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**MHC
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**Previous Year Paper
(Prelims) Paper-I
10 Jun, 2023**





PROPOSED KEY ANSWERS
FOR THE PRELIMINARY EXAMINATION FOR THE POST OF
DISTRICT JUDGE (ENTRY LEVEL) IN THE PUDUCHERRY JUDICIAL
SERVICE HELD ON 10.06.2023 (SATURDAY)

(Notification No.41/2023, dated 08.03.2023)

The proposed key answers for Paper – I and Paper – II, marked in the Question Booklet (**A-Series**), for the Preliminary Examination for the post of **District Judge (Entry Level)** in the Puducherry Judicial Service conducted on 10.06.2023 (Saturday) in two sessions, i.e. Paper – I (10.00 a.m. – 01.00 p.m.) and Paper – II (02.00 p.m. – 05.00 p.m.) are hosted herewith.

Any objection with regard to any of the proposed key answers should be sent by the candidates to the Registrar (Recruitment), High Court, Madras, through e-mail (**recruitment.mhc@gov.in**) within **two days from today**, specifying the following: 1.Name of Paper, 2.Series of the Question Booklet, 3.Question Number, 4.Photostat copy of the question paper, 5.Self-attested photo copies of source documents / proof on the basis of which he / she submits objections / clarifications. In such Objections, Registration Number, Name and address of the candidate etc., with **supporting material** for such claim should invariably be quoted.

Any objections received after two days or without requisite particulars or incorrect question number or vague objections without any material to support etc., will receive no attention.

Dated: 12.06.2023

Place: Chennai.

Sd/-XXX

Registrar (Recruitment)

MHCPDJFN0000

Question Booklet Series :

A

Booklet No.



Register No.

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Duration : Three Hours

(Time : 9.00 A.M. to 12.00 Noon)

(Session - I)

Max Marks: 150

**[0.25 Negative marks for
each incorrect answer]**

OBJECTIVE TYPE – 2023

PAPER – I

Read the following instructions carefully before you begin to answer the questions.

IMPORTANT INSTRUCTIONS

1. The candidates will be supplied with Question Booklet 15 minutes prior to the commencement of the Examination.
2. This Question Booklet contains **150 objective questions**. Before answering the questions, the candidates are requested to check whether all the questions are in serial order and ensure that there are no blank pages in the question booklet. In case, if any defect is noticed in the question booklet, it shall be reported to your room invigilator immediately, so as to get it replaced with a new question booklet with the same series. If the defect is reported after the commencement of the Examination, it will not be replaced.
3. The Question paper is in English and all the questions carry equal marks, i.e., $150 \times 1 \text{ mark} = 150 \text{ marks}$. **For each incorrect answer, 0.25 marks will be deducted.**

[Turn over

SEAL

SPACE FOR ROUGH WORK



Rough Work

1. ✓ A 'Contract for Sale' of immovable property
- (A) does create interest in such property
 - (B) does create charge on such property
 - Ⓒ does not, by itself, create interest in or charge on such property
 - (D) none of the above
2. ✓ A patient in a Mental Health Centre, who is, at intervals, of sound mind _____ during those intervals.
- (A) cannot contract
 - Ⓑ may contract
 - (C) may contract through his guardian only
 - (D) may contract with the permission of the court
3. ✓ In a contract of guarantee
- Ⓐ there is an implied promise by the principal debtor to indemnify the surety
 - (B) there is no implied promise by the principal debtor to indemnify the surety
 - (C) there is an implied promise by the surety to indemnify the creditor
 - (D) none of the above
4. ✓ 'A' owes 'B', under a contract, a sum of money, the amount of which has not been ascertained. 'A', without ascertaining the amount, gives to 'B' and 'B', in satisfaction thereof accepts the sum of Rs. 2000/-. This is a discharge of
- Ⓐ whole debt
 - (B) part debt
 - (C) earnest money
 - (D) previous debt

5. There is presumption of existence of contract entitling an agent to enforce or bind him in respect of contracts entered by him on behalf of principal
- (A) where the contract is made by an agent for the sale or purchase of goods for a merchant resident abroad
 - (B) where the agent does not disclose the name of his principal
 - (C) where the principal, though disclosed, cannot be sued
 - ☒ (D) all of the above
6. When an acceptance may be revoked:
- (A) An acceptance may be revoked at any time before the communication of the acceptance is complete as against the proposer, but not afterwards
 - ☒ (B) An acceptance may be revoked at any time before the communication of the acceptance is complete as against the acceptor, but not afterwards
 - (C) An acceptance may be revoked at any time before the communication of the acceptance is incomplete as against the acceptor, but not afterwards
 - (D) An acceptance may be revoked at any time after the communication of the acceptance is complete as against the acceptor, but not afterwards
7. When consent to an agreement is caused by coercion, fraud or misrepresentation, the agreement is a contract
- ☒ (A) voidable at the option of the party whose consent was so caused
 - (B) illegal
 - (C) depends upon the circumstances of the case
 - (D) void
8. If the event becomes impossible, such contracts becomes:
- (A) Illegal
 - (B) Bad
 - ☒ (C) Void
 - (D) Voidable

