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HPJS (Prelims)

**Previous Year Paper
(Civil Law-II) Paper-II
2018**



BOOKLET NO.

1917

DO NOT OPEN THIS TEST BOOKLET UNTIL YOU ARE ASKED TO DO SO
HPJS/2018 TEST BOOKLET SERIES

**TEST BOOKLET
PAPER II
CIVIL LAW-II**

A

Time Allowed : 1 Hour]

[Maximum Marks : 100

All questions carry equal marks.

INSTRUCTIONS

1. Write your Roll Number only in the box provided alongside.
Do not write anything else on the Test Booklet.
2. This Test Booklet contains 50 items (questions). Each item comprises four responses (answers). Choose only one response for each item, which you consider the best/correct.
3. After the candidate has read each item in the Test Booklet and decided which of the given responses is correct or the best, he has to mark the circle containing the letter of the selected response by blackening it completely with ball point pen as shown below. In the following example, response "C" is so marked :
4. Do the encoding carefully as given in the illustrations. While encoding your particulars or marking the answers on answer sheet, you should blacken the circle corresponding to the choice in full and no part of the circle should be left unfilled. In the test ball point pen of black or blue ink is to be used as such you should be very careful while marking the responses. Double marking in the answer sheet will fetch zero mark. You may clearly note that since the answer sheets are to be scored/evaluated on O.M.R., any violation of the instructions may result in reduction of your marks for which you would yourself be responsible.
5. You have to mark all your responses ONLY on the ANSWER SHEET separately given to you. No erasing/correction fluid is allowed.
6. All items carry equal marks. Attempt *all* items. Your total marks will depend only on the number of correct responses marked by you in the Answer Sheet. There will be no negative marking.
7. Before you proceed to mark responses in the Answer Sheet, fill in the particulars in the front portion of the Answer Sheet as per the instructions sent to you.
8. After you have completed the test, hand over the Answer Sheet only to the Invigilator. You are permitted to take away with you the Test Booklet.

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CIVIL LAW-II

Time Allowed : 1 Hour]

[Maximum Marks : 100

1. In which of the following judgments of High Court of Delhi it was held that a female coparcener can be Karta of a Hindu Undivided Family ?
 - (A) *Gangoli Vs. H.K. Chinnappa*
 - (B) *Sujata Sharma Vs. Manu Gupta*
 - (C) *Commissioner of Income Tax Vs. Seth Govind Ram*
 - (D) *Raghunath Rai Bareja and Another Vs. Punjab National Bank*
2. A Hindu male X dies intestate leaving behind his mother's father, mother's mother, mother's brother and mother's sister. Who out of the following succeed X ?
 - (A) Mother's father and mother's mother
 - (B) Mother's brother and mother's sister
 - (C) Mother's father and mother's sister
 - (D) Mother's mother and mother's brother

3. Bars to Matrimonial Relief are given in which provision of the Hindu Marriage Act, 1955 ?
- (A) Section 23 (B) Section 24
- (C) Section 25 (D) Section 26
4. Interim relief of litigation expenses and maintenance can be ordered to be paid to a Hindu wife under which of the following legislations ?
- (A) The Hindu Adoption and Maintenance Act, 1956
- (B) The Hindu Marriage Act, 1955
- (C) Both (A) and (B)
- (D) Neither (A) nor (B)
5. In which of the following cases, the question of constitutional validity of Section 9 of the Hindu Marriage Act, 1955 was finally settled by the Supreme Court ?
- (A) *T. Sareetha Vs. Venkata Subbaiah*
- (B) *Havinder Kaur Vs. Harmander Singh*
- (C) *Saroj Rani Vs. Sudarshan Kumar*
- (D) *Bipin Chandra Vs. Prabhavati*

6. In which recent judgment, the Supreme Court held that in a case under Section 13B(2) of the Hindu Marriage Act, 1955, 'cooling off period' may be waived off not only by the Supreme Court under Article 142 of the Constitution but by any Court if conditions specified are satisfied ?
- (A) *Om Prakash Vs. Nalini*
 - (B) *Priyanka Singh Vs. Jayant Singh*
 - (C) *Kailash Vs. Nankhu*
 - (D) *Amardeep Singh Vs. Harveen Kaur*
7. Out of the following situations, when will the limited estate of the widow not enlarge into an absolute right under Section 14(1) of the Hindu Succession Act, 1956 ?
- (A) A widow was allowed to reside in a property during her life time before the Act came into force
 - (B) A widow alienates the property, but the alienation is held to be invalid and the property is reconveyed to her before the Act came into force
 - (C) A widow in possession of lands belonging to the deceased husband was illegally dispossessed by the husband's collaterals prior to the Act came into force
 - (D) A widow was in possession of her husband's property as his heir prior to the Act came into force

