



Teachingninja.in



Latest Govt Job updates



Private Job updates



Free Mock tests available

Visit - teachingninja.in

HPJS (Prelims)
Previous Year Paper
(Civil Law-I) Paper-I 2016



BOOKLET NO.

3485

DO NOT OPEN THIS TEST BOOKLET UNTIL YOU ARE ASKED TO DO SO

TEST BOOKLET SERIES

**TEST BOOKLET
PAPER I
CIVIL LAW-I**



Time Allowed : 1 Hour]

[Maximum Marks : 100

All questions carry equal marks.

INSTRUCTIONS

1. Write your Roll Number only in the box provided alongside.
Do not write anything else on the Test Booklet.
2. This Test Booklet contains **50** items (questions). Each item comprises four responses (answers). Choose only one response for each item, which you consider the best.
3. After the candidate has read each item in the Test Booklet and decided which of the given responses is correct or the best, he has to mark the circle containing the letter of the selected response by blackening it completely with ball point pen as shown below. In the following example, response "C" is so marked :

(A) (B) (C) (D)
4. Do the encoding carefully as given in the illustrations. While encoding your particulars or marking the answers on answer sheet, you should blacken the circle corresponding to the choice in full and no part of the circle should be left unfilled. In the test ball point pen of black or blue ink is to be used as such you should be very careful while marking the responses to avoid erasing at a later stage. Double marking in the answer sheet will fetch zero mark. You may clearly note that since the answer sheets are to be scored/evaluated on O.M.R., any violation of the instructions may result in reduction of your marks for which you would yourself be responsible.
5. You have to mark all your responses **ONLY** on the **ANSWER SHEET** separately given to you.
6. All items carry equal marks. Attempt *all* items. Your total marks will depend only on the number of correct responses marked by you in the Answer Sheet. There will be no negative marking.
7. Before you proceed to mark responses in the Answer Sheet, fill in the particulars in the front portion of the Answer Sheet as per the instructions sent to you.
8. After you have completed the test, hand over the Answer Sheet only to the Invigilator.

DO NOT OPEN THIS TEST BOOKLET UNTIL YOU ARE ASKED TO DO SO

CIVIL LAW-I

Time Allowed : 1 Hour]

[Maximum Marks : 100

1. The adjudication of a court of law may be :

- (A) Decree only
- (B) Order only
- (C) Decree and order
- (D) None of the above

2. In which case the Supreme Court held that in the partition suit more than one preliminary decree can be passed ?

- (A) Phoolchand Vs. Gopal Lal, AIR 1967 SC 1470
- (B) Balraj Taneja Vs. Sunil Madan, AIR 1999 SC 3381
- (C) Babbar Sewing Machine Co. Vs. Triloki Nath Mahajan, AIR 1978 SC 1436
- (D) Santosh Kumar Vs. Bhai Mool Singh, AIR 1958 SC 321

3. In Rajasthan SRTC Vs. Krishan Kant, AIR 1995 SC 1715, the Supreme Court laid down the :
- (A) Principles of res judicata
 - (B) Principles applicable to industrial disputes
 - (C) Jurisdiction of court of small causes
 - (D) Jurisdiction of foreign courts
4. A defendant should present written statement of his defence within thirty days from the service of summons on him. The said period can be extended upto :
- (A) 30 days
 - (B) 60 days
 - (C) 90 days
 - (D) 100 days
5. The plaint shall be rejected by the court, under Order 7, Rule 11(e) of the Code of Civil Procedure, if it is not filed in :
- (A) Duplicate
 - (B) Triplicate
 - (C) Quadruplicate
 - (D) Five copies

6. What is not a material irregularity under Rule 90 of Order 21 of the Code of Civil Procedure ?
- (A) Omission to issue notice under Rule 22 of Order 21
 - (B) Omission to publish sale proclamation under Rule 66 of Order 21
 - (C) Omission to state the revenue or rent payable on the land
 - (D) Omission to record reasons for the adjournment of sale
7. The assets held to be not available for the rateable distribution under Section 73 of the Code of Civil Procedure :
- (A) Sale proceeds realised from auction sale
 - (B) Deposit made by a defaulting purchaser
 - (C) Money realised in execution of decree
 - (D) Deposit of earnest money
8. Mark the *incorrect* statement :
- (A) A second appeal lies to the High Court on the ground of a substantial question of law
 - (B) A revision application lies to the High Court on the ground of jurisdictional error
 - (C) The High Court can decide a question of fact in the exercise of its revisional jurisdiction
 - (D) The High Court can decide a question of fact in the second appeal in certain circumstances

9. Jurisdiction of a court is decided by :

- (A) Subject matter of the dispute
- (B) Pecuniary value of the suit
- (C) Place where the dispute arose
- (D) All of the above

10. A suit relating to immovable property shall be instituted at a place :

- (A) Where the defendant resides
- (B) Where the property situated
- (C) Where the plaintiff resides
- (D) None of the above