9. ✓ A condition is a stipulation to the main purpose of the contract, the breach of which gives rise to a right to treat the contract as repudiated
- (A) Not essential (B) Not collateral
(C) Essential (D) Collateral
10. ✓ A remedy of a person unsuccessful in a suit u/s 6 of the Specific Relief Act is to file
- (A) appeal
(B) application for review
(C) a regular suit for establishing title to the suit property
(D) none of the above
11. ✓ Specific performance of a contract cannot be enforced in favour of a person
- (A) who would not be entitled to recover compensation for its breach
(B) who acts in fraud of the contract
(C) who fails to prove that he has performed or has always been ready and willing to perform the essential terms of the contract which are to be performed by him.
(D) (A) to (C) above
12. ✓ Suit for possession under Section 6 of the Specific Relief Act, 1963 is to be filed within _____ of dispossession.
- (A) six months (B) one year
(C) three years (D) twelve years

13. Where no time is fixed for the performance of agreement, a suit for specific performance is to be filed within
- (A) three years of the agreement
 - (B) three years of notice seeking performance
 - ☒ (C) three years of notice of refusal of performance
 - (D) twelve years of the agreement
14. ✓ Specific relief can be granted only for the purpose of
- ☒ (A) enforcing individual civil rights and not for the mere purpose of enforcing a penal law
 - (B) enforcing individual fundamental rights
 - (C) enforcing individual criminal rights only
 - (D) enforcing individual civil rights as well as criminal rights
15. Which formality is essential for a valid adoption?
- (A) homa
 - (B) registration
 - ☒ (C) actual giving and taking
 - (D) written document
16. In a suit for compensation for malicious prosecution the plaintiff has to prove
- (A) that the prosecution was actuated by malice
 - (B) the prosecution was instituted against him without any reasonable or probable cause
 - (C) the proceedings complaint of terminated in favour of the plaintiff
 - ☒ (D) all the above
17. 'Armchair Rule' pertains to
- (A) Interpretation of statute
 - ☒ (B) Interpretation of a will
 - (C) Interpretation of terms of a contract
 - (D) None of the above

18. ✓ For the application of Section 14(1) of Hindu Succession Act 1956, the female Hindu
- (A) must have some interest in the property vested in her
 - (B) must be in possession of the property
 - (C) either (A) or (B)
 - ☒ (D) both (A) and (B)
19. ✓ 'Hiba under the Mohammedan Law means
- ☒ (A) immediate and unqualified transfer of the corpus of the property without any return
 - (B) immediate and unqualified transfer of the profits of the property without the corpus and without any return
 - (C) immediate but qualified transfer of the corpus of the property for a consideration
 - (D) immediate and unqualified transfer of the corpus of the property for a return
20. ✓ For the purpose of Section 6 of the Hindu Succession (Amendment of 2005) Act, 1956 'Partition' means
- (A) any partition made by execution of a deed of partition duly registered
 - (B) partition effected by decree of a Court
 - ☒ (C) (A) and (B) above
 - (D) none of the above
21. ✓ An application for grant of succession certificate may be entertained by a Court within whose jurisdiction
- (A) the deceased ordinarily resided
 - (B) where no fixed place of residence of deceased, at a place where any part of property may be found
 - ☒ (C) Both (A) and (B)
 - (D) where applicant resided

22. ✓ The object of Section 14(2) of Hindu Succession Act, 1956 is to
- (A) interfere in the contracts, grants, etc., by virtue of which a woman's right was restricted
 - ☒ (B) remove the disability on women imposed by law
 - (C) both (A) and (B)
 - (D) only (A) and not (B)
23. Presumption that the younger survived the elder under Section 21 of the Hindu Succession Act 1956 is a
- (A) Presumption of fact
 - (B) Presumption of fact and law
 - ☒ (C) Rebuttable presumption of law
 - (D) Irrebuttable presumption of law
24. ✓ Section 14 of the Hindu Succession Act, 1956 applies to
- (A) Movable property
 - (B) Immovable property
 - ☒ (C) Both movable and immovable property
 - (D) None of the above
25. ✓ The right of a child in the womb at the time of the death of the intestate are provided under the Hindu Succession Act in
- (A) Section 19
 - ☒ (B) Section 20
 - (C) Section 21
 - (D) Section 22
26. Which section of the Hindu Succession Act 1956 deals with the Order of succession among heirs in the Schedule?
- (A) Section 12 of Hindu Succession Act 1956
 - ☒ (B) Section 9 of Hindu Succession Act 1956
 - (C) Section 14 of Hindu Succession Act 1956
 - (D) Section 20 of Hindu Succession Act 1956

27. Section 25 of Hindu Succession Act 1956 deals with

- (A) Right of a child in the womb
- ☒ (B) Murderer disqualified
- (C) Disease, defect, etc. not to disqualify
- (D) Testamentary succession

28. When the same person becomes entitled to the absolute ownership of the whole of the dominant and servient heritages

- (A) an easement is neither extinguished nor suspended
- (B) an easement is suspended
- ☒ (C) an easement is extinguished
- (D) an easement is either suspended or extinguished

29. Which section of The Indian Easements Act 1882 deals with the Servient owners?

- (A) Section 12 of The Indian Easements Act 1882
- ☒ (B) Section 9 of The Indian Easements Act 1882
- (C) Section 14 of The Indian Easements Act 1882
- (D) Section 20 of The Indian Easements Act 1882

30. Which section of The Indian Easements Act 1882 deals with Exclusion in favour of reversioner of servient heritage?

- ☒ (A) Section 16 of The Indian Easements Act 1882
- (B) Section 14 of The Indian Easements Act 1882
- (C) Section 13 of The Indian Easements Act 1882
- (D) Section 18 of The Indian Easements Act 1882

