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**HPJS (Prelims)**  
**Previous Year Paper**  
**(Civil Law-II) Paper-II**  
**09 July, 2023**



1. Match List I and List II as per the provisions of maintenance under Hindu Adoption and Maintenance Act, 1956, and select the correct answer by using the codes given below the lists.

- | List I                       | List II      |
|------------------------------|--------------|
| a) Wife                      | i. Sec. 20   |
| b) Widowed Daughter-in-Law   | ii. Sec. 18  |
| c) Children and aged parents | iii. Sec. 19 |
| d) Dependents                | iv. Sec. 22  |

Codes:

	a	b	c	d
A. (ii)	(ii)	(iii)	(i)	(iv)
B. (iv)	(iv)	(iii)	(ii)	(i)
C. (iii)	(iii)	(ii)	(i)	(iv)
D. (i)	(i)	(ii)	(iii)	(iv)

2. Under the Hindu Succession Act, 1956, the following is true for Computation of degrees:
- For the purpose of determining the order of succession among agnates or cognates, relationship shall be reckoned from the intestate to the heirs in terms of the degrees of ascent or descent or both.
  - Only ascending generation would constitute a degree and not a descending one.
  - Degrees of ascent and descent shall not be computed inclusive of the intestate.
- A. All (i), (ii) and (iii) are true.      B. Only (ii) and (iii) are true.
- C. Only (i) is true.      D. Only (i) and (ii) are true.

3. Once a decree for judicial separation has been passed under the Hindu Marriage Act, 1955, the couple can:
- never cohabit together.
  - live together after the court rescinds the decree.
  - can live together after remarriage.
  - can decide as per their choice.

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B.	(iv)	(iii)	(ii)	(i)
C.	(iii)	(ii)	(i)	(iv)
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4. Any marriage solemnized will be null and void as per the Hindu Marriage Act, 1955, if:

- i. either party has a spouse living at the time of marriage ✓
- ii. parties are not within the degrees of prohibited relationship If the custom or usage governing each of them permits a marriage between the two.
- iii. parties are not within the degrees of prohibited relationship if the custom or usage governing any of them permits a marriage between the two.

Choose the correct option:

- A. Only (i) and (ii) are true.
- B. Only (i) and (iii) are true.
- C. Only (ii) and (iii) are true.
- ☒ D. All (i), (ii) and (iii) are true.

5. The period prescribed in Section 13-B (2) of the Hindu Marriage Act, 1955 can be waived or reduced by the Supreme Court in exercise of its jurisdiction under Article 142 of the Constitution in view of settlement between the parties. The SC has the discretion to grant divorce on the ground of irretrievable breakdown of marriage by passing a decree of divorce by mutual consent, without being bound by the procedural requirement to move the second motion. This has been laid down very recently in the following SC judgment:

- ☒ A. Savitri Pandey v. Prem Chandra Pandey
- B. Munish Kakkar v. Nidhi Kakkar
- C. Manish Goel v. Rohini Goel
- D. Shilpa Sailesh v Varun Sreenivasan

6. T. Sareetha v T. Venkata Subbaiah is a case relating to:

- A. Monogamy
- B. Inheritance
- ☒ C. Conjugal rights
- D. Partition of Property

7. Assertion (A): A bigamous marriage is void under Hindu Law. ✓

Reason (R): A child born out of void marriage is legitimate child of his parents.

Choose the correct answer:

- 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.

8. A child who was in the womb at the time of the death of an intestate and who is subsequently born alive shall have:
- I. the same right to inherit to the intestate as if he or she had been born before the death of the intestate, and the inheritance shall be deemed to vest in such a case with effect from the date of the death of the intestate.
  - II. Section 20 permits an interest being created for the benefit of an unborn person who acquires interest upon his birth.
  - III. Shall not have the same rights to inherit to the intestate as if he or she had been born before the death of the intestate, and the inheritance shall be deemed to vest in such a case with effect from the date of the death of the intestate.

Choose the correct option:

☒ Only I

Only III

☒ Only II

☒ Both I & II

9. A Guardian" means a person having the care of the person of a minor or of his property or of both his person and property, and includes—
- i. a natural guardian, ✓
  - ii. a guardian appointed by the will of the minor's father or mother, ✓
  - iii. a guardian appointed or declared by a court. ✓
  - iv. a person empowered to act as such by or under any enactment relating to any court of wards. ✓

Choose the correct option:

☒ All are true

Only ii and iv

Only i and iii

Only i, ii and iii

10. A Hindu can dispose of his interest in a Mitakshara Coparcenary property by:

☒ A. Will

B. Sale

C. Gift

☒ D. Any other than mentioned above.



