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Bombay HC District Judge

**Previous Year Paper
23 Jan, 2021**



QUESTION BOOKLET

DJ-2020

Booklet Series

A

Booklet No.

Date: 23rd January 2021

Total Questions: 100

Time : 90 minutes.

Total Marks : 200

INSTRUCTIONS

1. The booklet contains 100 questions. All questions carry equal marks.
2. Immediately on receiving the question booklet, the candidate should check that the booklet does not have any unprinted or torn or missing pages or items, etc. If it is so found, the candidate should 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 a 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. The candidate shall enter his Roll number on the Booklet in the box provided alongside.
6. The candidate has to mark his 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 be 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. In the questions given below are two statements labeled as Assertion (A) and Reason (R). In the context of the two statements, which of the following is correct?

Assertion (A) : Ordinarily the remuneration of the Special Public Prosecutor is to be paid by the state.

Reason (R) : There may be certain cases where exception may be made, such as where the complainant is a public sector undertaking, a bank whether nationalized or not, an educational institution and the like.

- (a) Both A and R are true and R is the correct explanation of A.
- (b) Both A and R are true and R is not the correct explanation of A.
- (c) A is true but R is false.
- (d) A is false but R is true.

2. 'Attested' in relation to an instrument means and shall be deemed always to have attested by

- (a) one witness only
- (b) two witnesses
- (c) two or more witnesses
- (d) no condition prevails.

3. The imprisonment in default of fine under Section 30 of the Code of Criminal Procedure

- (a) shall be in addition to a substantive sentence awardable under section 29 without any specific order.
- (b) shall be in addition to a substantive sentence only when a specific order to that effect is passed
- (c) shall not be in addition to the substantive sentence awardable by the Magistrate
- (d) shall be in addition to the substantive sentence awardable but subject to the upper limit for substantive sentence prescribed under Section 29.

4. Consider the following statements.

To claim the benefit of provocation in reducing liability for murder the offender must prove that the-

1. Provocation was sufficient in ordinary course of nature to cause a person of ordinary temper to lose his self-control
2. Provocation was grave and sudden to justify killing
3. Provocation was so grave that it would stir a desire for revenge
4. Sufficient time did not elapse so as to cool down the passion.

The correct order of the sequence in which they are placed in the provision is -

- (a) 1 alone is correct
- (b) 2 and 3 are correct
- (c) 1,3 and 4 are correct
- (d) 1,2 and 4 are correct

5. Dacoity is committed

- (a) when 7 or more persons conjointly commit or attempt to commit robbery
- (b) when 5 or more persons conjointly commit or attempt to commit robbery
- (c) when 3 or more persons conjointly commit or attempt to commit robbery
- (d) when 3 or more persons conjointly commit or attempt to commit robbery.

6. *Res gestae* means

- (a) fact in issue and surrounding circumstances
- (b) things done in the course of a transaction
- (c) acts talking for themselves
- (d) all the above.

7. The Hon'ble Apex Court in the Judgment of Smt. S. Vanitha Vs. The Deputy Commissioner, Bengaluru Urban District & Ors. has held that,
 - (a) Section 3 of the Senior Citizens Act, 2007 cannot be deployed to over-ride & nullify other protections in law particularly that of a woman's right to a shared household under Section 17 of the PWDV Act.
 - (b) Section 3 of the Senior Citizens Act, 2007 can be deployed to over-ride & nullify other protections in law particularly that of a woman's right to a shared household under Section 17 of the PWDV Act.
 - (c) None of above.
8. The Hon'ble Apex Court in the Judgement of Sushila Aggarwal Vs. State of NCT of Delhi has laid down that
 - (a) The protection granted to a person under Section 438 Cr.P.C. should not invariably be limited to a fixed period.
 - (b) The protection granted to a person under Section 438 Cr.P.C. should invariably be limited to a fixed period.
 - (c) None of above.
9. Which of the following Section provides the punishment for voluntarily causing of grievous hurt by the use of acid?
 - (a) Section 326 of the Indian Penal Code
 - (b) Section 326 A of the Indian Penal Code
 - (c) Section 326 B of the Indian Penal Code
 - (d) Section 325 A of the Indian Penal Code.
10. Which of the following classification of offences is not there in the First Schedule of the Code of Criminal Procedure, 1973?
 - (a) Bailable and Non-Bailable offences
 - (b) Cognizable and non-cognizable offences
 - (c) Compoundable and non-compoundable offences
 - (d) None of the above.

