

MADHYA PRADESH JUDICIAL SERVICE

Preliminary Exam 2014

1. Which one of the following is not a Directive Principle of State Policy?

- (a) Organization of Village Panchayats
- (b) Uniform Civil Code for citizens and non-citizens**
- (c) Right to work to education and to public assistance in certain cases
- (d) Separation of Judiciary from executive

2. When a writ is issued to an inferior court or tribunal on the grounds of exceeding its jurisdiction or acting contrary to the rules of natural justice. It is called a writ of

- (a) Certiorari**
- (b) Prohibition
- (c) Mandamus
- (d) Quo Warranto

3. Which article of the Constitution of India confers power to grant pardons on the Governor of a State?

- (a) Article 151
- (b) Article 161**
- (c) Article 163
- (d) Article 171

4. In preamble of the Constitution, the people of India have resolved to constitute India into

- (a) Sovereign Democratic Republic
- (b) Sovereign Socialist Democratic Republic
- (c) Sovereign Socialist Secular Democratic Republic**
- (d) Sovereign Secular Democratic Republic

5. Article 24 of the Constitution prohibits employment of children in any factory or mine or in any hazardous employment below the age of

- (a) Eighteen years
- (b) Twelve years
- (c) Fourteen years**
- (d) Sixteen years

6. The power to grant pardons, reprieves, respites or remissions of punishment etc. under Article 72 of Constitution is exercised by the President of India

- (a) On the advice of the Prime Minister
- (b) On his own as Head of the Union
- (c) On the advice of the Council of Ministers**
- (d) On the advice of the Law Minister

7. Under T.P. Act, a mortgage by deposit of title deeds is called

- (a) Anomalous mortgage
- (b) English mortgage
- (c) Equitable mortgage**
- (d) Usufructuary mortgage

8. According to Section 122 of the Transfer of Property Act, 1882 property includes

- (a) Only movable property
- (b) Only Immovable property
- (c) Both movable and immovable property
- (d) Agricultural Land only

9. Under T.P. Act, which of the following property has not been recognized by Statute but by Courts as any Immovable property?

- (a) Right of way
- (b) Right to collect rent of immovable property
- (c) A right of worship in turn
- (d) Right to fishery

10. Under Section 3 of the T.P. Act, 1882, 'Attested' in relation to an instrument means attested by at least witness

- (a) One witness
- (b) Two witnesses
- (c) Three witnesses
- (d) Two or more witnesses

11. Under T.P. Act, which of the following mortgage with value of Rs. 100/- or above is not compulsory registrable?

- (a) Simple mortgage
- (b) Mortgage by Conditional Sale
- (c) English Mortgage
- (d) Mortgage by Deposit of Title-deeds

12. At the first hearing of the suit, the Court must

- (a) Frame and record issues
- (b) Record the evidence of plaintiff
- (c) Ascertain whether the allegations in the pleadings are admitted or denied
- (d) All of the above

13. Application under Order 9. Rule 7 of CPC to set aside the order of ex-parte proceeding may be filed

- (a) within 30 days
- (b) within 60 days
- (c) within 90 days
- (d) At or before the date fixed for hearing

From Student to Lawyer to Judge

14. Under C.P.C. money deposited in execution of money decree if less than decretal amount

- (a) To be appropriated first against interest and costs
- (b) To be appropriated first against the principal amount
- (c) To be appropriated 50% against the principal amount and 50% against interest and costs
- (d) To be appropriated 75% against the principal amount and 25% against interest and costs

15. The Court may compel the attendance of any person to whom a summons has been issued under section 30 of CPC and for that purpose may

- (a) issue a warrant for his arrest
- (b) attach and sell his property or impose a fine upon him
- (c) order to him furnish security for his appearance and in default commit him to the civil person
- (d) do all of the above

16. Under order 7 Rule 11 of the CPC 1908, the plaint shall not be rejected

- (a) where it discloses cause of action
- (b) where the suit appears from the statement in the plaint to be barred by any law
- (c) where the plaintiff fails to comply with the provision of Rule 9
- (d) where it is not filed in duplicate

