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HPJS (Prelims)
Previous Year Paper
(Civil Law-I) Paper-I
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1. Accused X, after committing murder, comes to his wife and discloses to her about the said murder. This communication is-

(A) Relevant and admissible	(B) Relevant but inadmissible
(C) Not relevant	(D) Hearsay

2. Husband and wife are competent witnesses against each other in-

(A) Civil cases only	(B) Criminal cases only
<input checked="" type="checkbox"/> (C) Civil and criminal both	(D) None of the above

3. Which of the following sections of the Evidence Act, 1872 propounds that 'admissions are not conclusive proof of the matters admitted'?

(A) Section 30	<input checked="" type="checkbox"/> (B) Section 31
(C) Section 33	(D) Section 34

4. Choose the correct alternative for the Assertions (A) and Reasons (R).
 Assertion (A): A lunatic is not incompetent to testify.
 Reason (R): All persons are competent to testify unless prevented from understanding the questions or cannot give rational answers to questions due to tender years, extreme old age, disease etc.

<input checked="" type="checkbox"/> (A) Both A and R are true, and R is the correct explanation of A.
(B) Both A and R are true, but R does not explain A correctly.
(C) A is true, but R is false.
(D) If both A and R are false.

5. A is on trial for the murder of C. There is evidence to show that C was murdered by A and B, and during the trial, B said—"A and I murdered C". This statement is-

(A) Relevant and admissible against A only.
(B) Relevant and admissible against A&B both.
<input checked="" type="checkbox"/> (C) Not relevant at all
(D) Inadmissible against both.

6. When one fact is declared conclusive proof of another, which of the following is untrue?

(A) It is a mandatory presumption.
(B) It is an irrebuttable presumption.
<input checked="" type="checkbox"/> (C) The court may, at its discretion, allow evidence to refute the presumption.
(D) The court shall not allow evidence to be given to disprove the presumption.

7. A document is transcribed from a copy of another document. After the transcribed copy is prepared, the same is compared with the copy of the original document. Under the Indian Evidence Act 1872 the transcription so prepared is-
- (A) Primary evidence ☒ (B) Secondary evidence
(C) Neither primary nor secondary evidence (D) Secondary Document
8. Which of the following provisions of the Evidence Act, 1872 incorporates the rule of *res gestae*?
- (A) Section 5 ☒ (B) Section 6
(C) Section 16 (D) Section 22
9. With respect to the burden of proof under Section 104 of the Indian Evidence Act, 1872, choose the correct response between the two statements given below-
- A: The prosecution wishes to prove a dying declaration by 'Y' ✓
B: The prosecution must prove Y's death. ✓
- ☒ (A) A & B, both are correct (B) A is correct, and B is incorrect.
(C) A is incorrect, and B is Correct (D) A&B, both are incorrect
10. Save as otherwise provided by any other law for the time being in force, under the Himachal Pradesh Courts Act, 1976, the Court of the District Judge shall have jurisdiction in all original civil suits, the value of which does not exceed-
- (A) twenty lakhs rupees. ☒ (B) thirty lakhs rupees.
(C) fifty lakhs rupees. (D) one crore rupee
11. Under the Himachal Pradesh Courts Act, 1976 which of the following is being given power to confer the jurisdiction of Small Causes Court to the court of Civil Judge, for the trial of suits, cognizable by Small Causes Court, up to such value not exceeding two thousand rupees?
- (A) District Court of relevant jurisdiction ☒ (B) High Court of Himachal Pradesh
(C) State Government (D) Governor
12. With respect to the Indian Stamp (H.P. Amendment) Act, 1952, where, in the case of any sale, several instruments are employed for completing the transaction, choose the incorrect response given below-
- ☒ (A) The principal instrument only shall be chargeable with the duty prescribed in Schedule.
(B) The other instruments shall be chargeable with a duty of one rupee instead of the duty (if any) prescribed for it in that Schedule.
(C) The parties may determine for themselves which of the instruments shall be treated as the principal instrument.
☒ (D) The duty chargeable on the principal instrument so determined shall be the highest duty which would be chargeable in respect of any of the said instruments employed.