11. As per the Transfer of Property Act, 1882; If the donee dies before acceptance of the gift, such gift is:

- ☒ (A) Void
- (B) Voidable
- (C) Valid
- (D) Converted into will

12. Read the following statements:

**Statement I:** Where, on a transfer of property, an interest is created for the benefit of a person not then living, he acquires upon his birth a vested interest.

**Statement II:** Such a person would always be entitled to the enjoyment thereof immediately on his birth.

Choose the CORRECT option:

- (A) Only Statement I is correct.
- (B) Only Statement II is correct.
- ☒ (C) Both Statement I and II are correct
- (D) Statement I is correct, but Statement II may not always be correct.

13. 'Attested' in relation to an instrument means:

- i. Attested by two or more witnesses. ✓
- ii. Each of the witnesses has seen the executant sign or affix his mark to the instrument. ✓
- iii. Each of the witnesses has signed the instrument in the presence of the executant. ✓
- iv. More than one of such witnesses shall have been present at the same time. ✗

Choose the correct option:

- A. Only ii and iv are correct.
- ☒ B. Only i, ii and iii are correct.
- C. Only i, ii and iv are correct.
- D. Only i and iii are correct.

14. Doctrine of subrogation applies to:

- (A) Lease
- (B) Sale
- ☒ (C) Mortgage
- (D) Gift

15.

## List II

- LIST I
- |                                 |                      |
|---------------------------------|----------------------|
| a) Transfer of property defined | → (i) Sec. 14        |
| b) Rule against Perpetuity      | → (ii) Sec. 21       |
| c) Transfer by ostensible owner | → (iii) Sec. 41      |
| d) Contingent Interest          | → (iv) <u>Sec. 5</u> |

	a	b	c	d
(A)	(iii)	(i)	(ii)	(iv)
(B)	(iv)	(i)	<u>(ii)</u>	<u>(iii)</u>
(C)	<u>(iv)</u>	<u>(iii)</u>	(i)	(ii)
(D)	(iii)	(iv)	(i)	(ii)

16. Under Section 10, TPA, transfer of property subject to a condition or limitation absolutely restraining the transferee from parting with his interest in the property, the condition or limitation is:

- (A) Illegal                      ✓(B) Void  
(C) Voidable                  (D) Enforceable

17) Mr. Sukant transfers property X to Mr. Kushal for Rs. 60 Lakh representing that he has a present interest therein, whereas he has, in fact, only a spes successionis. Kushal, however, has taken the transfer on the faith of that representation and for consideration. Kushal, in this case, is entitled to the benefit of the property X under the following provision of the Transfer of Property Act:

- ✓ A. Sec. 43 as laid down in *Jumma Masjid Mercara v Kodia Manindra Deviah*  
 B. Sec. 6(a) as laid down in *Rajesh Kanta Roy v Shanti Devi*  
 ✗ C. Sections 43 and Sec. 6(a) operate on two different grounds. Therefore, both would be applicable.  
 D. Sec. 11 as in *Abdul Jabbar v Venkata Shastri*

18. Under TPA, Sale is a transfer of:
- A. A right to enjoy immovable property.
  - B. A right to enjoy movable property.
  - C. An interest in a specific immovable property
  - ☒ D. Ownership

19. A lease of immovable property from year to year is terminable, on the part of either lesser or lessee, by giving a notice of      days.

- A. Thirty days
- ☒ B. Six months
- C. Sixty days
- D. Three months

20. Which of the following is NOT true about the rule of lis pendens:

- A. Any suit or proceeding should be pending in any court.
- B. Any suit or proceeding should be pending in any court having authority.
- ☒ C. The suit or proceeding pending may be collusive.
- ☒ D. In the suit or proceeding, any right to immovable property should be directly in question.

21. With reference to the Limitation Act, Match List I with List II and select the correct answer by using the codes given below the lists:

List I

List II

- |                                  |   |         |
|----------------------------------|---|---------|
| a) Effect of fraud or mistake    | <input checked="" type="checkbox"/> (i)   | Sec. 13 |
| b) <i>Suit in forma pauperis</i> | <input checked="" type="checkbox"/> (ii)  | Sec. 3  |
| c) Defect in jurisdiction        | <input checked="" type="checkbox"/> (iii) | Sec. 14 |
| d) Bar of limitation             | <input checked="" type="checkbox"/> (iv)  | Sec. 17 |

Codes:

- |   | a    | b    | c     | d     |
|---|------|------|-------|-------|
| <input checked="" type="checkbox"/> A. (iv) | (iv) | (i)  | (iii) | (ii)  |
| B. (iv)                                     | (iv) | (ii) | (iii) | (i)   |
| C. (i)                                      | (i)  | (ii) | (iii) | (iv)  |
| D. (iv)                                     | (iv) | (i)  | (ii)  | (iii) |

22. As per the definitions provided under the Limitation Act, 1963, which of the following options is correct?

- A. An application does not include a petition.
- ☒ B. An application includes a petition.
- C. Suit includes an appeal.
- D. Suit includes an application.