17. Pleading does not include

- (a) Pleat
- (b) Written Statement
- (c) Evidence
- (d) Material Facts

18. On death of either parties to the suit after conclusion of hearing and before pronouncement of Judgment the suit

- (a) shall abate
- (b) shall not abate
- (c) may abate with the permission of Court
- (d) none of the above

19. Who shall furnish the affidavit which is filed in support of the plaint?

- (a) By Plaintiff
- (b) Where there is more than one plaintiff by one of them
- (c) By the person who verifies the pleading of plaint
- (d) By the pleader of Plaintiff

20. A makes a contract with B to buy his house for Rs. 50,000 if he is able to secure a bank loan for that amount. The contract is

- (a) Contract of Guarantee (b) Wagering contract
(c) Contingent contract (d) Voidable contract

21. Under Indian Contract Act, where both parties are under mistake as to matter of fact, the agreement is

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

22. Which one of the following statements is correct in regard to a contract for sale of immovable property?

- (a) Time is always the essence of the contract
(b) Time is never the essence of the contract
(c) Time would not be regarded as the essence of the contract unless it is shown that the parties intended so
(d) Since it is a sale of immovable property, even parties cannot intend to make time, the essence of the contract

23. 'A' agreed to pay 'B' rupees 500 for giving false evidence in his favour and afterwards refused to pay

- (a) 'B' can compel 'A' to pay the agreed sum as the contract was valid
(b) 'B' cannot claim money as the contract was void because it was intended to defeat the legal process
(c) 'B' cannot claim the money because the contract was voidable at the option of 'A'
(d) 'B' can claim the money as the contract was neither void nor voidable

24. Under Specific Relief Act, whether plaintiff in possession of property as watchman can file a suit for permanent injunction against his dispossession by real owner of suit property

- (a) No, because, plaintiff does not acquire interest in property irrespective of his long possession, therefore not entitled to injunction against real owner of suit property
(b) Yes, because of long possession, plaintiff is entitled to injunction against real owner of suit property.
(c) Yes, because watchman, employed to look after property may acquire interest in property therefore is entitled to injunction against real owner of suit property.
(d) Yes, because his possession has become adverse.

25. Plaintiff, without having any title, filed a suit, for permanent injunction against dispossession, based on long possession

- (a) Because there is no title-Plaintiff may be dispossessed
(b) Law respects possession-Plaintiff cannot be dispossessed except in accordance with law

- (c) Suit is not maintainable
- (d) Suit is not maintainable only for the relief of permanent injunction

26. Which section of the Specific Relief Act, 1963 provides about specific performance of a Contract which cannot be specifically enforced?

- (a) Under Section 14
- (b) Under Section 15
- (c) Under Section 16
- (d) Under Section 41

27. In which condition an injunction can be granted under Specific Relief Act 1963?

- (a) to restrain any person from instituting or prosecuting in a criminal matter
- (b) to restrain any person from applying to any legislative body
- (c) when the plaintiff has a personal interest in the matter
- (d) to prevent the breach of a contract the performance of which would not be specifically enforced

28. In order to attract the applicability of Section 14 of the Limitation Act, which condition is not required to be satisfied?

- (a) Both, the prior and subsequent proceedings are civil proceedings prosecuted by the same party in a Court
- (b) The prior proceeding had been prosecuted with due diligence and good faith
- (c) The earlier proceeding and the later proceeding may be based on different matter in issue
- (d) The failure of the prior proceeding was due to defect of jurisdiction or other cause of like nature

29. Suit filed by plaintiff based on agreement to sell, which was executed on 03.09.2001 with a stipulation that sale deed will be executed within six months. Stay order passed in another appeal by which owner was restrained from alienating this property w.e.f. 03.03.2003 to 28.09.2008 for the purpose of the calculation of the period of limitation

- (a) Period of three years would start from 03.03.2002 i.e. after lapse of six months because there was no stay against the plaintiff for filing a suit claiming specific performance
- (b) Period of stay w.e.f. 03.03.2003 to 28.09.2006 could be excluded with the help of Section 15 of Limitation Act.
- (c) Period of three years will start after 28.09.2006.
- (d) Period of three years will start from 03.09.2001. Suit cannot be filed after 03.09.2004.