13. Which of the following is not a suit of civil nature?

- (A) Suit in which the right to property is contested.
- (B) Suit in which the right office is contested.
- (C) Suit relating to taking out of a religious procession.
- (D) Suit against expulsion from Caste.

14. Choose the correct alternative from the Assertions (A) and Reasons (R).

Assertion (A): A suit may be barred from the cognizance of the Civil Court on the grounds of Public Policy.

Reason (R): A court should not countenance matters injurious to and against the public weal.

- (A) Both A and R are true, and R is the correct explanation of A.
- (B) Both A and R are true, but R does not explain A correctly.
- (C) A is true, but R is false.
- (D) If both A and R are false.

15. Which of the following situations is covered under the principle of constructive resjudicata?

- (A) Section 11 Explanation II
- (B) Section 11 Explanation III
- (C) Section 11 Explanation IV
- (D) Section 11 Explanation V

16. Choose the correct alternative for the Assertions (A) and Reasons (R).

Assertion (A): Civil Court's jurisdiction should be readily inferred unless expressly provided under any statute.

Reason (R): There is no presumption in favour of the court's jurisdiction.

- (A) Both A and R are true, and R is the correct explanation of A.
- (B) Both A and R are true, but R does not explain A correctly.
- (C) A is true, but R is false.
- (D) If both A and R are false.

17. Plaintiff 'P' presents his plaint in the court of original jurisdiction against Defendant 'D'. The defendant resists the plaint, claiming that 'the matter in issue is also directly and substantially in issue in a previously instituted suit between the same parties' in the United Kingdom. After hearing the parties on 'res-sub judice', the court exercised the power contained in Section 151 and stays the proceedings. Choose the correct response with respect to Section 10 of the Code of Civil Procedure, 1908.

- (A) The order is illegal as it violates the power contained under Section 10.
- (B) The order is illegal as Section 10 prohibits the institution of suits and the trial.
- (C) Suit pending in foreign jurisdiction can't be considered in India.
- (D) The order is legal, as the court can stay a suit in the interest of justice

18. In which of the following cases a foreign judgment will not be conclusive?
- (A) where it has not been given on the merits of the case. ✓
 - (B) where the proceedings in which the judgment was obtained are opposed to natural justice. ✓
 - (C) where it has been obtained by fraud. ✓
 - ✓(D) All the above.
19. Choose the correct response: No objections as to the competence of a Court with reference to the pecuniary limits of its jurisdiction shall be allowed by any Appellate or Revisional Court unless-
- I. Such objection was taken in the Court of the first instance, and at the earliest possible opportunity. ✓
 - II. Such an objection was taken at or before the settlement of issues. ✓
 - III. There has been a consequent failure of justice. ✓
- (A) Only I & III are required. ✓
 - (B) Only II & III are required. ✓
 - (C) Only I & II are required. ✓
 - ✓(D) All three conditions must co-exist.
20. Where the former suit was dismissed because of _____, the principle of res judicata will apply.
- ✗(A) Want of jurisdiction
 - (B) Non joinder of parties
 - (C) Misjoinder of parties
 - ✓(D) Relief claimed but not granted.
21. Where the appellant has withdrawn the appeal filed against a decree passed ex parte, his application under Order 9 Rule 13 shall be-
- (A) Rejected
 - (B) Returned
 - ✓(C) Maintainable
 - (D) None of the above
22. Which of the following provisions of the Code of Civil Procedure, 1908 deals with 'Interpleader Suit'?
- (A) Order XXVI
 - (B) Order XXVII
 - (C) Order XXXIII
 - ✓(D) Order XXXV
23. A document shall be deemed to be admitted where-
- (A) a party is called upon to admit, fails to deny specifically or by necessary implication.
 - (B) a party is called upon to admit, fails to deny in the pleading.
 - (C) fails to deny in reply to the notice to admit documents.
 - ✓(D) All the above

24. With respect to abatement of suits under the Code of Civil Procedure, 1908, which of the following is incorrect?

- (A) No abatement by party's death if the right to sue survives. ✓
- (B) In case of more than one plaintiff or defendant is there, the death of one plaintiff or defendant will not result in abatement of the suit if the right to sue survives. ✓
- (C) In case of death of the sole defendant, where the right to sue survives, the court shall allow a legal representative of said defendant to become party to the suit. ✓
- ☒ (D) The legal representation of the deceased defendant will not be allowed to file an additional written statement or statement of objections even though such statement/objections could have been raised by the deceased defendant.