11. Which of the following is not a judicial proceeding?
 - (a) Proceeding under Section 200 of Cr.P.C.
 - (b) Proceeding under Section 202 of Cr.P.C.
 - (c) A Magistrate holding a test identification parade.
 - (d) Proceeding under Section 340 of Cr.P.C.
12. The doctrine of 'res ipsa loquitur'
 - (a) shifts the burden of proving negligence on the plaintiff.
 - (b) shifts the burden of disproving negligence on the defendant.
 - (c) does not shift the burden of disproving negligence on the defendant.
 - (d) both (a) and (c).
13. As per the Schedule of Code of Criminal Procedure, 1973 an offense under special enactment, punishable with imprisonment for more than Seven years are triable by
 - (a) Chief Judicial Magistrate
 - (b) Court of Session
 - (c) Metropolitan Magistrate
 - (d) None of the above
14. The members of the Armed Forces can not be arrested except after obtaining the consent of the
 - (a) Director General of Police
 - (b) Central Government
 - (c) Chief of the concerned Armed Force
 - (d) Magistrate
15. When a report forwarded by the Police to the Magistrate under Section 173(2)(i) of the Code of Criminal Procedure is placed before him, the Magistrate may
 - (a) Accept the report and take cognizance of the offence and issue process
 - (b) Disagree with the report and drop the proceeding
 - (c) Direct further investigation
 - (d) Any one of the above.

16. A, intending to murder Z, by poison, purchases poison and mixes the same with food and delivers it to Z's servants to place it on Z's table
- (a) A has committed the offence under Section 307
 - (b) A has not yet committed the offence under Section 307
 - (c) Depends
 - (d) None of the above
17. Which of the following is a decree?
- (a) Any order of dismissal for default
 - (b) Any adjudication from which an appeal lies as appeal from an order
 - (c) Rejection of a plaint
 - (d) None of the above
18. Dismissal of suit under Order XXIII Rule 1 is
- (a) A decree
 - (b) Not a decree
 - (c) Depends
 - (d) None of the above
19. All civil courts have jurisdiction to try
- (a) All suits of civil nature
 - (b) All suits of civil nature except suits of which their cognizance is expressly not barred
 - (c) All suits of civil nature except suits of which their cognizance is impliedly not barred
 - (d) All suits of civil nature except suits of which their cognizance is expressly or impliedly barred.
20. Which of the following does not operate as res judicata?
- (a) A decree passed on compromise
 - (b) When the plaint is returned
 - (c) Decision beyond jurisdiction of Court
 - (d) All the above

21. All persons interested ought to be joined as parties to it so that the matters involved there in maybe finally adjudicated upon and fresh litigations over the same matters may be avoided. Which of the following provisions in the Code of Civil Procedure, 1908 is an exception to this rule?
- (a) Order I, Rule 5
 - (b) Order I, Rule 6
 - (c) Order I, Rule 7
 - (d) Order I, Rule 8
22. Can a civil court resort to section 151 of the Code of Civil Procedure, 1908 when Order VI, Rule 17 is not applicable?
- (a) Yes
 - (b) No
 - (c) Never
 - (d) None of the above
23. Substituted service of summons, in case of the defendant avoiding service of summons may be effected by
- (a) Affixing a copy of the summons upon some conspicuous part of the house in which the defendant is known to have last resided or carried on business or personally worked for gain
 - (b) Affixing a copy of the summons in some conspicuous place in the court house
 - (c) Either (a) or (b)
 - (d) None of the above
24. The first hearing of a case means
- (a) The day for which plaint is filed
 - (b) The day on which written statement is filed
 - (c) The day on which issues are framed
 - (d) None of the above

25. Judgment on admission can be given
- (a) Under Order XII, Rule 1 of the Code of Civil Procedure, 1908
 - (b) Under Order XII, Rule 2 of the Code of Civil Procedure, 1908
 - (c) Under Order XII, Rule 6 of the Code of Civil Procedure, 1908
 - (d) Under Order XIII, Rule 3 of the Code of Civil Procedure, 1908
26. The words 'consensus ad idem' means
- (a) No agreement can have more than one meaning
 - (b) To agree in the same way
 - (c) To agree on the same thing in the same sense
 - (d) To agree for different objects in the same sense.
27. A contract to transfer under Section 53 A of the Transfer of Property Act, 1882 should be
- (a) In writing and signed
 - (b) In writing with or without sign
 - (c) Oral
 - (d) Oral or in writing.
28. Spec succession is
- (a) Lawful Succession
 - (b) Assured Inheritance
 - (c) Promised Inheritance
 - (d) Expectation of Inheritance.
29. Transfer by ostensible owner is
- (a) Void
 - (b) Null and void
 - (c) Void ab-initio
 - (d) Voidable.