31. Section 17 of the Indian Easements Act 1882 provides
- ☒ (A) Rights which cannot be acquired by prescription
 - (B) Servient owner not bound to do anything
 - (C) Injunction to restrain disturbance
 - (D) Transfer of dominant heritage passes easement
32. Which section of The Indian Easements Act 1882 deals with Passing of easement upon Transfer of dominant heritage?
- (A) Section 17 of The Indian Easements Act 1882
 - ☒ (B) Section 19 of The Indian Easements Act 1882
 - (C) Section 14 of The Indian Easements Act 1882
 - (D) Section 15 of The Indian Easements Act 1882
33. The immovable property sold in execution of a decree and such sale has become absolute, the property shall be deemed to have vested in the purchaser
- ☒ (A) from the time when the property is sold
 - (B) when the sale becomes absolute
 - (C) on grant of sale certificate
 - (D) on payment of entire purchase money
34. _____ the Court may by order appoint a receiver of any property before or after decree.
- ☒ (A) Where it appears to the court to be just and convenient
 - (B) Where it appears to the court that any property in dispute in a suit is in danger of being wasted, damaged or alienated by any party to the suit
 - (C) Where it appears to the court that any property in dispute in a suit is likely to be wrongfully sold in execution of a decree
 - (D) (B) and (C) above

35. Parties by their consent/agreement

- (A) can confer jurisdiction on a court, where there is none in law
- (B) can oust the jurisdiction of the court where there is one in law
- ☒ (C) can oust the jurisdiction of one of the courts when there are two courts simultaneously having jurisdiction in law
- (D) all the above

36. Which of the following statements are correct?

- (A) the executing court must take the decree as it stands
- (B) the executing court cannot go into the question whether the decree has been obtained by fraud
- (C) the executing court cannot question the legality, correctness or validity of the decree
- ☒ (D) all the above

37. A garnishee order is an order

- ☒ (A) prohibiting the judgment debtor's debtor from making any payment to the judgment debtor
- (B) directing the judgment debtor's creditor to take the payment from the judgment debtor's debtor
- (C) permitting the judgment debtor's debtor to make the payment to the judgment debtor
- (D) either (A) or (B) or (C)

38. I. Objection as to place of suing can be allowed at appellate stage though such objection was not taken in the Court of first instance.
II. Objection as to place of suing can be allowed at revisional stage though such objection was not taken in the Court of first instance.

- (A) I is true and II is false
- (B) I is false and II is true
- (C) Both I and II are true
- ☒ (D) Both I and II are false

39. What is the remedy against the order of detention in the civil prison under Order XXXIX, Rule 2A of Code of Civil Procedure?
- (A) Appeal under Clause (r) of Rule 1 of Order XLIII
 - (B) Appeal under Section 96 of C.P.C.
 - (C) Writ Petition
 - ☒ (D) Appeal under clause (h) of Section 104 of C.P.C
40. Where an immovable property of a judgment debtor is attached in execution, the statutory remedy of the person seeking to lay claim over the said property or object to attachment is
- (A) to challenge the said order by filing appeal
 - ☒ (B) file objections before the Court passing the order
 - (C) file Writ Petition before Hon'ble High Court.
 - (D) none of the above
41. Effect of death of sole plaintiff between the conclusion of the hearing and pronouncing of the judgment is that
- (A) The suit would be abate
 - (B) Legal representatives will have to be brought on record before judgment
 - ☒ (C) There will be no effect
 - (D) None of the above
42. If one of the several plaintiffs has to abandon a suit or part of a claim
- (A) he can do so on his own accord
 - ☒ (B) he has to obtain the consent of other plaintiffs
 - (C) he has to obtain consent of at least half of the plaintiffs
 - (D) none of the above

43. An anti suit injunction is

- ☒ (A) an order preventing opposite party from commencing or continuing proceeding in another jurisdiction
- (B) an order preventing opposite party from commencing or continuing proceeding in same jurisdiction
- (C) an order preventing another inferior Court from passing any order in favour of opposite party
- (D) none of the above

44. Which of the following deals with the time for inspection when notice is given in the Code of Civil Procedure?

- (A) Order 16, Rule 12
- (B) Order 4, Rule 13
- (C) Order 6, Rule 10
- ☒ (D) Order 11, Rule 17

45. ✓ Which of the following deals with the right to challenge non-appealable orders in appeal against decrees in the Code of Civil Procedure?

- ☒ (A) Order 43, Rule 1A
- (B) Order 31, Rule 9
- (C) Order 22, Rule 18
- (D) Order 9, Rule 10

46. In order that a decision in a former suit may operate as res judicata, the court which decided that suit must have been?

- I. A civil court of competent jurisdiction
 - II. A court of exclusive jurisdiction
 - III. A court of concurrent jurisdiction 'competent to try the subsequent suit'
 - IV. A court of limited jurisdiction competent to try the issue raised in the subsequent suit
- (A) Either I or III
 - (B) Either II or III
 - (C) Either III or IV
 - ☒ (D) All of these

47. An order under Order 33 Rule 11 CPC directing the pauper plaintiff to pay the Court-fees can only be made in which of the following cases?

