



Teachingninja.in



Latest Govt Job updates



Private Job updates



Free Mock tests available

Visit - teachingninja.in

Bombay HC District Judge

**Previous Year Paper
19 Jan, 2014**



Question Booklet

DJ : PW/LC

Booklet Series

A

Booklet No.

Date: 19th January, 2014

Total Questions: 100

Time : 90 minutes.

Total Marks : 200

INSTRUCTIONS

1. The booklet contains 100 questions. All questions carry equal marks.
2. Immediately after the commencement of the examination, you should check that this booklet does not have any unprinted or torn or missing pages or items, etc. If so please get it replaced by a complete Booklet. Question booklet will not be replaced after marking answers in answer-sheet.
3. Encode clearly the booklet series A,B,C or D, as the case may be, and indicate the series of question booklet, by completely shadowing the appropriate circle, by **black ink ball pen**, in the appropriate place in the answer-sheet. Any failure to shadow the appropriate circle will result in non evaluation of the answer-sheet.
4. If the candidate shadows the circle in the answer sheet which does not match the series of his/her question booklet, no marks will be allotted to such answer-sheet.
5. You shall enter your Roll number on the Booklet in the box provided alongside.
6. You have to mark your choices **Only** on the separate answer-sheet provided for the same. Please see instructions on last page of the answer-sheet.
7. Penalty for wrong answer:

There will be penalty for wrong answers marked by candidate.

- (i) There are four alternatives for the answer to every question. For each question for which a wrong answer has been given by the candidate, **one fourth** of the marks assigned to that question (**0.50**) will be deducted as penalty.
- (ii) If a candidate gives more than one answer, it will treated as a **wrong answer**, even if one of the given answers happens to be correct and there will be same penalty as above to that question.
- (iii) If a question is left blank, i.e., no answer is given by the candidate, there will be no penalty for that question

1. Where one of several persons jointly entitled to institute a suit, is under a legal disability, and a discharge can be given without the concurrence of such person, _____.
 - a. time (period of limitation) will run against them all.
 - b. time (period of limitation) will not run against them all.
 - c. time (period of limitation) will run against all of them except the person under disability.
 - d. time (period of limitation) will not run against any of them until the person under disability becomes capable to give his concurrence.
2. If the owner of two or more properties mortgages them to one person and then mortgages one or more of the properties to another person, the subsequent mortgagee is, in the absence of a contract to the contrary, entitled to have the prior mortgage debt satisfied out of the property not mortgaged to him. This is called _____.
 - a. subrogation.
 - b. tacking.
 - c. marshalling.
 - d. contribution to mortgage debt.
3. 'A' has a right of way annexed to his house over B's land _____.
 - a. this is a continuous easement.
 - b. this is discontinuous easement.
 - c. this is apparent easement.
 - d. none of the above.
4. The bailment of goods as a security for performance of a promise is called _____.
 - a. pledge.
 - b. hypothecation.
 - c. charge.
 - d. surety.
5. The doctrine of "Prospective Over-ruling" was first evolved in the case of _____.

Kesavananda Bharathi Vs. State of Kerala.

Sajjan Singh Vs. State of Rajasthan.

11. 'Inquiry' means every inquiry conducted under the Criminal Procedure Code by _____.

- CBI
- Private detective
- Magistrate or Court
- Police officer

12. A woman ran to a well stating she would jump in it, but she was caught before she could reach it. She is guilty of _____.

- attempt to culpable homicide.
- attempt to injure herself.
- attempt to suicide.
- no offence.

13. Every suit by minor shall be instituted in his name by a person who in such suit shall be called _____.

- guardian of the minor.
- next friend of the minor.
- well wisher of the minor.
- 'a' and 'b' above.

14. Stolen property means _____.

- property, the possession whereof has been transferred by theft.
- property, the possession whereof has been transferred by theft or by extortion or by robbery.
- property, which has been criminally misappropriated.
- 'a' to 'c' above.

15. Where two clauses of gifts in a Will are irreconcilable, so that they cannot possibly stand together.

- the first shall prevail.
- the last shall prevail.
- the irreconcilable clauses in the Will are void.
- the Will shall be void in its entirety.