30. Section 6(4) bars the person from suing to establish his title to a property regarding which an order or decree is passed under Section 6 (1) of the Specific Relief Act. The statement is -
- (a) True
 - (b) False
 - (c) Partly correct
 - (d) None of the above.
31. Can an order of injunction be granted in favour of a person who has gained unlawful possession as against the true owner?
- (a) Yes
 - (b) No
 - (c) Depends
 - (d) None of the above.
32. A partnership at will may be dissolved
- (a) By notice by any partner to all other partners
 - (b) By operation of law
 - (c) Completion of the term
 - (d) None of the above.
33. Which of the following is/are correct?
- (a) A partnership firm is not a juristic person.
 - (b) The firm has no personality of its own
 - (c) Partners are the real executives of the firm
 - (d) All the above.
34. Section 24 of the Hindu Marriage Act, 1955 provides for
- (a) Maintenance pendente lite
 - (b) Expenses of legal proceeding
 - (c) Both (a) and (b)
 - (d) Neither (a) nor (b).

35. Is Datta homam is an essential ceremony for adoption under the Hindu Adoption and Maintenance Act?
- (a) Yes
 - (b) No
 - (c) Depends
 - (d) None of the above.
36. The main objective of the Information Technology Act, 2000 was/were
- (a) Legal recognition of electronic commerce
 - (b) To facilitate electronic filing of documents with the Government agencies
 - (c) Both (a) and (b)
 - (d) None of above.
37. Preamble is -
- (a) Part of the Constitution
 - (b) Not a part of the Constitution
 - (c) Only an introduction not forms part of the Constitution
 - (d) None of above.
38. How many times has the preamble to the Constitution of India amended?
- (a) Once
 - (b) Twice
 - (c) Thrice
 - (d) Never.
39. Which of the following doctrines is based on the rule that, 'you can not do indirectly what you can not do directly'
- (a) Doctrine of colorable legislation
 - (b) Doctrine of pith and substance
 - (c) Doctrine of repugnancy
 - (d) None of above.

40. As per Constitution of India the State shall not make any law which takes away or abridges the
- (a) Fundamental Rights
 - (b) Directive Principles
 - (c) Fundamental duties
 - (d) None of above.
41. Appointments, postings and promotion of district judges in any State shall be made by the
- (a) Governor of the State
 - (b) Chief Justice of India
 - (c) Chief Justice of the respective High Court
 - (d) None of above.
42. The Indian Penal Code, 1860 is applicable to
- (a) Indian citizens who commit an offence in India
 - (b) Foreigners who commit an offence in India
 - (c) Indian citizens who commit an offence under the Code beyond India
 - (d) Indian citizens who commit an offence under the Code beyond India.
43. Right of private defence is available to
- (a) One's own body
 - (b) The body of any other person
 - (c) Against any offence affecting human body
 - (d) All of above.
44. An offence under Section 191 of the Indian Penal Code committed in or in relation to any proceedings in court is one where no prosecution could be resorted to without a complaint from the Court. The circumstances which such a complaint is to be made are those provided under ----- of the Code of Criminal Procedure.
- (a) Section 240
 - (b) Section 330
 - (c) Section 350
 - (d) Section 340.

45. A lays sticks and turf over a pit, with the intention of thereby causing death or with the knowledge that death is likely to be thereby caused. Z believing the ground to be firm, treads on it, falls in and is killed. A has committed the offence of -
- (a) Death by rash and negligent act
 - (b) Homicide
 - (c) Culpable homicide
 - (d) None of above.
46. To attract the provisions under Section 353 of the Indian Penal Code, 1860 when assaulted, the public servant must have been acting
- (a) In the execution of his official duties
 - (b) The assault was intended to deter him from discharging his duty as such public servant
 - (c) In consequences of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant
 - (d) All of above.
47. Which of the following is not a necessary ingredient of Section 406 of the Indian Penal Code?
- (a) The accused must be a public servant
 - (b) He must have been entrusted with property
 - (c) He must have committed breach of trust in respect of the entrusted property
 - (d) All of above.
48. Who is authorized to decide as to admissibility of evidence?
- (a) Prosecutor
 - (b) Defence
 - (c) Judge
 - (d) None of above.