11. 'Caveat' shall *not* remain in force after the expiry of :

- (A) 30 days from the date on which it was lodged
- (B) 60 days from the date on which it was lodged
- (C) 90 days from the date on which it was lodged
- (D) 120 days from the date on which it was lodged

12. The provisions regarding inherent powers of the courts are mentioned in the Code of Civil Procedure in :
- (A) Sections 135A to 141
 - (B) Sections 148 to 153-B
 - (C) Sections 31 to 35-B
 - (D) None of the above
13. Under Section 47 of the Code of Civil Procedure, which question does *not* relate to the execution, discharge or satisfaction of decree ?
- (A) Whether a decree is executable ?
 - (B) Whether the property is liable to be sold in execution of the decree ?
 - (C) Whether the decree is fully satisfied ?
 - (D) Whether the decree is fraudulent or collusive ?
14. The pleadings should contain :
- (A) Only *facta probanda*
 - (B) Only *facta probantia*
 - (C) *Facta probanda* and *facta probantia*
 - (D) None of the above

15. Rule 6 of Order 12 of the Code of Civil Procedure provides :
- (A) Notice to admit documents
 - (B) Judgment on admissions
 - (C) Production of documents
 - (D) Admission of documents
16. Under Section 58(1-A) of the Code of Civil Procedure, no order of detention of the judgement debtor shall be made, where the decretal amount is :
- (A) Rupees 2,000
 - (B) Rupees 2,500
 - (C) Rupees 3,500
 - (D) Rupees 4,000
17. Under Section 1 of the Indian Evidence Act, the proceedings which are specifically excluded from the operation of the Indian Evidence Act :
- (A) Proceedings before Industrial Tribunals
 - (B) Proceedings before Arbitrators
 - (C) Proceedings before Administrative Tribunals
 - (D) None of the above

18. When one fact is declared by the Indian Evidence Act to be conclusive proof of another, the court, on proof of one fact :
- (A) shall not allow evidence to be given for the purpose of disproving it
 - (B) may allow evidence to be given for the purpose of disproving it
 - (C) both (A) and (B)
 - (D) none of the above
19. Which illustration of Section 114 of the Indian Evidence Act is based upon the maxim, 'Ominia praesumuntur rite et solemniter esse acta' ?
- (A) Illustration 'a'
 - (B) Illustration 'd'
 - (C) Illustration 'e'
 - (D) Illustration 'g'
20. Section 93 of the Indian Evidence Act, applies to the :
- (A) Ambiguitas patens
 - (B) Ambiguitas latens
 - (C) Both (A) and (B)
 - (D) None of these

21. Section 31 of the Indian Evidence Act says that admissions are not conclusive proof of the matters admitted, but they may operate as :
- (A) *res judicata* (B) *res gestae*
(C) *estoppels* (D) none of these
22. Out of the following which is *not* a secondary evidence ?
- (A) Copies made from the original by mechanical process
(B) Copies made from and compared with the original
(C) Oral accounts of the contents of a document given by a person who has himself seen and read it
(D) Oral account of a copy compared with the original
23. What is *not correct* for the admissibility of the 'dying declaration' under Section 32 Clause (1) of the Indian Evidence Act ?
- (A) The person making statement must have died
(B) Statement must have been made as to cause to his death
(C) It is not necessary that cause of death must be in question
(D) It is not necessary that statement must have been made in expectation of death

24. Which is *not* public document ?

- (A) Record of Tribunal
- (B) Record of Municipal Board
- (C) Memorandum of Association of a company
- (D) None of the above

25. A disputed handwriting can be proved by :

- (A) Calling an expert
- (B) Examining a person acquainted with the handwriting of the writer of the questioned document
- (C) Comparison of the two admitted and disputed documents
- (D) All of the above

26. The depositions relevant under Section 33 of the Indian Evidence Act, but is subject to the control of :

- (A) Section 156 of the Indian Evidence Act
- (B) Section 157 of the Indian Evidence Act
- (C) Section 158 of the Indian Evidence Act
- (D) None of the above

27. A person who has taken solemn promise of silence gives evidence in writing in the open court. His evidence shall be deemed to be :
- (A) Oral evidence
 - (B) Documentary evidence
 - (C) Secondary evidence
 - (D) None of the above
28. The professional communication between an advocate and his client can be disclosed before the court :
- (A) With the consent of the client
 - (B) Without the consent of the client if made in furtherance of any illegal purpose
 - (C) Without the consent of the client if the advocate comes to know that any crime or fraud has been committed since the commencement of his employment
 - (D) All of the above