30. Land was granted by State Government by way of allotment with a limitation on enjoyment for 15 years. Transfer did not involved absolute

ownership of land. Period of limitation of claim adverse possession in such cases would be

- (a) 30 years (b) 12 years (c) 60 years (d) 20 years

31. Appeal against a decree can be filed in High Court within

- (a) 90 days (b) 30 days (c) 120 days (d) 45 days

32. Who is the landlord for the purpose of Section 23J of M.P. Accommodation Control Act?

- (a) A retired Servant of Government (b) A Government Servant
(c) A divorced wife (d) A handicapped person

33. Defendant was a watchman, authorized to remain in possession of the premises by plaintiff. Whether eviction suit under Section 12 of Accommodation Control. Act, 1961 is maintainable against him?

- (a) Maintainable before Civil Court
(b) Maintenance before Rent Controlling Authority
(c) Suit is not maintainable
(d) Maintainable before the Collector

34. As per Section 13 of M.P. Accommodation Control Act the rent may be deposited in the court. Whether Section 13 is applicable to execution proceedings of decree for eviction?

- (a) Section 13 is applicable in execution proceedings
(b) Depend upon the discretion of the court
(c) Section 13 is not applicable to execution proceedings of decree for eviction
(d) Applicable if the execution is filed within 6 months

35. Defendant was in arrears of rent for the period from April-May, 1980. Notice was served on defendant on 14.08.1980. Suit was filed for eviction on 04.03.1985. Summons were served on the defendant on 03.04.1985 defendant not deposited the arrears of rent within two months from the date of receipt of summons and also not complied with provision of Section 13(a) of M.P. Accommodation Control Act whether he is entitled to the benefit of Section 12(c) of the Act?

- (a) He is not entitled to the benefit of Section 12(3) of the Act
(b) He is entitled to the benefit of Section 12(3) of the Act
(c) He will be entitled if he deposits the arrears of rent within 6 months
(d) He will be entitled if he deposits the arrears of rent within 12 months

36. Which one is not correct-Under Section 2(a) of the MP Accommodation control Act, "accommodation" means any building or part of a building and includes

(a) any land which is being used for agricultural purpose

(b) garden, grounds, garages and out houses

(c) any fitting affixed to such building

(d) any furniture supplied by the landlord for use in such building

37. Which one of the following proposition is correct about Section 14 of the M.P. Accommodation Control Act. 1961?

(a) Tenant may sub-let the whole or any part of the accommodation held by him as tenant without consent of the Landlord,

(b) Tenant may not sub-let the accommodation held by him without the previous oral consent of the Landlord.

(c) Tenant may not sub-let the accommodation held by him without the previous consent in writing of the Landlord

(d) None of the above

38. M.P. Accommodation Control Act does not apply to

(a) Government Property

(b) Non-agricultural Land

(c) Property of Local Authority used to residential purpose

(d) All of the above

39. Under which one of the following sections of M.P. Accommodation Control Act, powers of Civil Court have been provided to the Rent Control Authority?

(a) Section 28

(b) Section 29

(c) Section 30

(d) Section 31

40. Tahsildar passed the order under M.P. L.R.C. granting easement of right of way or right to take water, through the land of a owner. Whether the jurisdiction of the civil court to entertain a suit for declaration or injunction is barred?

(a) Section 257 of M.P. L.R.C. bars the Jurisdiction of Civil Court in such matters

(b) Only Collector have the Jurisdiction

(c) Jurisdiction of Civil Court not barred by Section 257 of the Code

(d) Only Revenue Board have the Jurisdiction

41. Under Section 113 of M.P. Land Revenue Code, clerical errors which have been made in the record of rights may at any time be corrected by the

(a) Sub-divisional Officer

(b) Collector

(c) Revenue Inspector

(d) Tahsildar

42. Under Section 248 of M.P. Land Revenue Code, the powers to fine a person for unauthorisedly taking possession of land has been given to

