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HPJS (Prelims)

**Previous Year Paper
(Civil Law-II) Paper-II
2016**



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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.
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 to avoid erasing at a later stage. 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.
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.

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CIVIL LAW-II

Time Allowed : 1 Hour]

[Maximum Marks : 100

1. In the Nash Vs Inman case, the issue was :
 - (A) Minor's liability
 - (B) Frustration
 - (C) Fraud
 - (D) Misrepresentation
2. To convert a proposal into a promise the acceptance must be :
 - (A) Qualified
 - (B) Unqualified
 - (C) General
 - (D) Absolute and unqualified
3. In which of the following statements "undue-influence" does *not* exist ?
 - (A) When dominating party holds real or apparent authority
 - (B) When a person's mental capacity is affected because of bodily distress
 - (C) When a party threatens another to commit suicide
 - (D) When the party holds fiduciary relationship

4. Contract is frustrated due to frustration of :

- (A) Subject matter of contract
- (B) Change of one party's desire
- (C) Consideration of contract
- (D) Capacity to contract

5. Quasi contract emerged from :

- (A) Assumpsit
- (B) Indebitatus assumpsit
- (C) Non-feasance
- (D) Misfeasance

6. Which one of the following pairs is *correctly* matched ?

(A) Mohribibi Vs. Dharmodas Ghose	—	Proposal
(B) Hadley Vs. Baxendale	—	Free consent
(C) Satyabrat Ghose Vs. Mogniram	—	Frustration of contract
(D) Lalman Shukla Vs. Gauri Dutt	—	Capacity to contract

7. Promissory estoppel against government agencies is decided in :

- (A) Tweedle Vs. Atkinson 4LT468
- (B) Dutton Vs. LE 83LR523
- (C) Delhi Cloth & General Mills Ltd Vs. Union of India AIR 1987 SC 2414
- (D) Kedar Nath Vs. Gorie Mohd. ILR (1886) 14 Col. 64

8. Arrange the following concepts in sequence in which they occur, using the codes given below :

- (1) Offer is communicated
- (2) Counteroffer is made
- (3) Offer is rejected
- (4) Counteroffer is accepted

Codes :

- (A) (1), (2), (3), (4)
- (B) (1), (3), (2), (4)
- (C) (1), (4), (2), (3)
- (D) (2), (1), (3), (4)

13. The nature of marriage of an impotent person is :

14. Which one of the following sections of the Hindu Succession Act, 1956 makes provisions for “Notional Partition” ?

15. 'A' a Hindu has two wives W_1 and W_2 and one son S by wife W_1 and four sons S_1, S_2, S_3 and S_4 by wife W_2 . On a partition of coparcenary property W_1 and W_2 will get :

- (A) No share, as neither of them is a coparcenary
- (B) $\frac{1}{4}$ share each
- (C) $\frac{1}{5}$ share each
- (D) $\frac{1}{8}$ share each

16. In which of the following cases, the Supreme Court held that “the demand of dowry, which is prohibited under law is amount to cruelty and also a ground for dissolution of marriage” ?

- (A) Jaya Chandra Vs. Aneet Kaur, AIR 2005 SC 534
- (B) Shobha Rani Vs. Madhukar Reddy AIR 1988 SC 121
- (C) Vishwanath Sita Ram Agrawala Vs. Sarla Vishwanath Agrawala AIR 2012 SC 2586
- (D) V. Bhagat Vs. D Bhagat (1994) ISCC 337

17. In which of the following cases, the Supreme Court held that “Mens rea is not an essential element of cruelty” ?

- (A) Suman Kapoor Vs. Sudhir Kapoor, AIR 2009 S.C. 589
- (B) Chandra Mohini Vs. A.P. Srivastava, AIR 1967 S.C. 581
- (C) Shobha Rani Vs Madhukar Reddy, AIR 1988 S.C. 121
- (D) Russel Vs. Russel (1897) A.C. 395

18. In which case, the Supreme Court held that "Staying together under the same roof is not a pre-condition for mental cruelty"?

(A) J.L. Nanda Vs. Smt. Veena, AIR 1988 S.C. 407

(B) Kameswara Rao Vs. G. Jabilli, AIR 2002 S.C. 576

(C) K. Srinivas Rao Vs. D.A. Deepa, AIR 2013 S.C. 2176

(D) N.C. Dastane Vs. S. Dastane, AIR 1975 S.C. 1534

19. 'A' remarries with a five days of the passing of a decree of annulment of marriage under HM Act, 1955. Is the marriage :

(A) Void (B) Valid

(C) Voidable (D) Illegal

20. A Joint Hindu Family does *not* include :

(A) Married son

(B) Married daughter

(C) Adopted son

(D) Adopted daughter

21. What may be transferred ?

- (A) Spes successions
- (B) A right to sue
- (C) A right of re-entry to the owner for breach of a condition subsequent
- (D) A right to future maintenance

22. The doctrine lis-pendens applies where :

- (A) The suit is collusive
- (B) The transfer is made after the decree of the trial court but before the filing on an appeal
- (C) Right to movable property in question
- (D) Property is situated outside the territorial jurisdiction of the court

23. When does unborn person acquire vested interest on transfer ?

- (A) As soon as he is born
- (B) On attaining majority
- (C) On attaining 21 years
- (D) After marriage, if female

24. Which is *not* the ingredient of Section 53-A of TP Act ?

- (A) Agreement for transfer
- (B) Consideration
- (C) Transfer has performed his part
- (D) Movable property

25. A lease of immovable property from year to year is terminable on the part of the lessor or lessee by the notice :

- (A) one month
- (B) six months
- (C) three months
- (D) sixty days

26. What is *not* required in “gift” ?

- (A) Donor and Donee
- (B) Consideration
- (C) Movable or immovable property
- (D) Transfer and acceptance