16. The heirs, under Mohammanan Law, on the death of a Mohammanan dying intestate, succeed to the estate of the deceased as _____.
a. joint tenants with no specific shares.
b. tenants in common in specific shares.
c. tenants in common with no specific shares.
d. none of the above.

17. Misfeasance would imply _____.
a. where person omits to do some act prescribed by law.
b. where an act prohibited in law is done by a person.
c. where lawful act is done in an improper manner.
d. 'b' and 'c' above.

18. In exercise of powers of revision the court of session cannot _____.
a. reverse the finding and sentence and acquit or discharge the accused.
b. convert a finding of acquittal into one of conviction.
c. alter the finding, maintaining the sentence.
d. without altering the finding alter the nature or extent of sentence.

19. Stealing one's own property is _____.
a. not at all an offence. b. an offence u/s. 403 of IPC.
c. an offence u/s. 405 of IPC. d. an offence u/s. 379 of IPC.

20. Which of the following is not secondary evidence of the original.
a. Copies compared with the original.
b. oral account of the contents of a copy by a person who has seen only the copy.
c. oral account of the contents of the original given by the person who has himself seen it.
d. a photograph of an original.

- c. time may be the essence of contract.
- d. time can never be essence of contract.

27. A divorced Hindu woman cannot claim maintenance from her former husband.

- a. under section 125 Cr.P.C.
- b. under section 18 of the Hindu Adoption and Maintenance Act.
- c. under section 25 of the Hindu Marriage Act.
- d. none of the above.

28. Order XXXVII, which pertains to summary procedure applies to _____.

- a. suits on contract, verbal or written.
- b. on a guarantee, where the claim against the principal is in respect of a debt.
- c. suits upon bills of exchange, hundis and promissory notes.
- d. 'b' and 'c' above.

29. On dissolution of a firm _____.

- a. the partners continue to liable as such to third parties for any act done by any of them which would have been an act of the firm if done before the dissolution.
- b. the partners do not continue to liable as such to third parties for any act done by any of them which would have been an act of the firm if done before the dissolution.
- c. the partners continue to liable as such to third parties for any act done by any of them which would have been an act of the firm if done before the dissolution, until public notice is given of the dissolution.
- d. none of the above.

30. In which of the following situations it is necessary for the defendant to file an appeal or take cross objections.

- a. the decree is entirely in favour of the defendant though an issue has been decided against the defendant.

b. the decree is entirely in favour of the defendant and all the issues have also been answered in favour of the defendant but there is a finding in the judgment which goes against the defendant.

c. 'a' and 'b' above.

d. the impugned decree is partly in favour of the plaintiff and partly in favour of the defendant.

31. As per Order XXI Rule 82 of the Code of Civil Procedure which one of the following courts cannot order sale of immovable property in execution of decree.

a. Civil Court of Senior Division b. Court of Small Causes

c. District Court d. City Civil Court.

32. Where an act or omission constitutes an offence under two or more enactments, then the offender shall be _____.

a. liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence.

b. liable to be prosecuted and punished under either or any of those enactments.

c. liable to be prosecuted and punished under both the enactments.

d. none of the above.

33. 'Nemo moriturus praesumitur mentire' means _____.

a. No one can be condemned unheard.

b. No one should be a judge in his own case.

c. No one at the point of death is presumed to lie.

d. No one can die partly testate and partly intestate.

34. A Hindu wife can marry immediately after divorce.
A Muslim Wife _____.

a. after 3 months. b. after 3 years

c. only after the iddat period. d. never

35. 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.

36. Defamation by means of writing, print etc. is legally called _____.
 a. innuendo. b. slander.
 c. libel. d. none.

37. Which of the following is an exception to hearsay evidence?
 a. Confession (Judicial) b. Dying declaration
 c. Extra-judicial confession d. None of these

38. Match the following:

A. Mandamus	1. Transferring of a case from an inferior court to a court of higher jurisdiction.
B. Habeas corpus	2. Calling upon one to show by what authority he holds or claims a franchise or office
C. Certiorari	3. Direction to an official for the performance of a duty.
D. Quo warranto	4. Release of an illegally detained person.
a. ABCD - 4321	b. ABCD - 3412
c. ABCD - 3214	d. ABCD - 4132

39. The compounding of an offence under Section 320 of Cr.P.C. before charge is framed shall have the effect of _____.
 a. discharge b. withdrawal
 c. permission of the court d. an acquittal.