- I. Where the plaintiff fails in the suit
- II. Where the plaintiff is dis-paupered under rule 9
- III. Where the suit is withdrawn
- IV. Where the suit is dismissed under the circumstances specified in cl. (a) or cl.(b)

- (A) I, III, IV
- (B) II, IV
- (C) III, IV
- ☒ (D) All of these

48. Which of the following are the principal rules as to concurrent jurisdiction?

- I. Concurrent as to pecuniary limit and the subject matter
- II. Competency of the former court to be determined as on the date of the 'former suit' and not as on the date of the 'subsequent suit'
- III. Competency of the trial court to determine
- IV. Competence of court when there is a court with preferential jurisdiction
- V. Both the suits are in revenue court, but appeals lie to different authorities

- (A) I, III
- (B) II, IV, V
- (C) I, IV, V
- ☒ (D) All of these

49. A gift of immovable property must be effected

- ☒ (A) by registered instrument signed by or on behalf of the donor, and attested by at least two witnesses
- (B) by registered instrument signed by or on behalf of the donor, and attested by at least two witnesses when the value of the property is Rs. 100 or upward
- (C) need not be effected by registered instrument
- (D) by delivery of possession by the donor and acceptance thereof by the donee

50. Which amongst the following is not a mode of transfer under the Transfer of Property Act, 1882?
- (A) Mortgage (B) Lease
(C) Exchange (D) Pledge
51. 'X' executes sale deed in respect of a property in favour of 'Y' for a consideration of Rs. One lakh. Out of the said amount Rs. Fifty thousand is paid and balance is to be paid within three months. What is the right of 'X' if the amount is not paid by Y?
- (A) He can revoke the sale deed
(B) He shall be entitled to the balance amount along-with interest
(C) He can exercise either or both of the aforesaid action
(D) None of the above
52. An agreement vendee of an immovable property can claim protection u/s. 53-A of Transfer of Property Act
- (A) if possession is given to him in part performance by written agreement
(B) if possession is given to him in part performance under an oral agreement
(C) if the agreement is registered although possession under part performance is not given.
(D) all of the above
53. Which of the following can be considered implied surrender of the lease?
- (A) Non acceptance of a new lease taking effect during the continuance of the existing lease
(B) Abandonment of possession by the lessee
(C) A surrender by one of the two joint lessee's, implied surrender on the part of second lessee
(D) None of these

54. Which of the following can be transferred under the provisions of the Transfer of Property Act, 1882?
- (A) The right to mesne profits
 - ☒ (B) A decree for mesne profits
 - (C) A transfer of property to a prostitute for future cohabitation
 - (D) A sub-lease of a farm for the retail sale of opium
55. Which of the following sections of the Transfer of Property Act, 1882 deals with the appointment of a receiver?
- (A) Section 68
 - (B) Section 68A
 - (C) Section 69
 - ☒ (D) Section 69A
56. Section 5 of the Transfer of Property Act, 1882
- (A) Applies to property sold in auction sale
 - ☒ (B) Does not apply to property sold in auction sale
 - (C) Applies to compromise of doubtful rights
 - (D) Does not apply to compromises of doubtful rights
57. The doctrine of lis pendens
- (A) is applicable to both movable and immovable property
 - ☒ (B) is applicable to both partial and absolute transfers
 - (C) is applicable on both specified and unspecified properties
 - (D) all of these
58. Under the provisions of section 29 of the Transfer of Property Act, 1882 an ulterior disposition of the kind contemplated in the provision of section 28 cannot take effect unless
- ☒ (A) condition is strictly fulfilled
 - (B) condition is not fulfilled
 - (C) only (B) is correct
 - (D) none of the above

59. Section 41 of the Transfer of the Property Act, 1882 applies to voluntary transfers and has no application to
- (A) court sale
 - (B) contingent sale
 - (C) perpetuity sale
 - (D) price less sale
60. The mortgagor in Indian law is the owner who had parted with some rights of ownership and the rights of redemption is a right which he exercises by virtue of his
- (A) residuary ownership
 - (B) pecuniary ownership
 - (C) conditional ownership
 - (D) none of the above
61. Owelty is
- (A) an amount paid by one owner to another to equalise partition of property
 - (B) an amount paid by transferee to the transferor for delayed payment of consideration
 - (C) an amount paid by tenant to Landlord for occupying the premises beyond agreed term
 - (D) an amount of damages to be recovered from a tortfeasor
62. In computing the period of limitation for any suit
- (A) the time during which the defendant has been absent from India shall be excluded
 - (B) the time during which the defendant has been absent from India shall not be excluded
 - (C) the time during which the defendant has been absent from India shall be excluded provided the period of limitation for the suit has not commenced to run before he has left India
 - (D) none of the above

63. ✓ Suit for partition of joint family property is to be filed within

- ☒ (A) Twelve years after the exclusion from the joint family becomes known to the plaintiff
- (B) Three years after the exclusion from the joint family becomes known to the plaintiff
- (C) Three years after the plaintiff loses possession
- (D) Twelve years after the plaintiff loses possession

64. ✓ Acknowledgment contemplated u/s. 18 of the Limitation Act for granting fresh period of limitation

- (A) may be an acknowledgment given beyond period of limitation
- ☒ (B) has to be given within prescribed period of limitation.
- (C) both (A) and (B)
- (D) none of the above

65. ✓ 'Tort' in the Limitation Act, 1963 includes which of the following?