- (a) Tahsildar (b) Sub-divisional Officer
(c) Collector (d) Revenue Inspector

43. Which of the following is incorrect regarding Service Land under M.P. L.R.C.?

- (a) Right in service land extinguishes if the land is used for non-agricultural purpose
(b) Lease of service land can be granted for a period less than one year
(c) Service land cannot be attached in execution of a decree
(d) None of the above

44. The revisional authority mentioned in Section 50 of the M.P. Land Revenue Code may exercise suo motu power of revision

- (a) At any point of time
(b) Within a period of one year from the date of such order
(c) Within a period of sixty days from the date of such order
(d) Within a reasonable period of time which will depend upon the facts and circumstances of each case

45. Under M.P. Land Revenue Code, who has power to alter, create or abolish Divisions, District, Sub-divisions and Tahsils?

- (a) Chief Secretary of the State (b) Board of Revenue
(c) Chief Minister of the State (d) State Government

46. A record of right prepared and maintained under Section 108 of the M.P. Land Revenue Code, contains following particulars

- (a) The name of all Bhumiswami (b) Survey number or plot numbers of land
(c) Their irrigated or unirrigated area (d) All the above

47. Which Section of the M.P. L.R.C. provides for appointment of kotwars and their duties?

- (a) Section 224 (b) Section 230 (c) Section 234 (d) Section 243

48. Under M.P. Land Revenue Code "Agriculture Year" means the year commencing on the First Day of?

- (a) January (b) April (c) July (d) October

49. Under Indian Evidence Act, 1872 for proving execution of a registered will

- (a) be necessary to call at least two attesting witnesses
(b) be necessary to call at least one attesting witness
(c) be necessary to call the executant
(d) be necessary to call the registrar

50. Under Indian Evidence Act, 1872 what number of witnesses will be required for the proof of any fact?

- (a) No Particular number (b) At least one eye witness
(c) Two witnesses (d) Party and one Eyewitness

51. Under Indian Evidence Act, 1872 reports published in Newspaper are

- (a) Primary evidence and its contents are admissible in evidence without any proof
(b) Secondary evidence and its contents are not admissible in evidence without proper proof of the contents under the Evidence Act
(c) Neither Primary nor secondary evidence
(d) No evidence at all

52. Under Indian Evidence Act 1872 for raising presumption in respect of an electronic record that electronic signature on the record which purports to be that of any particular person was so affixed by him, the record shall be

- (a) 3 years old (b) 6 years old (c) 5 years old (d) 10 years old

53. Test Identification parade conducted during investigation of a case is admissible in evidence under which of the Section of the Evidence Act?

- (a) Section 6 (b) Section 7 (c) Section 8 (d) Section 9

54. Under Indian Evidence Act. 1872 the statement of hostile witness

- (a) is irrelevant (b) can be acted upon
(c) cannot be acted upon (d) has no evidentiary value

55. The opinion of examiner of electronic evidence is a relevant fact under which provision of the Indian Evidence Act?

- (a) 45A (b) 47A (c) 65A (d) 65B

56. Whoever kidnaps or abducts any child with intention of taking dishonestly any movable property from the person of such child, shall be punished under Section 369 of IPC if the child is under

- (a) ten years (b) twelve years (c) fourteen years (d) sixteen years

57. To constitute an offence of criminal conspiracy under I.P.C. what is the necessary condition to be proved?

- (a) There must be a prior meeting of two or more persons.
(b) There must be an agreement of two or more persons to do an illegal act or to do a legal act by illegal means.
(c) A person does an illegal act with the help of two or more persons.
(d) Two or more persons commit a crime on a sudden provocation with guilty mind.

58. Removal of ornaments dishonestly from the body of deceased person is

- (a) Robbery under Section 392 of IPC (b) Theft under Section 379 of IPC
 (c) Cheating under Section 417 of IPC (d) An offence under Section 404 of IPC

59. 'A' declares that she wants to commit suicide and runs towards a well but is caught and stopped by 'B' from jumping into the well. 'A' is guilty of which offence under Indian Penal Code?

- (a) Attempt to commit suicide (b) Attempt to commit culpable homicide
 (c) Preparation to commit suicide (d) No offence

60. A with the intention of causing the death of a child of tender age, exposes it in deserted place, but death of the child does not ensue. 'A' has committed an offence of

- (a) Attempt to Murder (b) Attempt to cause grievous injury
 (c) No offence has been committed (d) Attempt to cause simple hurt

61. Even after clear indication of disinterest shown by a woman to man, if such man follows her, then under which circumstance it would not constitute offence of stalking?