40. 'A' sees a ring belonging to 'Z' lying on a table in Z's house. Not venturing to misappropriate the ring immediately for fear of search and detection. A hides the ring in a place where it is highly improbable that

it will ever be found by Z, with the intention of taking the ring from the hiding place and selling it when the loss is forgotten.

- a. 'A' commits offence of attempt to commit theft.
- b. 'A' commits theft.
- c. 'A' commits no offence.
- d. 'A' commits offence of attempt to commit dishonest misappropriation of property.

41. A warranty is a stipulation collateral to the main purpose of the contract _____.

- a. the breach of which gives rise to reject the goods.
- b. the breach of which gives rise to claim for damages.
- c. the breach of which gives rise to treat the contract as repudiated.
- d. none of the above.

42. The dismissal of a suit for specific performance of a contract _____.

- a. bars the plaintiff to sue for compensation for the breach.
- b. bars the plaintiff to sue for refund of earnest money.
- c. both 'a' and 'b'.
- d. none of the above.

43. In which of the following cases the court may properly exercise discretion not to decree specific performance.

- a. where the terms of the contract give the plaintiff an unfair advantage over the defendant.
- b. where the performance of the contract would involve some hardship on the defendant which he did not foresee.
- c. 'a' and 'b' above.
- d. none of the above.

44. Where a share of a dwelling-house belonging to an undivided family has been transferred to a person who is not a member of such family _____

_____, the Court shall, if any member of the family being a shareholder shall undertake to buy the share of such transferee, make a valuation of such share in such manner as it thinks fit and direct the sale of such share to such shareholder, and may give all necessary and proper directions in that behalf.

54. An "Act of a firm" means _____.

- any act by all the partners, or by any partner or agent of the firm which gives rise to a right enforceable by or against the firm.
- any act or omission by all the partners, or by any partner or agent of the firm which gives rise to a right enforceable by or against the firm.
- any act by all the partners of the firm which gives rise to a right enforceable by or against the firm.
- none of the above.

55. Under Order XXVI, rule 10 the report of the Commissioner and the evidence taken by him _____.

- may be evidence in the suit and may form part of the record.
- shall be evidence in the suit and shall form part of the record.
- shall not be evidence in the suit unless duly proved.
- 'a' and 'b' above.

56. Under Hindu Succession Act, where two persons have died in circumstances rendering it uncertain whether either of them and if so which, survive the other, then for all purposes, affecting succession to property, it shall be presumed that _____.

- elder survived the younger.
- younger survived the elder.
- neither of them survived the other.
- none of the above.

57. 'A' agrees absolutely in writing to pay 'B' Rs.1000/- on the 1st March, 2014. The fact that, at the same time, an oral agreement was made that money should not be paid till 31st March, _____.

- an oral agreement can be proved.
- an oral agreement cannot be proved by anybody.
- an oral agreement may be proved with the permission of the court.

d. an oral agreement cannot be proved either by 'A' or 'B', but can be proved by a person who is not a party to the writing/document.

58. 'A' instigates 'B' to burn 'Z's house. 'B' sets fire to the house and at the same time commits theft of property there.

- 'A' is guilty of abetting the burning of the house.
- 'A' is guilty of abetting the burning of the house and theft.
- 'A' is guilty of abetting the theft.
- 'A' is guilty of conspiracy to commit mischief and theft.

59. Doctrine of blending deals with _____.

- merger of the joint family property into the self acquired property.
- merger of self acquired property into the joint family property.
- merger of appellate courts judgment into the trial courts judgment.
- merger of the lands during consolidation of holdings.

60. A child of a marriage which is null and void or which is annulled by a decree of nullity u/s. 12 of Hindu Marriage Act _____.

- is by birth entitled to have share in the ancestral property.
- is entitled to succeed to the property of his father.
- is entitled to succeed to the property of his mother.
- 'b' and 'c' above.

61. Where after the institution of a suit, a new defendant is added, the suit shall, as regards him(defendant) be deemed to have been instituted _____.