8. The following pertains to the Hindu Minority and Guardianship Act, 1956. Match the statements in List I with the Sections in List II and select the correct answer using the codes below the Lists :

List-I

List-II

- | | |
|--|------------------|
| (a) Step-father and step-mother cannot be the natural guardian of a Hindu minor | (i) Section 12 |
| (b) Guardian not to be appointed for minor's undivided Interest in joint family property | (ii) Section 13 |
| (c) Welfare of minor to be of paramount consideration | (iii) Section 10 |
| (d) A minor is not competent to act as guardian of property | (iv) Section 6 |

Codes :

- | | | | |
|-----------|------|-------|-------|
| (a) | (b) | (c) | (d) |
| (A) (i) | (ii) | (iii) | (iv) |
| (B) (iv) | (i) | (ii) | (iii) |
| (C) (i) | (iv) | (ii) | (iii) |
| (D) (iii) | (iv) | (i) | (ii) |

9. A, a Hindu male has C as his legally wedded wife, marries B, a Hindu. B conceives a child by A during the continuance of the marriage. Later, the marriage between A and B is declared by the Court to be null and void. Later B gives birth to a son S. A has no other living son. A adopts a son D. Why is adoption of D not valid ?

- (A) S is a legitimate son of A under Section 16 of the Hindu Marriage Act, 1955
- (B) S is a legitimate son of A under Section 11(1) of the Hindu Adoption and Maintenance Act, 1956
- (C) Because of the combined effect of Section 16 of the Hindu Marriage Act and Section 11 of the Hindu Adoption and Maintenance Act.
- (D) Because A cannot adopt a son when he already has a son

10. *Dastane Vs. Dastane* is a case relating to :

- | | |
|--------------|-----------------|
| (A) Adoption | (B) Divorce |
| (C) Marriage | (D) Maintenance |

11. Which of the following statements is *false* with respect to a minor entering into a contract ?
- (A) An agreement with or by a minor is void *ab initio*
 - (B) A minor can be a beneficiary of a contract
 - (C) The contracts involving a minor as a beneficiary may be enforced at the option of the third party
 - (D) A minor cannot ratify a contract on attaining majority
12. 'A' sees an article marked "Price Rupees 200 only" in B's shop. He offers 'B' Rupees 200 for the article. 'B' refuses to sell saying that the article is not for sale. Which of the following statements is *correct* ?
- (A) 'A' cannot force 'B' to sell the article at Rupees 200
 - (B) 'A' can force 'B' to sell the article at Rupees 200
 - (C) 'A' can claim damages
 - (D) 'A' can sue 'B' in the Court

13. "Where two parties have made a contract which one of them has broken, the damages which the other party ought to receive in respect of such breach should be such as may fairly and reasonably be considered either arising naturally or reasonably be supposed to have been in contemplation of both the parties at the time of entering the contract." This statement was laid down in the case of :
- (A) *Frost Vs. Knight*
 - (B) *Hadley Vs. Baxendale*
 - (C) *Dunlop Pneumatic Tyre Ltd. Vs. New Garage and Motor Co. Ltd.*
 - (D) *General Vs. Barker*
14. The case of *Balfour Vs. Balfour* deals with :
- (A) Breach of contract
 - (B) Intention to create legal relationship
 - (C) Standard form of contract
 - (D) Frustration
15. A contract cannot be frustrated :
- (A) By change of circumstances
 - (B) By initial impossibility
 - (C) By subsequent impossibility
 - (D) Due to negligence of either party

16. Which of the following is *not* covered under the Law of Contract ?
- (A) Bailment of goods (B) Sale of goods
(C) Guarantee (D) Indemnity
17. A contract without consideration is *nudum pactum* unless :
- (A) It is in writing and made out of natural love and affection
(B) Present voluntary services
(C) Debt
(D) None of the above
18. The Indian Contract Act came into force on :
- (A) 15th September, 1872 (B) 1st September, 1872
(C) 1st October, 1872 (D) 15th October, 1872
19. Section 41 of the Indian Contract Act 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
20. Where both the parties to an agreement are under a mistake as to a matter of fact essential to the agreement, the agreement is void under which Section of the Indian Contract Act ?
- (A) Section 23 (B) Section 20
(C) Section 24 (D) Section 26