- (a) It was pursued under a law (b) One-sided love affair
 (c) Due to a commercial transaction (d) None of the above

62. Which of the following Section of Indian Penal Code is related to the offence of "Voyeurism"?

- (a) 354A (b) 354B (c) 354C (d) 354D

63. After the amendment by Criminal Law (Amendment) Act, 2013 to the Indian Penal Code the offence of Gang-rape is punishable under Section

- (a) 376(2) (g) (b) 376B (c) 376C (d) 376D

64. When the person who would otherwise be competent to compound an offence under Section 320 of Cr.P.C. is dead. then-

- (a) Legal representative of such person as defined in the Code of Criminal Procedure, 1973 can compound the offence with the permission of the Court.
 (b) Offence can be compounded by any alive eye witness.
 (c) Offence cannot be compounded after the death of person.
 (d) Legal representative of such person as defined in the Code of Civil Procedure 1908, can compound the offence with the consent of the Court.

65. Under Cr.P.C. after committal of the case. Sessions Court found that another person against whom a prima facie case is made out from the materials contained in the case papers have not been included then

- (a) Sessions Court would have no alternative, but to wait till the stage under Section 319 of Cr.P.C.

(b) Sessions Court can issue summons under Section 193 on the basis of the records transmitted to him

(c) Case should be remanded to the committal Magistrate for appropriate action

(d) Direction should be given to Police to file separate charge sheet against additional accused.

66. In relation to FIR lodged under Section 154 of Cr.P.C. which of the following statement is not correct?

(a) It is not a substantive evidence

(b) it merely marks the beginning of the Investigation

(c) it cannot be used as a previous statement for any purpose

(d) the informant need not be an eye witness

67. Under Section 125 of Cr.P.C.

(a) A daughter can be asked to maintain her father.

(b) A father can be asked to maintain his minor child.

(c) A son can be asked to maintain his father.

(d) All of the above

68. Under Section 2(1) of Cr.P.C. the "Non- cognizable Case/Offence" means a case in which

(a) A Police Officer has authority to arrest without warrant

(b) A Police Officer has no authority to arrest without warrant

(c) A Police Officer above the rank of Dy S.P has power to arrest without warrant

(d) None of above is correct

69. Under Cr.P.C., Police Officer may arrest any person without an order from a Magistrate and without a warrant

(a) who commits a cognizable offence in the presence of a Police Officer

(b) who has been proclaimed as an offender either under this Code or by order of the State Government

(c) who obstructs a Police Officer while in the execution of his lawful duty

(d) in above all circumstances

70. Under Section 357A(a) of Criminal Procedure Code which of the Authority is authorised to decide quantum of compensation?

(a) Sessions Judge

(b) Legal Service Authority

(c) Chief Judicial Magistrate

(d) District Magistrate Negotiable

71. Under Section 143 of the Negotiable Instruments Act, trial shall be concluded within months from the date of filing of the complaint

- (a) 2 (b) 4 (c) 6 (d) 8

72. The cognizance of offence under Section 138 of N.I. Act can be taken by the JMFC having territorial jurisdiction at the

- (a) Place of the issuance of the cheque
 (b) Place of the delivery of the statutory notice
 (c) Place when the complainant chooses to present the cheque for encashment by his Bank
 (d) Place where the cheque is dishonoured by the bank on which it is drawn

73. A signs instruments in the following terms, which instruments are promissory note under Section 4 of the N.I. Act 1881?

- (a) I promise to pay 'B' or order Rs. 500/- to be paid on demand.
 (b) I promise to pay 'B' Rs. 5000/- and all other some which shall be due to him.
 (c) I promise to pay 'B' Rs. 5000/- first deducting there out any money which he may own me.
 (d) I promise to pay 'B' Rs. 5000/- ten days after my marriage with 'C'

74. Which Section provides that the offences under the Negotiable instruments Act are compoundable?

- (a) Section 137 (b) Section 141 (c) Section 147 (d) Section 149

75. Offences under the Negotiable Instruments Act are triable by

- (a) Sessions Judge (b) Judicial Magistrate First Class
 (c) Executive Magistrate (d) Judicial Magistrate Second Class

76. According to W.H.O was first discovered in 1976, that spread among the human population via direct contact with blood or bodily fluids from infected person.