29. The presumption under Section 112 of the Indian Evidence Act is relevant when there is dispute relating to the :
- (A) Maternity of the child
 - (B) Paternity of the child
 - (C) Both (A) and (B)
 - (D) Guardianship of the child
30. Burden of proof under Section 101 of the Indian Evidence Act :
- (A) never shifts
 - (B) goes on shifting as the trial proceeds
 - (C) may shift
 - (D) may shift with the permission of the court
31. Which one of the following is *not* a correct statement about expert opinion ?
- (A) The opinion of an expert is rarely conclusive
 - (B) Facts which are irrelevant become relevant when they support the opinion of experts
 - (C) Opinion of expert is binding on the judge always
 - (D) Evidence of experts is a suggestive piece of evidence

32. A witness cannot refresh his memory by :

- (A) Referring to any writing made by the witness
- (B) Referring to any copy of the document by the witness with the court's permission
- (C) Referring to any writing made by any other person and read by the witness
- (D) Referring to another witness for taking his assistance

33. Under Section 6 of the Specific Relief Act, 1963, a suit for possession of an immovable property can be filed within :

- (A) 30 days of dispossession
- (B) 3 months of dispossession
- (C) 6 months of dispossession
- (D) 1 year of dispossession

34. Under Section 7 of the Specific Relief Act, 1963, recovery of specific movable property may recover it in the manner provided by the :
- (A) Specific Relief Act, 1963
 - (B) Indian Contract Act, 1872
 - (C) Code of Civil Procedure, 1908
 - (D) Transfer of Property Act, 1882
35. Under Section 9 of the Specific Relief Act, 1963, the defendant may plead his defence under the :
- (A) Law of Contracts
 - (B) Code of Civil Procedure
 - (C) Transfer of Property Act
 - (D) None of the above
36. Under Section 33 of the Specific Relief Act, 1963, the compensation is payable, if :
- (A) The party received the benefit
 - (B) The contract is without consideration
 - (C) Both (A) and (B)
 - (D) None of the above

37. Section 34 of the Specific Relief Act, 1963, sanctions :

- (A) Every type of declaration
- (B) Only a declaration of legal character
- (C) Only a declaration of a right to property
- (D) A declaration of legal character or of a right to property

38. Specific relief can be granted for :

- (A) Enforcing penal laws
- (B) Enforcing individual civil rights
- (C) Both (A) and (B)
- (D) None of the above

39. Section 11 of the Specific Relief Act, refers specific performance of contracts connected with :

- | | |
|----------------------|-------------------|
| (A) arbitration | (B) trusts |
| (C) both (A) and (B) | (D) none of these |

40. Section 12(2) of the Specific Relief Act, 1963 applies where the part which remains unperformed of the contract is :
- (A) small proportion (B) considerable part
- (C) equal part (D) none of these
41. Section 20 of the Himachal Pradesh Courts Act, 1976, contains the provision regarding 'appeals' from :
- (A) District Judge
- (B) Subordinate Judges
- (C) High Court
- (D) State Government
42. 'Classes of Courts' are explained in the Himachal Pradesh Courts Act, 1976 in :
- (A) Section 2 (B) Section 3
- (C) Section 4 (D) Section 5

43. The expression 'corporatisation' mentioned in 'Section 8-B' of the Indian Stamp Act, 1899, shall have the meaning as assigned in :
- (A) The Depositories Act, 1996
 - (B) The Indian Companies Act, 1956
 - (C) The Securities Contracts (Regulation) Act, 1956
 - (D) The Negotiable Instrument Act, 1881
44. 'Section 8A' of the Indian Stamp Act, which deals the provision regarding 'securities dealt in depository not liable to stamp duty' was inserted by :
- (A) Act 19 of 1958
 - (B) Act 43 of 1995
 - (C) Act 22 of 1996
 - (D) Act 18 of 2005
45. 'Soldier' under the Indian Stamp Act, 1899, includes any person who is enrolled under :
- (A) The Indian Army Act, 1911
 - (B) Air Force Act, 1950
 - (C) Navy Act, 1794
 - (D) None of the above

46. 'Settlement' under the Indian Stamp Act, 1899, means disposition of :
- (A) only movable property
 - (B) only immovable property
 - (C) movable or immovable property
 - (D) none of the above
47. Madras Refineries Vs. Chief Controlling Revenue Authority, Board of Revenue, AIR 1977 SC 500, explains the application of :
- (A) Section 3 of the Indian Stamp Act
 - (B) Section 4 of the Indian Stamp Act
 - (C) Section 7 of the Indian Stamp Act
 - (D) Section 8 of the Indian Stamp Act
48. Under Section 32 of the Indian Stamp Act, who certify the instrument ?
- (A) Collector
 - (B) Chief Controlling Revenue Authority
 - (C) Both (A) and (B)
 - (D) None of the above

49. Section 35 of the Indian Stamp Act, 1899, denotes :

- (A) Examination and impounding of instruments
- (B) Instruments not duly stamped inadmissible in evidence
- (C) Adjudication as to proper stamp
- (D) Allowance for spoiled stamps

50. Under Section 57 of the Indian Stamp Act, 1899, the Chief Controlling Revenue Authority refers the case arise in the state to the :

- (A) State Government
- (B) Collector
- (C) High Court
- (D) None of the above