49. 'Motive is a sine qua non for bringing home the offence of the accused in case of circumstantial evidence'. The statement is ...
- (a) True
 - (b) False
 - (c) Partly correct
 - (d) None of above.
50. In the questions given below are two statements labeled as Assertion (A) and Reason (R). In the context of the two statements, which of the following is correct?
- Assertion (A) : The Indian Evidence Act is not exhaustive of the rules of evidence.
- Reason (R) : There are special rules of evidence contained in special statutes.
- (a) Both A and R are true and R is the correct explanation of A
 - (b) Both A and R are true and R is not the correct explanation of A
 - (c) A is true but R is false
 - (d) A is false but R is true.
51. In the questions given below are two statements labeled as Assertion (A) and Reason (R). In the context of the two statements, which of the following is correct?
- Assertion (A) : No proceeding under Section 145 of the Code of Criminal Procedure, 1973 is maintainable with regard to a house property.
- Reason (R) : Dispute over house property is purely a civil dispute.
- (a) Both A and R are true and R is the correct explanation of A
 - (b) Both A and R are true and R is not the correct explanation of A
 - (c) A is true but R is false
 - (d) A is false but R is true.
52. For an application under Order VII, Rule 11
- (a) the averments in the plaint are germane and the plea taken by the defendant in the written statement are wholly irrelevant.

- (b) the averments in the plaint are germane and the pleas taken by the defendant in the written statement are also to be considered
 - (c) the averments in the plaint are germane and the pleas taken by the defendant in the written statement may also to be considered
 - (d) either (b) or (c).
53. Precept is
- (a) a transfer of the decree
 - (b) an order to another competent court to attach any property of the judgment debtor
 - (c) an execution of decree
 - (d) all of above.
54. An application for substitution of the legal representatives of the defendant who has died, has to be moved by
- (a) the legal representatives of the defendant
 - (b) the plaintiff
 - (c) both (a) and (b)
 - (d) either (a) or (b).
55. Under Section 75, a commission can be issued
- (a) to make local investigation
 - (b) to hold a scientific, technical or expert investigation
 - (c) to perform any ministerial act
 - (d) all the above.
56. Section 5 of Limitation Act applies to
- (a) suit
 - (b) appeal and application
 - (c) execution
 - (d) all the above.
57. Limitation for filing an appeal commences from
- (a) the date of judgment
 - (b) the date of signing the decree

- (c) the date of application for copy of the judgment
 - (d) the date of availability of copy of the judgment.
58. The rule of 'strict liability' is based on the decision in
- (a) Donoghue Vs Stevenson
 - (b) Rylands Vs Fletcher
 - (c) Lumley Vs Gye
 - (d) Champman Vs Pickergill.
59. Under the vicarious liability, the liability is
- (a) joint only
 - (b) several only
 - (c) joint and several
 - (d) any of the above depending on the facts and circumstances.
60. Expression 'solemnisation of marriage' refers to
- (a) condition of a Hindu marriage
 - (b) rites and ceremonies of marriage
 - (c) both (a) and (b)
 - (d) either (a) or (b).
61. Non-registration of marriage under Section 8 of Hindu Marriage Act, 1955
- (a) invalidates the marriage and calls for imposition of penalty
 - (b) does not invalidate the marriage but calls for imposition of penalty
 - (c) neither invalidates the marriage nor calls for imposition of penalty
 - (d) makes the marriage voidable.
62. Restitution of conjugal rights can be claimed
- (a) when there is a withdrawal from the society of other with an excuse
 - (b) when there is a withdrawal from the society of other without any reasonable cause
 - (c) when there is a withdrawal from the society of other without any absolute cause
 - (d) both (b) and (c).