25. Which of the following are not entitled to exemption from personal appearance under the Code of Civil Procedure, 1908?

- (A) President of India ✓
- ☒ (B) Public Officer ✓
- (C) Women who, according to the customs and manners of the country, ought not to be compelled to appear in public. ✓
- (D) Member of Parliament ✓

26. Which of the following is not correctly matched?

- (A) Order III: Recognised Agents and Pleadings ✓
- (B) Order X: Examination of parties by Court ✓
- ☒ (C) Order XIII: Admissions ✓
- (D) Order XV: Disposal of Suits at the First Hearing ✓

27. Which of the following provisions of the Code of Civil Procedure, 1908, deals with the appointment of a receiver?

- (A) Order XX
- ☒ (B) Order XL
- (C) Order XV
- (D) Order XVI

28. Choose the correct alternative for the Assertions (A) and Reasons (R).

Assertion (A): Where a plaintiff omits to sue in respect of, or intentionally relinquishes, any portion of his claim, he shall not afterwards sue for the portion so omitted or relinquished.

Reason (R): Every litigation must reach its finality.

- ☒ (A) Both A and R are true, and R is the correct explanation of A.
- (B) Both A and R are true, but R does not explain A correctly.
- (C) A is true, but R is false.
- (D) If both A and R are false.

29. Which of the following provisions of the Code of Civil Procedure, 1908 deals with revision?
- (A) Section 112 (B) Section 113
(C) Section 114 (D) Section 115
30. Which of the following provisions deals with the inherent power of the Civil Court?
- (A) Section 141 (B) Section 151
(C) Section 153 (D) Section 114
31. Under Section 64 of the Code of Civil Procedure, 1908, a private alienation of property after attachment is-
- (A) Permissible (B) Prohibited
(C) Void (D) Voidable
32. Which of the following sections of the Code of Civil Procedure, 1908, makes it mandatory to serve notice in writing only?
- (A) Section 141 (B) Section 142
(C) Section 143 (D) Section 145
33. Order 32 of the Code of Civil Procedure deals with-
- (A) Suit by or against minor (B) Suit by or against persons of unsound mind
(C) Both A & B (D) A suit against the trustee and executors
34. In a suit for specific performance of a contract, the plaintiff has not claimed any compensation for its breach in addition to such specific performance. If, in any such suit, the court is of the opinion that specific performance ought to be granted, and to do justice, some compensation for breach of the contract should also be awarded to the plaintiff. Choose the most appropriate response from the below-
- (A) No compensation can be granted since no such claim is there from the plaintiff.
(B) Notwithstanding the claim, a court can grant compensation using inherent power.
(C) Plaintiff should be allowed to amend the plaint at the earliest and claim compensation.
(D) Plaintiff should be allowed to amend the plaint at any stage of proceedings and claim compensation.

35. Under Section 20 of the Specific Relief Act, 1963, no substituted performance of the contract shall be undertaken unless the party who suffers due to the breach of contract has given a notice in writing, of not less than _____, to the party in breach calling upon him to perform the contract within such time as specified in the notice. and on his refusal or failure to do so, he may get the same performed by a third party or by his own agency.

- (A) 15 days ~~(B)~~ 30 days
(C) 45 days (D) 60 days

36. In the case of substituted performance of the contract by a third party in accordance with the provisions of the Specific Relief Act, 1963, which of the following is incorrect?

- ☒ (A) After the substituted performance, a claim of specific performance is maintainable.
~~(B)~~ After the substituted performance, a claim form compensation is not maintainable.
~~(C)~~ A party who suffers the breach would not be entitled to recover the expenses and costs unless has got the contract performed through a third party or by his own agency.
☒ (D) All the above are correct.