21. Transfer of Property deals with 'transfer of property'.
(A) By operation of law (B) By act of parties
(C) By court order (D) By government order
22. Doctrine of Election is covered under :
(A) Section 42 of the Transfer of Property Act, 1882
(B) Section 14 of the Transfer of Property Act, 1882
(C) Section 32 of the Transfer of Property Act, 1882
(D) Section 35 of the Transfer of Property Act, 1882
23. The principle of 'Feeding the Grant by Estoppel' is given under which provision of the Transfer of Property Act, 1882 :
(A) Section 19 (B) Section 13
(C) Section 43 (D) Section 52
24. What is the maximum period of perpetuity ?
(A) Life estates of one or more persons and 16 years
(B) Life estates of one or more persons and 18 years
(C) Life estates of one or more persons and 21 years
(D) None of the above
25. Which of the following kinds of mortgage is *not* defined under Section 58 of the Transfer of Property Act ?
(A) Mortgage by conditional sale (B) Usufructuary mortgage
(C) Indian mortgage (D) English mortgage

26. Which of the following legislation defines 'License' ?
- (A) The Transfer of Property Act, 1882
 - (B) The Indian Easement Act, 1882
 - (C) The Indian Contract Act, 1872
 - (D) None of the above
27. Within the meaning of Section 48 of the Transfer of Property Act, 1882, the transferor cannot prejudice the rights of the transferee by any subsequent dealing with the property. This self-evident rule is expressed in :
- (A) Equitable maxim *qui prior est tempore porior est jure*
 - (B) *Quid pro quo*
 - (C) Bonafide transfer
 - (D) None of the above
28. The basic ingredient of the doctrine of *Lis Pendens* are :
- (A) The suit should be collusive
 - (B) Property should have been transferred or otherwise dealt with
 - (C) A litigation should be pending in a court of competent jurisdiction
 - (D) The suit must not be related to a specific immovable property

29. A donee, who has taken all the properties of the donor and is 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 these

30. With regard to the provisions of the Transfer of Property Act, match List I with List II and select the *correct* answer by using the codes given below the Lists :

List I

List-II

- | | |
|------------------------------|--------------------|
| (a) <i>Spes Successionis</i> | (i) Section 6(c) |
| (b) Right of re-entry | (ii) Section 6(a) |
| (c) Dominant heritage | (iii) Section 6(e) |
| (d) Right to sue | (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) |

31. Match List I with List II and select the *correct* answer by using the codes given below the Lists. This relates to the Limitation Act, 1963 :

List I

List-II

- | | |
|---|------------------|
| (a) Suit in <i>Forma pauperis</i> | (i) Section 13 |
| (b) Proceedings stayed by an injunction | (ii) Section 14 |
| (c) Defect in jurisdiction | (iii) Section 15 |
| (d) Effect of fraud on limitation | (iv) Section 17 |

Codes :

- | | | | |
|-----------|-------|-------|------|
| (a) | (b) | (c) | (d) |
| (A) (i) | (ii) | (iii) | (iv) |
| (B) (i) | (iii) | (ii) | (iv) |
| (C) (ii) | (iii) | (i) | (iv) |
| (D) (iii) | (iv) | (i) | (ii) |

32. What is the limitation period in a suit by a landlord to recover possession from a tenant after the date the tenancy is determined ?

- | | |
|---------------|------------------|
| (A) One year | (B) Two years |
| (C) Six years | (D) Twelve years |

33. The limitation period in a suit by a surety against co-surety when the surety has paid anything in excess of his own share :

- (A) Two years
- (B) Three years
- (C) Six years
- (D) Twelve years

34. Delay in filing a suit :

- (A) Cannot be condoned
- (B) Can be condoned under Section 3 of the Limitation Act, 1963
- (C) Can be condoned under Section 3 read with Order VII Rule 6, Civil Procedure Code
- (D) Can be condoned under Section 5 of the Limitation Act, 1963

35. 'Time requisite' under Section 12(2) of the Limitation Act, 1963 means :

- (A) Minimum time
- (B) Maximum time
- (C) Actual time taken
- (D) Absolutely necessary time