63. An adopted child
- (a) can not renounce his adoptive parents
 - (b) can renounce his adoptive parents but can not return to the family of his birth
 - (c) can renounce his adoptive parents and can return to the family of his birth
 - (d) either (b) or (c) and not (a) .
64. An obligation of husband to maintain his wife is
- (a) co-extensive with property
 - (b) a personal obligation
 - (c) both (a) and (b)
 - (d) either (a) or (b).
65. Section 14 of Hindu Succession Act, 1956 provides for
- (a) property of male Hindu to be his absolute property
 - (b) property of female Hindu to be her absolute property
 - (c) both (a) and (b)
 - (d) coparcenary property.
66. A murderer is disqualified as a heir on
- (a) conviction
 - (b) acquittal
 - (c) discharge
 - (d) either (a) or (b) or (c).
67. De-jure guardian means
- (a) legal guardian
 - (b) guardian appointed by court
 - (c) both (a) and (b)
 - (d) only (b) and not (a).

68. In hiba-bil-iwaz
- a. the consideration should be adequate
 - b. the consideration need not be adequate
 - c. the adequacy of consideration is not material
 - d. the adequacy of consideration is quite material.
69. Classification of compoundable and non-compoundable offences has been provided under
- a. First Schedule
 - b. Second Schedule
 - c. Section 320 of Cr.P.C.
 - d. Section 321 of Cr.P.C.
70. Section 54 of Cr.P.C. provides for
- a. medical examination of the accused at the request of the police officer
 - b. medical examination of the accused at the request of the police officer
 - c. both (a) and (b)
 - d. neither (a) nor (b).
71. Under Section 91 of Cr.P.C, a person who is summoned to produce a document on appearance before court
- a. becomes a witness and can be subjected to cross-examination
 - b. does not become a witness but can not be subjected to cross-examination
 - c. become a witness but can not be subjected to cross-examination
 - d. does not become a witness but can not be subjected to cross-examination.
72. A search warrant can be issued in respect of a place
- a. used for deposit and sale of stolen property
 - b. used for deposit, sale and production of counterfeit coin, currency notes and stamps
 - c. used for deposit, sale and production of forged documents and false seals
 - d. all the above.

73. Obtaining signature on the confession of the person making the confession, under Section 164 of Cr.P.C. is
- mandatory
 - directory being procedural
 - discretionary
 - optional.
74. On completion of investigation, the police is to submit a final report to the Magistrate. The Magistrate
- is bound by the conclusions drawn by the police and accept the same if the police recommended that there is no sufficient ground for proceeding further
 - is not bound by the conclusions drawn by the police and may order further investigation
 - may issue a process against the accused person/s
 - both (b) and (c).
75. Section 125 of Cr.P.C. is applicable to
- Hindus
 - Muslims
 - Christians
 - All of above.
76. The Fundamental rights secured to the Individual are
- limited to the State action only
 - meant to protect persons against the conduct of private persons
 - meant to protect persons against police action
 - all of above are correct.
77. In Keshavananda Bharti Vs. State of Kerala it was held that
- under the amended Article 368, all provisions of the Constitution including those enshrined Fundamental rights could be amended
 - Fundamental rights can not be amended
 - Fundamental rights have the primacy and supremacy than any of the provisions of the Constitution
 - none of above.
78. Assertion (A) : the principle of equality before law means that there should be 'equality of treatment under equal circumstances'.
Reason (R) : All persons are not equal by nature, attainment or

circumstances.

- a. both A and R are true and R is correct explanation of A
 - b. both A and R are true and R is not correct explanation of A
 - c. A is true but R is false
 - d. A is false but R is true.
79. The doctrine of double jeopardy in Article 20 (2) means
- a. no one can be tried and punished more than once for the same offence
 - b. one can be tried several times for the same offence
 - c. punishment once awarded can not be enhanced in appeal or revision
 - d. one can be tried more than once but punished only once.
80. The right guaranteed under Article 32 can be suspended
- a. by the Parliament
 - b. by the State Legislature
 - c. by the Supreme Court
 - d. by the Supreme Court of India when proclamation of emergency is in operation.
81. Documents registration of which is optional has been dealt in
- a. Section 16 of The Registration Act, 1908
 - b. Section 17 of The Registration Act, 1908
 - c. Section 18 of The Registration Act, 1908
 - d. Section 19 of The Registration Act, 1908.
82. Under Section 34 of the Specific Relief Act, 1963 a declaration can be sought by
- a. a stranger who has no interest
 - b. a person having a legal character or right as to property which is denied
 - c. a person whose legal character or right to property not denied
 - d. all the above.
83. Perpetual injunction can be granted under Section 38 of the Specific Relief Act, 1963
- a. when there exists standard for ascertaining the actual damages caused
 - b. when compensation would afford adequate remedy