- (A) Civil wrong, which is exclusively the breach of a contract or the breach of trust
- (B) Judicial wrong, which is not exclusively the breach of a contract or the breach of trust
- ☒ (C) Civil wrong, which is not exclusively the breach of a contract or the breach of trust
- (D) None of these

66. ✓ Which of the following sections of the Limitation Act, 1963 gives recognition to the concept of 'Adverse Possession'?

- (A) 22
- (B) 24
- (C) 26
- ☒ (D) 27

67. Where in any case, the suit or application is based upon fraud or mistake, the period of limitation shall not begin to run until the plaintiff or applicant has discovered the fraud or the mistake. The statement is

1. False
2. True
3. Provided under Section 17
4. Not provided under Limitation Act

Choose the correct combination:

- (A) None of the options is correct (B) Only (1) is correct
(C) (1) and (4) ☒ (D) (2) and (3)

68. Where the mortgage is illegal for want of registration but the mortgagee continues in possession of the mortgaged property, a valid mortgage comes in existence after the expiry of

- (A) 5 years (B) 10 years
☒ (C) 12 years (D) 20 years

69. 'X' executed a sale deed in favour of 'Y' on 1-1-2002. Subsequently on 10-1-2002, 'X' executed a sale deed in respect of the same property in favour of 'Z'. Thereafter the sale deed in favour of 'Z' executed on 10-1-2002 was registered on 20-1-2002. Whereas the sale deed in favour of 'Y' was registered on 30-1-2002. In the said case, by virtue of Section 47 of The Registration Act, 1908

- ☒ (A) the sale deed executed in favour of 'Y' on 1-1-2002 and registered on 30-1-2002 shall have precedence and confer title on "Y"
(B) the sale deed executed in favour of 'Z' on 10-1-2002 and registered on 20-1-2002 shall have precedence and confer title on 'Z'.
(C) both the sale deeds shall be void
(D) the sale deeds in favour of 'Y' and 'Z' shall remain valid to the extent of 50% of the property

70. ✓ The Section providing for documents of which registration is optional under the Registration Act is
- (A) Section 18 (B) Section 19
(C) Section 17 (D) Section 20
71. ✓ Under Section 34 of the Indian Registration Act, the registering officer shall inquire
- (A) about the identity of the property under transfer
(B) about the identity of the parties to that transfer
(C) about the title of the party seeking transfer of that property
(D) about all of these
72. If in an instrument the amount undertaken or ordered to be paid is stated differently in figures and in words
- (A) the instrument is void due to uncertainty
(B) the amount stated in figure shall be the amount undertaken or ordered to be paid
(C) the amount stated in words shall be the amount undertaken or ordered to be paid
(D) none of the above
73. ✓ Inchoate instrument means
- (A) Blank or incomplete instrument (B) Unstamped instrument
(C) Ambiguous instrument (D) Illegible instrument
74. ✓ Director of a company is vicariously liable for the offence committed by the company
- (A) in cases where statute so provides
(B) where there are specific allegations against the director
(C) both (A) and (B)
(D) none of the above

75. A "cheque" is a bill of exchange drawn on a specified banker and not expressed to be payable
- (A) on demand
 - (B) otherwise than on demand
 - (C) to payee
 - ☒ (D) either to order or to bearer
76. Where a promissory note is payable by installments, and two or more installments have become due, and the holder of the note sues only for one of the installments and omits to sue for the other installments?
- (A) He can afterwards sue for these installments
 - ☒ (B) He cannot afterwards sue for these installments
 - (C) Either (A) or (B)
 - (D) None of these
77. Which of the following is not included in the definition of "Bill of exchange payable on demand?"
- ☒ (A) Any instrument attested by a witness and payable to order or bearer, whereby a person /obliges himself to pay money to another
 - (B) A letter of credit, an instrument by which one person authorizes another to give credit, to the person in whose favour it is drawn
 - (C) An order for the payment of any sum of money by a bill of exchange or promissory note
 - (D) An order of the payment of any sum of money weekly, monthly, or at any other stated period person in whose favour it is drawn
78. What is epistolary jurisdiction?
- (A) Exercise of suo moto powers by Court
 - ☒ (B) Entertaining of letters as petitions by a Court.
 - (C) Allowing party in person to appear in Court
 - (D) Public Interest Litigation

79. ✓ Latin Maxim '*Audi Alteram Partem*' is based on the principle
- ☒ (A) No man be condemned unheard
 - (B) No man shall be judge of his own cause
 - (C) No man shall meet his maker with a lie in his mouth
 - (D) None of the above
80. ✓ Rules of procedure are handmaids of justice' means
- (A) Procedural laws need not be adhered to
 - ☒ (B) Procedural laws must sub serve to and are in aid of justice
 - (C) Procedural laws are always directory
 - (D) Procedural laws are always mandatory
81. ✓ Which of the following is the closest in meaning to the legal maxim *res communes*?
- (A) Whence there is truth, there is light
 - (B) Things belonging to nobody
 - ☒ (C) Things belonging to everybody
 - (D) Rest of the communities
82. ✓ *Actio personalis moritur cum persona* means :
- ☒ (A) A personal right of action dies with the person
 - (B) Personal Care of citizens
 - (C) An action directed toward a Criminal for reformation
 - (D) An action is not given to him who is not injured
83. ✓ What do you mean by the term *ad Litem*?
- ☒ (A) for the suit
 - (B) party in a dispute
 - (C) tax litigation
 - (D) money agreement