27. Which one of the following sections of TP Act deals with doctrine of "substituted security" ?

(A) Section 68 (B) Section 70
(C) Section 71 (D) Section 73

28. Remedy of 'foreclosure' is available in which of the following mortgages ?

- (A) Usufructuary mortgage
- (B) Simple mortgage
- (C) Mortgage by conditional sale
- (D) English mortgage

29. The assignment of the rights of a mortgagee to a woman in consideration of past cohabitation is :

30. 'A' makes a gift of Rs. 70,000 to 'B'. 'A' reserves right with B's consent to take back at pleasure Rs. 20,000 out of Rs. 70,000 :

- (A) valid but condition is void
- (B) void
- (C) unlawful
- (D) voidable

31. A suit for recovery of money is filed after 4 years. The court can condone the delay under Limitation Act :

- (A) ex-parte
- (B) after notice to the defendant
- (C) either (A) or (B)
- (D) none of the above

32. In computing the period of limitation for an appeal the time required for taking the copy of decree or judgment is excluded :

- (A) if an application has been made
- (B) even if an application has not been made
- (C) either (A) or (B)
- (D) none of the above

33. The period of limitation for a review of judgment is :

(A) 60 days (B) 90 days
(C) 30 days (D) 180 days

34. The provisions of Section 3 of the Limitation Act, 1963 are :

(A) Mandatory (B) Directory
(C) Discretionary (D) Optional

35. Section 6 of the Limitation Act, 1963 can be availed by :

(A) the plaintiffs (B) the defendants
(C) both (A) and (B) (D) none of these

36. Ground for condonation of delay :

(A) Poverty (B) Sickness
(C) Illiteracy (D) All of these

37. A party who prays for condonation of delay under Section 5 of the Limitation Act, 1963 has to establish that :

- (A) He was Vigilant
- (B) No negligence on his part
- (C) No lack of bonafides on his part
- (D) All of the above

38. Where a person is affected by two legal disabilities or where one disability followed by another without leaving the gap, then suit or application may be filed :

- (A) Till the first disability ceases to exist
- (B) Till the second disability ceases to exist
- (C) After both disabilities have ceased
- (D) None of the above

39. If a pronote is executed on 5th June 1945, the last day for filing the suit will be :

40. Section 13 of the Limitation Act, 1963 applies in case of :

41. In which of the following cases, the Supreme Court held that "the services in lieu of the right of occupation would amount to receipt of rent under the Rent Act to create sub-tenancy ?"

- (A) Dipak Vs. Lilabati, AIR 1987 S.C. 2058
- (B) Brijendra Nath Vs. Harshvardhan, AIR 1988 S.C. 293
- (C) Mangat Rai Vs Kedar Nath, AIR 1980 S.C. 1709
- (D) Rupchand Vs. Gopi Chand, AIR 1989 S.C. 1416

42. In which of the following cases, the Supreme Court held that “where no rent has been fixed by the controller, the landlord can receive the future rent in advance exceeding one month’s rent” ?

(A) Rup Chand Vs. Gopi Chand, AIR 1989 S.C. 1416

(B) M.M. Chawla Vs. J.S. Sethi 1969 RCJ 913 (SC)

(C) Mangat Rai Vs. Kedar Nath AIR (1980) S.C. 1709

(D) Bhagat Ram Vs. Brij Nath (1990) PbLR&S 711

43. The rent laws are subject-matters of under :

(A) Entry 18 of List II, State List of the Constitution

(B) Entry 6 of List III Concurrent List of Constitution

(C) Both (A) and (B)

(D) None of the above

44. On which date the H.P. Urban Rent Control Ordinance 1987 (Ordinance No. 5 of 1987) was published in H.P. Gazette :

(A) 16 August, 1987 (B) 20 August, 1987

(C) 15 August, 1987 (D) 18 August, 1987

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

List I

List II

(a) Bonafide requirement	(i) S 14(2) (V)
(b) Ceased to occupy	(ii) S 14(3)
(c) Right recover immediate possession of premises to certain persons	(iii) S 15
(d) Receipt to be given fair rent paid	(iv) S 20

Codes :

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

(A) (i) (ii) (iii) (iv)

(B) (ii) (i) (iii) (iv)

(C) (iii) (iv) (i) (ii)

(D) (iv) (iii) (ii) (i)

46. Provisions as to eviction of tenants under the H.P. Urban Rent Control Act, 1987 are described under :

47. Section 4 of the H.P. Urban Rent Control Act, 1987 contains provisions relating to :

- (A) increase of fair rent
- (B) revision of fair rent
- (C) determination of fair rent
- (D) none of the above

48. In which Section of H.P. Urban Rent Control Act 1987 contains condition for conversion of a residential building into a non-residential building ?

(A) Section 10 (B) Section 11
(C) Section 12 (D) Section 13

49. Match List I with List II and select the *correct* answer by using the codes given below (HPURC Act) :

List I

- (a) Bhagwandas Vs. Kaushalya Devi
- (b) Bijendra Nath Vs. Harshvardan
- (c) Om Prakash Vs. Sarla Kumari
- (d) Bhagat Ram Vs. Brij Nath

List II

- (i) Landlord duty to keep the building good condition for rent
- (ii) Change of user
- (iii) Arrear of rent
- (iv) Nuisance

Codes :

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

50. In which of the following cases, the Supreme Court held that "the firm name is only a compendious way of describing the partners of the firm" ?

- (A) Murli Dhar Vs. Chuni Lal 1970 RCJ 922 (SC)
- (B) Tirath Ram Vs. Gurbachan Singh AIR 1987 S.C 720
- (C) Anant Ram Vs. Raghubar Dayal (1971) RCJ 30
- (D) None of the above