- (a) Ebola virus (b) HIV virus (c) Dengu virus (d) Swine flue

77. Which two Rivers are originated from Amarkantak.

- (a) Narmada & Tapti (b) Betwa & Narmada
 (c) Son & Narmada (d) Kshipra & Son

78. India's Mars Orbiter Spacecraft (Mangalyan) successfully entered into orbit around planet Mars on

- (a) 6 September 2014 (b) 24 September 2014
 (c) 11 September 2014 (d) 14 September 2014

79. The largest number of Tiger reserves are located in

- (a) Karnataka (b) Andhra Pradesh

(c) Madhya Pradesh (d) West Bengal

80. In the recently concluded Asian games what was the position of Indian in final medal tally?

(a) 9th (b) 10th (c) 8th (d) 7th

81. 'Madhubani' a style of folk painting is popular in which of the following states in India?

(a) Uttar Pradesh (b) Rajasthan (c) Madhya Pradesh (d) Bihar

82. Who is the Governor of the Reserve Bank of India?

(a) Raghuram Rajan (b) D. Subbarao (c) Y.V. Reddy (d) Bimal Jalan

83. "Forge your Future" written by

(a) A.P.J. Abdul Kalam (b) Shakuntala Devi

(c) Sachin Tendulkar (d) Shivkheda

84. Recently which Indian citizen received Nobel Prize for peace" of 2014?

(a) Kailash Satyarthi (b) Mother Teresa

(c) Dalailama (d) Ravindranath Tagore

85. United Nations announces "International Day of Yoga" on

(a) 19 June (b) 21 June (c) 23 June (d) 27 June

86. How many countries are members of South Asian Association for Regional Co-operation?

(a) 6 (b) 7 (c) 8 (d) 10

87. Who propounded the theory that "the earth moves around the sun"?

(a) Einstein (b) Copernicus (c) Graham Bell (d) Galileo

88. How many languages are there in the Eighth Schedule of the Constitution of India?

(a) 16 (b) 18 (c) 20 (d) 22

89. First Indian President of International Court of Justice was

(a) Justice Nagendra Singh (b) Justice A.K. Mathur

(c) Justice PN. Bhagwati (d) Justice S.M. Skiri

90. On whose 139th Birth anniversary 'Run for Unity' was organised?

(a) Smt. Indira Gandhi (b) Sardar Vallabh Bhai Patel

(c) Pt. Jawaharlal Nehru (d) Swami Vivekanand

91. Which is not the application software

(a) Thumb drive (b) Web browsers

(c) Word Processing Programs (d) Spreadsheet

92. As per classification which cannot be called "Computer"

(a) Workstations (b) Mainframe (c) Minicomputer (d) Ubuntu

93. The acronym HTML stands for

(a) High Transfer Machine Language (b) High Transmission Markup Language
(c) Hypertext Markup Language (d) Hypermedia Markup Language

94. Who invented Computer?

(a) Charles Babbage (b) Galileo Galilee
(c) Peter Heintein (d) None of these

95. Which of the following can be used to select documents?

(a) CTRL+A (b) CTRL+S (c) SHIFT+A (d) ALT+F5

96. Which word is nearest in the meaning to the 'Esoteric'

(a) Fair (b) Popular (c) Alluring (d) Private

97. One who does not believe in God is called

(a) Theist (b) Atheist (c) Optimist (d) Heretic

98. If you smuggle goods into the country. those may be by the custom authority

(a) Punished (b) Fined (c) Possessed (d) Confiscated

99. He preferred Cricket any other sport.

(a) against (b) to (c) over (d) than

100. For the given capitalized word, pick the option that is closest in meaning CORCE

(a) enhance (b) compel (c) instigate (d) lure

From Student to Lawyer to Judge