84. According to Sale of Goods Act, 1930 an unpaid seller has which rights where goods are passed to the buyer?
- (A) a lien on the goods for the price while he is in possession of them
 - (B) in case of the insolvency of the buyer a right of stopping the goods in transit after he has parted with the possession of them
 - (C) a right of re-sale as limited by this Act
 - ☒ (D) all of the above
85. Where there is a contract for the sale of specific or ascertained goods the property in them is transferred to the buyer
- ☒ (A) At such time as the parties to the contract intend it to be transferred
 - (B) At such time as the buyer only intend it to get it transferred
 - (C) It depends upon the circumstances of the case
 - (D) At such time as the seller only intend it to transfer to the buyer
86. The conditions and warranties in a sale of goods may be
- ☒ (A) Express or implied
 - (B) Express
 - (C) Implied
 - (D) None of the above
87. A lien can be exercised by the unpaid seller only
- (A) When the ownership right relating to goods have transferred to the buyer
 - ☒ (B) When the goods are still in possession of the un-paid seller
 - (C) When the goods have been transported through the carrier made available by the buyer
 - (D) When the goods have been delivered to the buyer

88. "Specific goods" means

- (A) Goods identified and agreed when actual sale is made
- ☒ (B) Goods identified and agreed upon at the time a contract of sale is made
- (C) Goods to be identified only when the buyer is making cash purchases
- (D) Goods identified at the time a contract of sale is made

89. Future goods' means

- (A) Goods to be manufactured or acquired from the third person by the seller after making of the contract of sale
- ☒ (B) Goods to be manufactured or produced or acquired by the seller after making of the contract of sale
- (C) Goods to be manufactured or produced by the seller after making of the contract of sale
- (D) Goods to be acquired by the seller after making of the contract of sale

90. 'Cooling off period prescribed under Section 13B of Hindu Marriage Act, 1955 is

- (A) three months
- ☒ (B) six months
- (C) nine months
- (D) twelve months

91. ✓ A divorced Muslim woman would be entitled to claim maintenance from her divorced husband, as long as?

- (A) She is observing iddat
- ☒ (B) She does not remarry
- (C) Both (A) and (B)
- (D) Neither (A) nor (B)

92. ✓ I. Appointment of testamentary guardian by father shall have no effect, if father predeceases the mother

II. Such appointment however revives if the mother dies without appointing, by Will, any person as guardian

- (A) I is correct but II is incorrect
- ☒ (C) Both I and II are correct
- (B) I is incorrect but II is correct
- (D) Both I and II are incorrect

93. Death of insured after the accident would bar the claim of the third parties against
- (A) Insurer (B) Estate of deceased
(C) Both (A) and (B) (D) Neither (A) nor (B)
94. ✓ I. In case of composite negligence liability of the tortfeasors is joint and several and it is the prerogative of the claimant to lay his claim against either or all of them.
II. In case of contributory negligence liability of the tortfeasor is to the extent of his negligence.
- (A) I is true, II is false (B) I is false, II is true
(C) I and II are true (D) I and II are false
95. ✓ "Hit and Run motor accident" is defined under which section of Motor Vehicles Act, 1988?
- (A) Section 160 (B) Section 161(a)(b)
(C) Section 164 (D) Section 159
96. Bar on jurisdiction of Civil Courts is provided under which Section of the Motor Vehicles Act
- (A) Section 94 (B) Section 75
(C) Section 76 (D) None of the above
97. Under Section 173 of the Motor Vehicles Act, a person aggrieved by an award of the Tribunal can prefer an appeal to
- (A) The Supreme Court (B) The High Court
(C) The District Court (D) None of the above

98. In the absence of agreement between the parties regarding appointment of arbitrator, the arbitrator is to be appointed by
- (A) The Chief Justice (or)
 - (B) Person designated by the Chief Justice (or)
 - (C) Institution designated by the Chief Justice
 - ☒ (D) Any one of the above
99. What does 'Venue' and 'Seat' of arbitration signify?
- ☒ (A) Venue is merely geographical location where arbitration is to be conducted whereas seat is related to the laws of area governing arbitration
 - (B) They are both one and the same
 - (C) Selection of Venue decides the Laws governing arbitration
 - (D) None of the above
100. An oral arbitration agreement
- (A) may be recognised at the discretion of the arbitrators
 - ☒ (B) is not recognised as an arbitration agreement
 - (C) may be recognised depending upon the facts and circumstances of case to case
 - (D) may be recognised at the discretion of the parties
101. Chapter II of Part II of the Arbitration and Conciliation Act, 1996 deal with the enforcement of certain foreign awards made under
- (A) The New York and Geneva Convention
 - (B) The New York Convention
 - ☒ (C) The Geneva Convention
 - (D) None of the above

102. "Arbitral Award"

- (A) Does not include an interim award
- (B) Inclusion of an interim award depends upon case to case basis
- ☒ (C) Includes an interim award
- (D) May or may not include an interim award

103. An arbitral tribunal shall be deemed to have entered upon the reference on the date on which the arbitrators

- ☒ (A) receive notice, in writing, of their appointment
- (B) receive notice, orally, of their appointment
- (C) receive notice, of their appointment
- (D) give their consent for their appointment

104. Decree for eviction on the ground of bonafide requirement for additional accommodation may not be passed even after the bonafide requirement is proved by the landlord if