- c. when it is necessary to prevent multiplicity of proceedings
 - d. when the defendant is not a trustee of property for the plaintiff
84. A mandatory injunction is
- a. retrospective in operation
 - b. prospective in operation
 - c. concurrent in operation
 - d. both (b) and (c).
85. Period of limitation for execution of a decree is
- a. 03 years
 - b. 12 years
 - c. 30 years
 - d. 60 years.
86. Period of limitation for suits not specifically provided under the Schedule is relating to immovable property is
- a. 01 year
 - b. 02 years
 - c. 03 years
 - d. 12 years.
87. An additional Sessions Judge may pass
- a. any sentence authorized by law
 - b. any sentence except the death sentence
 - c. any sentence except the death sentence and life imprisonment
 - d. none of above.
88. An accused arrested can be kept in custody without producing him before the Magistrate, after his arrest for a period of
- a. 12 hours
 - b. 24 hours
 - c. 48 hours
 - d. 90 days.
89. Agreement between the parties to institute the suit relating to dispute in a particular court
- (a) does not oust the jurisdiction of other courts
 - (b) may operate as estoppel between the parties

- (c) both (a) and (b)
 (d) neither (a) nor (b).
90. Any person aggrieved by a refusal on the part of an officer in charge of a police station to record the information referred to in sub-section (1) of Section 154 may send the substance of such information, in writing and by post, to the
- Superintendent of police
 - Magistrate having jurisdiction
 - any police officer above the rank of station house officer who refused to record the information
 - none of above.
91. Power under Section 156 (3) of the code of Criminal Procedure can be exercised by a Magistrate
- only after taking cognizance of the offence
 - before taking cognizance of the offence
 - either before or after taking cognizance of the offence
 - none of above.
92. In the questions given below are two statements labeled as Assertion (A) and Reason (R). In the context of the two statements, which of the following is correct?
- Assertion (A) : There is no provision in the Code of Criminal Procedure, 1973 to file a 'Protest Petition' by the informant who lodged the first information report.
- Reason (R) : But this has been practice.
- Both A and R are true and R is the correct explanation of A
 - Both A and R are true and R is not the correct explanation of A
 - A is true but R is false
 - A is false but R is true.
93. Cognizance is taken of the
- offence
 - offender
 - both (a) and (b)
 - none of above.

94. Section 300 of the Code of Criminal Procedure is based on the maxim
- a. Nemo debet bis vexari pro una et eadem causa
 - b. Ubi jus ibi remedium
 - c. Discretio est discernere per legum quid sit justum
 - d. None of above.
95. Mesne profit can be claimed with respect to
- a. movable property only
 - b. immovable property only
 - c. both movable and immovable property
 - d. none of above.
96. Issues arise when
- a. A material proposition of fact or law is admitted by one party
 - b. when a material proposition of fact or law is affirmed by the one party and denied by the other
 - c. when a material proposition of fact or law is denied by one party.
 - d. none of above.
97. Which of the following rules is based on the cardinal principle that the defendant should not be vexed twice for the same cause?
- a. Order 2 Rule 5 of the Code of Civil Procedure, 1908
 - b. Order 2 Rule 4 of the Code of Civil Procedure, 1908
 - c. Order 2 Rule 3 of the Code of Civil Procedure, 1908
 - d. Order 2 Rule 2 of the Code of Civil Procedure, 1908.
98. The extinction of debts of which two persons reciprocally debtors to one another by the credits of which they are reciprocally creditors to one another is called
- a. set-off
 - b. counter-claim
 - c. settlement of accounts
 - d. none of above.
99. Interest pendente lite means
- a. Interest prior to the suit
 - b. Interest from the date of suit to the date of decree
 - c. Interest from the date of decree to the date of payment
 - d. none of above.

100. In the questions given below are two statements labeled as Assertion (A) and Reason (R). In the context of the two statements, which of the following is correct?

Assertion (A) : There is a presumption in favour of jurisdiction of a civil court.

Reason (R) : Ouster of jurisdiction must be established by the one who pleads it.

- (a) Both A and R are true and R is the correct explanation of A
- (b) Both A and R are true and R is not the correct explanation of A
- (c) A is true but R is false.