36. A fraud contemplated by Section 17 of the Limitation Act is that of :
- (A) By the defendant (B) By the plaintiff
- (C) By a third person (D) None of these
37. Under Section 25 of the Limitation Act, easement rights over a property are acquired by continuous and uninterrupted user for :
- (A) Twelve years (B) Twenty years
- (C) Thirty years (D) Three years
38. 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

39. In computing the period of limitation for filing an appeal :
- (A) The day on which judgment is pronounced shall be excluded
 - (B) The day on which judgment is pronounced shall be included
 - (C) The day on which judgment is pronounced and the time requisite for obtaining copy of the decree shall be excluded
 - (D) The time taken for preparing a copy of the decree be included
40. Under Section 19 of the Limitation Act, 1963, the part payment of debt extends the period of limitation :
- (A) From the date of expiry of initial period of limitation
 - (B) From the date of extended period of limitation
 - (C) From the date of acknowledging of debt
 - (D) From the date of part payment.
41. Under the Himachal Pradesh Urban Rent Control Act (HPURCA), 1987, the fair rent of a building or rented land is determined by the Controller :
- (A) Taking into consideration the rent prevailing in the locality for similar building or rented land
 - (B) Taking into consideration the rent agreed between the landlord and the tenant
 - (C) Taking into consideration the compromise arrived at between the parties
 - (D) Taking into consideration the rent fixed by the Controller for a similar building or rented land in the locality

42. Provision for determination of 'Fair Rent' under the HPURCA, 1987 is given under :
- (A) Section 4 (B) Section 6
(C) Section 7 (D) Section 5
43. Order of succession in the event of death of the person continuing in possession after the termination of his tenancy under the HPURCA, 1987 is as follows :
- (A) Parents, son or daughter, surviving spouse, daughter-in-law
(B) Surviving spouse, daughter-in-law, parents, son or daughter
(C) Surviving spouse, son or daughter, parents, daughter-in-law
(D) Surviving spouse, son or daughter, daughter-in-law, parents
44. When fair rent is fixed for a building, no further increase in fair rent is permissible under the HPURCA, 1987 *except* in cases of :
- (A) Additions (B) Repairs
(C) Alterations (D) Improvements
45. Under Section 9 of the HPURCA, 1987, rent which should not have been paid, may be recovered :
- (A) within a period of one year from the date of payment
(B) within a period of two years from the date of payment
(C) within a period of ten years from the date of payment
(D) within a period of three years from the date of payment

46. Match List I with List II and select the *correct* answers by using the codes given below the Lists. (The Himachal Pradesh Urban Rent Control Act, 1987) :

List I

List-II

- | | |
|--|------------------|
| (a) Cutting off or withholding
essential supply or service | (i) Section 12 |
| (b) Conversion of a residential
building into a non-residential
building | (ii) Section 11 |
| (c) Landlord's duty to keep the
building or rented land in
good repairs | (iii) Section 17 |
| (d) Recovery of possession in case
of tenancies for limited period | (iv) Section 13 |

Codes :

- | | | | |
|-----------|-------|-------|-------|
| (a) | (b) | (c) | (d) |
| (A) (i) | (ii) | (iii) | (iv) |
| (B) (iv) | (iii) | (ii) | (i) |
| (C) (ii) | (i) | (iv) | (iii) |
| (D) (iii) | (iv) | (i) | (ii) |

47. Right to recover immediate possession of tenanted premises under the HPURCA, 1987 does not accrue to which of the following ?
- (A) A person in occupation of any residential premises allotted by the Central Government, State Government or any local authority
 - (B) A specified landlord on his retirement
 - (C) Widow/widower of the specified landlord on his death
 - (D) A specified landlord retiring from the armed forces
48. Which Section under the HPUCRA, 1987 provides for 'Leases of vacant buildings' ?
- (A) Section 18
 - (B) Section 19
 - (C) Section 20
 - (D) Section 22
49. Leave to contest the application for eviction on the ground of bonafide requirement is provided under which Section of the HPURCA, 1987 ?
- (A) Section 16(4)
 - (B) Section 16(5)
 - (C) Section 16(2)
 - (D) Section 16(6)
50. Under Section 15(3) of the HPURCA, 1987, if the landlord commits any default in making any refund of advance rent or any other payment within a period of 90 days from the date of recovery of possession, he is liable to pay simple interest at the rate of :
- (A) 9% per annum
 - (B) 6% per annum
 - (C) 11% per annum
 - (D) 3% per annum