- ☒ (A) It is shown that greater hardship would be caused to the tenant by grant of decree than what would be caused to Landlord by its' refusal
- (B) Landlord is a rich person
- (C) Landlord has several other premises
- (D) It is shown that greater hardship would be caused to the family of tenant than to the family of the Landlord

105. Solatium under Section 23(2) of the Land Acquisition Act, 1894 is to be awarded at the rate of _____ over the market value

- (A) 15%
- ☒ (B) 30%
- (C) 50%
- (D) None of the above

106. Clause (4) of Article 15 has been added to the Constitution by

- ☒ (A) The Constitution First Amendment Act
- (B) The Constitution Second Amendment Act
- (C) The Constitution Fourth Amendment Act
- (D) The Constitution Sixth Amendment Act

107. If the President of India wants to resign, he has to address the letter of resignation to the

- (A) Chief Justice of India
- (B) Prime Minister
- ☒ (C) Vice-President
- (D) Speaker

108. In which part of the Indian Constitution, the Fundamental Duties are enshrined?

- (A) IV
- ☒ (B) IV-A
- (C) IV-B
- (D) V

109. The 73rd amendment was brought into force to give effect to one of the Directive Principles of State Policy mentioned in

- (A) Article 47
- ☒ (B) Article 40
- (C) Article 45
- (D) Article 46

110. Panchayati Raj belongs to

- (A) Residuary list
- (B) Concurrent list
- ☒ (C) State list
- (D) Union list

111. Intellectual Property Rights (IPR) protect the use of information and ideas that are of

- (A) Ethical value
- (B) Moral value
- (C) Social value
- ☒ (D) Commercial value

112. / The following cannot be exploited by assigning or by licensing the rights to others

- (A) Patents
- (B) Designs
- ☒ (C) Trademark
- (D) All of the above

113. / Design does not include

- (A) Features of shape
- (B) Composition of lines or colours
- ☒ (C) Mode or principle of construction
- (D) None of the above

114. / A design can be also registered under

- (A) Trademark Act
- (B) Patent Act
- (C) Geographical Indication Act
- ☒ (D) Copyright Act

115. / IPR Complete specification gives

- (A) Full description of claim only
- (B) Full description of royalty
- ☒ (C) Full description of invention
- (D) Full description of application

116. Copyright is granted for

- (A) Original trademark
- (B) Original research product
- ☒ (C) Original musical work
- (D) Original ideas

117. Copyright is a

- ☒ (A) Creation by person of efforts, intellectual and capital
- (B) Creation by person of the efforts only
- (C) Creation by negligence of a person
- (D) Creation by the mental status of a person

118. Process for obtaining some product which is different and new from the previous one can be
- ☒ (A) Patented (B) Registered under trademark act
(C) Registered under design act (D) Copyrighted
119. Assignment of patent means transfer of _____ in the patent by the patent holder in favour of another.
- (A) Title (B) Ideas
☒ (C) Interest (D) Goods
120. The power of the Government to refer a Dispute under the Industrial Disputes Act is
- (A) Mandatory ☒ (B) Discretionary
(C) Recommendatory (D) Either mandatory or discretionary
121. 'Retrenchment' means
- (A) Termination of service of the workers due to punitive action by the employer
☒ (B) Termination of service of workers on account of being declared surplus
(C) Dismissal of the workers by the employer due to violent activities of the workers
(D) None of the above
122. Under which of the following legislations there is a provision called 'protected workmen'?
- (A) Trade Unions Act, 1926
(B) Industrial Employment (Standing Orders) Act, 1946
(C) Factories Act, 1948
☒ (D) Industrial Disputes Act, 1947

123. Under which Section of the General Clauses Act does the effect of repeal is started?
- (A) Section 3 (B) Section 4
(C) Section 6 (D) Section 8
124. Which of the following rules of interpretation are applicable to Taxation Statutes?
- (A) Liberal and wide interpretation
(B) Strict and narrow interpretation
(C) Beneficial interpretation
(D) Utilitarian interpretation
125. How will the profits be divided among partners in the absence of a partnership deed?
- (A) Depending on the capital invested
(B) Depending on the work experience
(C) Unequal
(D) Equal
126. What is a limited liability partnership?
- (A) Form of business partnership where there is no fixed term agreed for the duration of the partnership
(B) Partnership in which the liability of a partner is limited as a shareholder of a company
(C) Form of partnership under common law
(D) A partnership was formed for a single transaction

127. What is partner by estoppel?

- (A) An interested person who is involved in the daily operations of the partnership
- (B) A person who provides some of the capital for a business but who does not take an active part in managing the business
- (C) A person who holds himself out as a partner or permits a partner to hold him out
- ☒ (D) A person who gives an impression to others that he/she is a partner of the firm

128. Partners in a firm will get Interest on Capital if provided in the partnership deed but only out of which account?

- (A) Reserves
- (B) Goodwill
- (C) Assets
- ☒ (D) Profits

129. 'X' a partnership firm is registered with the Registrar of firms however name of plaintiff-partner is not shown in the register of firms and the suit is filed to enforce right arising from a contract and conferred by the Indian Partnership Act, 1932, then such suit would be

- (A) Maintainable
- ☒ (B) Not maintainable
- (C) Maintainable with prior leave of the Court
- (D) Maintainable with the permission of Registrar of firms

