) a seller who is not paid or tendered whole of the price agreed**

From Student to Lawyer to Judge