37. Under Section 6 of the Specific Relief Act, 1963, if any person is dispossessed without his consent of immovable property by the government in the exercise of law in force, he or any person through whom he has been in possession or any person claiming through him may, by suit, recover possession thereof. Such suit must be filed within-

- (A) One month from the date of dispossession
(B) Two months from the date of dispossession
~~(C)~~ Six months from the date of dispossession
☒ (D) No suit can lie under Section 6 against the government.

38. Which of the following is incorrect with respect to Section 34 of the Specific Relief Act, 1963?

- (A) Any person entitled to any legal character or to any right as to any property may institute a suit against any person denying his title to such character or right.
(B) The court may, in its discretion, make therein a declaration that he is so entitled.
(C) The plaintiff need not, in such a suit, ask for any further relief.
☒ (D) The court shall make such declaration where the plaintiff, being able to seek further relief than a mere declaration of title, omits to do so.

39. Which of the following provisions of the Specific Relief Act, 1963, deals with perpetual injunction?

- (A) Section 36 ☒ (B) Section 38
(C) Section 40 (D) Section 41

40. In case where Mr X applies for an injunction to prevent the breach of a contract, the performance of which would not be specifically enforced, the court-

- (A) may grant a temporary injunction.
(B) May grant a mandatory injunction.
(C) Shall have the discretion to grant an injunction in such matter.
☒ (D) Shall refuse to grant an injunction in such matter.

41. With respect to estoppel, which of the following is incorrect?

- (A) Estoppel aims to prevent fraud and secure justice between the parties by promoting honesty and good faith.
(B) Estoppel is a rule of evidence.
(C) Estoppel is applicable against the statute.
☒ (D) All are correct.

42. With respect to Section 165 of the Evidence Act 1872, which of the following is incorrect?

- (A) The Judge may, to discover or to obtain proper proof of relevant facts, ask any question he pleases.
(B) Such questions may be asked to any witness or the parties about any fact.
(C) The questions asked must be relevant questions only.
☒ (D) Neither the parties nor their agents shall be entitled to make any objection to any such question.

43. Which of the following is incorrect with respect to Circumstantial Evidence Rule?

- (A) The circumstances from which an inference is sought to be drawn must be cogently and firmly established.
☒ (B) Those circumstances should be of a definite tendency.
(C) The Circumstances must be unerringly pointing towards the guilt/innocence of the accused.
(D) The circumstances, taken cumulatively, should form a chain so complete that there is no escape from the conclusion that, within all human probability, the crime was committed by the accused and no one else.

44. The defence counsel intends to cross-examine and contradict the person who lodged the First Information Report (FIR) before the police and who is called as a witness. The defence can do so-
- (A) Only after showing the contents of the FIR.
 (B) Without showing the contents of the FIR.
 (C) It's the judge's sole discretion to disclose the contents of the FIR.
 (D) Oral narration of the contents are sufficient.
45. Which of the following is not subject to the rule of relevancy?
- (A) Examination in-chief (B) Cross-examination
 (C) Re-examination (D) Expert opinion
46. Which of the following is a leading case law on privileged communication between husband and wife?
- (A) Ram Bharose v. State of UP (1954) (B) R K Jain v Union of India (1993)
 (C) State of Maharashtra v CK Jain (1990) (D) Bhuboni Sahu v Emperor (1949)
47. Which of the following is not relevant under Section 14 of the Indian Evidence Act, 1872?
- (A) Knowledge (B) Ill-will
 (C) Good-will (D) Character
48. Which of the following is not covered as a relevant fact under Section 8 of the Evidence Act of 1872?
- (A) Motive (B) Previous & Subsequent conduct
 (C) Preparation (D) Cause and effect
49. Which of the following provision of the Indian Evidence Act, 1872 would cover the Test identification Parade conducted by police?
- (A) Section 8 (B) Section 9
 (C) Section 10 (D) Section 11
50. In which of the following case does the Supreme Court permit the recording of evidence through video conferencing?
- (A) State of Maharashtra v. Praful B Desai (2003) (B) State of UP v. RP Mittal (1992)
 (C) Umedbhai v. State of Gujarat (1978) (D) Laxman Naik v State of Orissa (1995)