130. Which of the following are not instrument as defined under Section 2(14) Indian Stamp Act, 1899

- (A) An entry in register containing the term of hiring of machinery
- ☒ (B) Photocopy of an agreement
- (C) Bond
- (D) A document by which any such right or liability is only recorded even though the document itself does not create such a right or liability

131. Under which section of Hindu Marriage Act is prohibited relationship defined?
- (A) Section 3(d) (B) Section 3(e)
(C) Section 3(f) (D) Section 3(g)
132. Trade Union under the Industrial Disputes Act, 1947 means, a trade union registered under the
- (A) Industrial Disputes Act
(B) Trade Union Act
(C) Industrial Employment Standing Orders Act
(D) Factories Act
133. "First come, last go and last come, first go" is the principle of
- (A) Closure (B) Dismissal
(C) Lay-off (D) Retrenchment
134. _____ means an interim or a final determination of any industrial dispute or of any question relating thereto by any Labour Court:
- (A) conciliation proceedings
(B) adjudication order
(C) work committee order
(D) award
135. Public utility services have been listed in the _____ schedule of the Industrial Disputes Act 1947.
- (A) I (B) II
(C) III (D) IV

136. The dispute of individual workman is deemed to be industrial dispute, if the disputes are different connected with or arising out of the following, where no other workman nor any union of a workman is a party to the dispute:
- (A) discharge of an individual workman
 - (B) dismissal of an individual workman
 - (C) grievance of an individual workman
 - ☒ (D) discharge, dismissal, retrenchment or otherwise termination of services of an individual workman
137. The special provisions relating to lay-off, retrenchment and closure as given in the Industrial Disputes Act, 1947 applied to those establishments where atleast
- (A) 50 workers are employed
 - ☒ (B) 100 workers are employed
 - (C) 250 workers are employed
 - (D) 500 workers are employed
138. Section _____ of the Industrial Disputes Act 1947 deals with Labour Courts.
- (A) 5
 - (B) 6
 - ☒ (C) 7
 - (D) 7A
139. Section 29 of the Industrial Disputes Act 1947 deals with
- (A) penalty for illegal strikes and lock downs
 - (B) penalty for giving financial aid to illegal strikes and lock downs
 - ☒ (C) penalty for breach of settlement or award
 - (D) penalty for disclosing confidential information

140. ✓ Conciliation officer is given the powers of

- (A) Arbitrator
- (B) Labour Court
- ☒ (C) Civil Court
- (D) Adjudicator

141. ✓ Section _____ of the Motor Vehicles Act deals with the scheme for payment of compensation in case of hit and run motor accidents

- (A) 164
- ☒ (B) 163
- (C) 162
- (D) 161

142. ✓ Which Act gives the general guidelines on legislative drafting?

- (A) Limitation Act
- (B) Civil Procedure Code
- (C) Court Fee and Suit Valuation Act
- ☒ (D) General Clauses Act

143. ✓ Which is the only directive principle which has been converted into a fundamental right?

- (A) Right to equal pay for equal work
- (B) Establishment of village panchayat
- (C) Separation of judiciary from executive
- ☒ (D) Right to education

144. ✓ Which of the following is/are an exception/s to the rule of "Precedent"?

- (A) decision per incuriam
- (B) decision sub silentio
- (C) obiter dicta
- ☒ (D) (A) and (B) above

145. A final judgment of a competent Court, in exercise of matrimonial jurisdiction is
- (A) a judgment in rem (B) a judgment in personam
(C) a judgment simplicitor (D) all the above
146. Defamation by means of writing, print etc. is legally called
- (A) Innuendo (B) Slander
(C) Libel (D) None of the above
147. Article 361 of the Constitution exempts the following from operation of the Penal Code
- (A) Ministers
(B) Judges
(C) President and Governor/or Governor of a State
(D) None of the above
148. The expression "dying intestate" refers to
- (A) dying without making a Will (B) dying without legal heirs
(C) dying without any property (D) none of the above
149. The Basic Structure doctrine was propounded in
- (A) Kesavananda Barathi's case (B) ADM Jabalpur's case
(C) Madhuri Patil's case (D) Visaka's case
150. What is the limit of the pecuniary Jurisdiction of the Madras High Court on its Original side?
- (A) Above Rs. 10 crores (B) Above Rs.25 crores
(C) Above Rs. 1 crore (D) Above Rs. 5 crores

SPACE FOR ROUGH WORK

Rough Work

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Rough Work

SPACE FOR ROUGH WORK

Rough Work

4. The candidates must write their Register Number in the space provided on the top right side of this page. Do not write anything else on the question booklet, except in the space provided for rough work. This should be strictly adhered to.
5. Personalized OMR Answer Sheets will be provided by the Invigilator for answering the questions.
6. The candidates shall write their Question Booklet Series (for Example, A, B, C & D) in the space provided in the personalized OMR Answer sheet.
7. The candidates should not remove or tear off any sheet from this Question Booklet. The candidates are not allowed to take the question booklet out of the examination Hall during the time of the examination.
8. After the examination, the candidates must hand over their OMR Answer Sheet to the Invigilator. The candidates are allowed to take the Question Booklet with them only after the examination is over.
9. The facts and particulars given in the Question Booklet, i.e., name of the court, place, name of parties, etc., are fictional and may not be true in real and legal sense. Yet the candidates have to conclusively assume them to be true for the purpose of answering the paper, without interpreting them in any other manner.
10. Failure to comply with any of the above instructions will render the candidates liable for action or penalty, as the High Court may decide at their discretion.