- when he was so made a party.
- when the plaint/suit has been registered.
- the date on which application for his addition was made.
- the date on which the application for his addition as defendant was allowed.

62. Even if suit for specific performance of a contract to sell immovable property has been dismissed on the ground that the suit was barred by limitation, _____.

- right to protect possession by virtue of principle of part performance is available to the transferee in possession of the immovable property.
- right to protect possession by virtue of principle of part performance is not available to the transferee in possession of the immovable property.
- right to protect possession by virtue of principle of part performance is available to the transferee in possession of the immovable property irrespective of the fact whether the contract of transfer is registered or not.
- right to protect possession by virtue of principle of part performance is available to the transferee in possession of the immovable property provided the contract of transfer has been registered in accordance with the provisions of Indian Registration Act.

63. When a contract has been broken, if a sum is named in the contract as the amount to be paid in case of such breach, _____.

- the party complaining of the breach is entitled, whether or not actual damage or loss is proved to have been caused thereby, to receive from the party who has broken the contract reasonable compensation not exceeding the amount so named.
- the party complaining of the breach is entitled to receive from the party who has broken the contract reasonable compensation not exceeding the amount so named provided actual damage or loss is proved to have been caused.
- the party complaining of the breach is entitled to receive from the party who has broken the contract a reasonable compensation, which may even exceed the amount so named.
- the party complaining of the breach is entitled to receive from the party who has broken the contract reasonable compensation to the extent of actual damage caused.

64. No suit u/s. 6 of the Specific Relief Act shall be brought _____.

- against municipal corporation/council.
- against the government.

c. after the expiry of six months from the date of dispossession.

d. 'b' and 'c' above.

65. A partner in the firm is _____.

- entitled to transfer his interest in the firm, either absolute or by mortgage.
- not entitled to transfer his interest in the firm, either absolute or by mortgage.
- is entitled to transfer his interest in the firm, either absolute or by mortgage with the consent of the rest of the partners.
- not entitled to transfer his interest in the firm.

66. Where at the hearing of application relating to interim relief in a suit an objection as to a suit being barred by limitation is taken by any of the parties to the suit, _____.

- the court may proceed to determine at the hearing of such application the issue as to limitation.
- the court shall proceed to determine at the hearing of such application the issue as to limitation.
- the court shall not proceed to determine at the hearing of such application the issue as to limitation.
- none of the above.

67. The First Information Report _____.

- is a substantive piece of evidence.
- is used for corroboration or to contradict the evidence of the maker thereof.
- is used as a corroborative piece of evidence.
- 'a' and 'c' above.

68. Any person, who has accepted a tender of pardon made under Section 306 or Section 307, has, either by willfully concealing anything essential or by giving false evidence, not complied with the condition on which the tender was made. Who will certify this fact?

b. a contract which is in its nature determinable.

c. a contract the performance of which involves the performance of a continuous duty which the court cannot supervise.

d. All the above.

74. A 'Contract for Sale' of immovable property _____.

- does create interest in such property.
- does create charge on such property.
- does not, of itself, create interest in or charge on such property.
- none of the above.

75. A remedy of a person unsuccessful in a suit u/s 6 of the Specific Relief Act is to file _____.

- appeal.
- application for review.
- a regular suit for establishing title to the suit property.
- none of the above.

76. A confession made by a conspirator involving other members is relevant against the co-conspirator jointly tried with him and is admissible.

- under section 8 of The Evidence Act.
- under section 11 of The Evidence Act.
- under section 30 of The Evidence Act.
- both (b) and (c).

77. In a suit for compensation for malicious prosecution the plaintiff has to prove _____.

- that the prosecution was actuated by malice.
- the prosecution was instituted against him without any reasonable or probable cause.
- the proceedings complaint of terminated in favour of the plaintiff

d. all the above.

78. The accused is a warehouse-keeper. The complainant, going on a journey, entrusts his furniture to the accused under a contract that the furniture would be returned on payment of stipulated sum of money. The accused sells the furniture. The accused is guilty of which one of the following:

- a. Criminal misappropriation
- b. Theft
- c. Robbery
- d. Criminal breach of trust

79. A patient in a Mental Health Centre, who is, at intervals, of sound mind _____ during those intervals.

- a. cannot contract
- b. may contract
- c. may contract through his guardian only
- d. may contract with the permission of the court

80. A debtor acknowledged the debt in a postcard and sent it to the plaintiff. The defendant specifically wrote on the card "without prejudice". When the suit was filed, the defendant pleaded *inter alia* that the claim was barred by limitation. The plaintiff relied on the postcard to show there was an acknowledgment of the debt and therefore the suit is within limitation. The Plaintiff has also filed a complaint under Section 138 of the Negotiable Instrument Act against the debtor. The postcard is also sought to be relied upon in the said proceeding as well.

- a. the postcard is not admissible in evidence as an admission or acknowledgment of the debt, in both the suit and criminal case.
- b. the postcard is admissible in evidence as an admission or acknowledgment of the debt, in both the suit and criminal case.
- c. the postcard is not admissible in the suit, but is admissible in the criminal case.
- d. the postcard is admissible in the suit, but not admissible in the criminal case.

81. Any one who by words spoken or written or by conduct represents himself, to be a partner in a firm, is liable as a partner in that firm to any one who has on the faith of any such representation given credit to the firm. This is called _____.

d. on payment of entire purchase money.

86. _____, the Court may by order appoint a receiver of any property before or after decree.

- Where it appears to the court to be just and convenient.
- Where it appears to the court that any property in dispute in a suit is in danger of being wasted, damage or alienated by any party to the suit.
- 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.
- 'b' and 'c' above.

87. 'A' stabs 'B', 'A's father. 'A' dies of heart attack immediately thereafter. 'A' is survived by his widow and two children. 'B' dies after the death of 'A' on account of injury caused to him. As such, 'A' murdered his father. Had 'A' been survived, he would have been disqualified from inheriting 'B's property.

- the widow and both the children would inherit the property of the deceased 'B' as heirs of predeceased son.
- the widow and both the children would not inherit the property of the deceased 'B', as the entire stock of 'A' is disqualified from inheriting.
- only the widow of 'A' would inherit the property of 'B'.
- both the children, but not the widow, would inherit the property of 'B'.

Directions: The following 1 to 5 items consist of two statements, one labelled as the 'Assertion (A)' and the other as 'Reason (R)'. You are to examine these two statements carefully and select the answers to these items using the codes given below:

Codes:

- Both A and R are individually true and R is the correct explanation of A
- Both A and R are individually true but R is not the correct explanation of A
- A is true but R is false
- A is false but R is true

88. Statement I(A)

If a person feels that his Fundamental Rights have been infringed, he can approach a Court of law for enforcement of his rights.

Statement II (R)

Fundamental Rights are justiciable.

89. Statement I(A)

Secularism is a basic feature of the Constitution of India in the sense that the State should be neutral to the different religions.

Statement II (R)

One of the Directive Principles of State Policy states that uniform civil code may be implemented.

90. Statement I(A)

Special provision for the protection of children is made in Article 24.

Statement II (R)

Children below the age of fourteen years, if employed to work in any factory or mine or engaged in any other hazardous employment, are deprived of education and proper physical and mental development.

91. Statement I (A)

Directive Principles are not enforceable by any court.

Statement II(R)

Directive Principles are more or less fundamental in the governance of the country.

92. Statement I (A)

If 'A' does work for 'B' without his request or knowledge, he can sue for the value of his work.

Statement II (R)

Acquiescence can be presumed from silence.

93. The territorial jurisdiction of India extends to a maritime belt of a coastal water to a width of _____.

- six nautical miles measured from the low watermark.
- twelve nautical miles measured from the low watermark.
- ten nautical miles measured from the low watermark.
- three nautical miles measured from the low watermark.

c. there is an implied promise by the surety to indemnify the creditor.

d. none of the above.

99. A gift of immovable property must be effected _____.

- by registered instrument signed by or on behalf of the donor, and attested by atleast two witnesses.
- 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.
- need not be effected by registered instrument.
- by delivery of possession by the donor and acceptance thereof by the donee.

100. In computing the period of limitation for any suit _____.

- the time during which the defendant has been absent from India shall be excluded.
- the time during which the defendant has been absent from India shall not be excluded.
- 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.
- none of the above.