23. In the case of continuing breach of contract or in the case of a continuing tort, the Limitation Act provides as follows:
- A fresh period of limitation begins to run every time during which the said breach or the tort continues. ✓
  - The test is not whether the right is a continuing right but whether the wrong is a continuing wrong. ✓
  - A continuing breach is different from successive breaches.
- Choose the correct option:
- Only I and II are correct.
  - Only II and III are correct.
  - Only I and III are correct.
  - ✓ D. All three are correct.
24. Where the prescribed period of limitation for any application or suit is expiring on a holiday, such application or suit may be made:
- ✓ A. On the day when the Court re-opens.
  - B. A day prior to that holiday
  - C. Within 30 days of re-opening of the court.
  - D. Within 45 days of re-opening of the court.
25. What would be the effect of acknowledgement of debt in writing by the defendant after the prescribed day of limitation:
- A. Acknowledgement provides a fresh period of limitation.
  - B. Usually, the courts have discretion in such situations.
  - ✓ C. Such acknowledgement shall have no effect on limitation.
  - D. It may have an effect if the writing is clear in meaning.
26. Choose the correct option:
- A. The law of limitation is only substantive in nature.
  - ✓ B. Limitation bars the judicial remedy.
  - C. Limitation extinguishes the right.
  - D. Limitation bars the extra-judicial remedy
27. Any other application for which no limitation period is provided elsewhere, the period of limitation will be:
- A. Thirty Years
  - B. Twelve years
  - C. Five years
  - ✓ D. Three years





32. When the promisor offers to perform his part of obligation to the promise, it is known as: ✓

- i. Performance
- ii. Part-Performance
- iii. Tender of Performance
- iv. Offer of Performance

Choose the correct answer:

- A. (i) and (ii) only
- B. (i) and (iii) only
- ✓ C. (iii) and (iv) only
- D. (ii) & (iii) only

33. Under the Indian Contract Act, a minor's agreement would have the same consequence as that of any:

- A. Religious Guru/Spiritual leader ✗
- ✓ B. Drunken person who is under influence of alcohol
- C. Fraudulent person ✗
- D. A person whose identity has been mistaken for someone else. ✗

34. If a party to the contract, in the performance of his obligations, has done some work and the further performance has been rendered useless by the act of the other party, the party which performed the said obligation is entitled to recover reasonable compensation for that work done. The said doctrine is:

- A. Nudum Pactum
- B. Nemo dat quod non habet
- C. Quasi contract
- ✓ D. Quantum Meruit

35. Statement I: All illegal contracts are void but all void contracts are not illegal.

Statement II: All wagering agreements are void.

Choose the correct answer:

- ✓ A. Only Statement I is true
- B. Only Statement II is true
- ✗ C. Both I & II are false.
- D. Both I & II are true.



36. As per section 35 of the Contract Act, a contingent contract based on the specified uncertain event not happening within a fixed time.
- A. Becomes void at the expiration of the time fixed.
  - B. Becomes void if the happening of that event becomes impossible before the expiration of the time fixed.
  - ☒ C. Both a and b
  - D. May be enforced even if the specified uncertain event does not happen within that fixed time.

37. In which of the following types of contracts, consideration is not necessary:

- A. Bailment
- ☒ B. Agency
- C. Partnership
- D. Pledge

38. With reference to the Contract Act, 1872; Match List I with List II and select the correct answer by using the codes given below the lists:

List I

List II

- a) *Carlill v Carbolic Smoke Ball & Co.* → (i) General offer
- b) *Tweedle v Atkinson* → (ii) Privity of Contract
- c) *Bhagwan Das Govardhan Das Kedia v Girdhari Lal* → (iii) Communication
- d) *Krell v Henry* → (iv) Frustration of Contract

Codes:

- |  | a    | b     | c     | d    |
|--|------|-------|-------|------|
| <input checked="" type="checkbox"/> A. | (i)  | (ii)  | (iii) | (iv) |
| B.                                     | (ii) | (iii) | (iv)  | (i)  |
| C.                                     | (iv) | (iii) | (i)   | (ii) |
| D.                                     | (i)  | (iv)  | (iii) | (ii) |

39. While interpreting Standard Form Contracts, the Courts have been applying the doctrine of Contra Proferentum. The said doctrine refers to a legal doctrine in contract law which states:

- A. that a promise is enforceable by law, even if made without formal consideration when a promisor has made a promise to a promisee and the promisee then relies on that promise to his subsequent detriment.
- B. that the wrongful gain obtained by one party can be restored back to the party who is the rightful owner of the same
- C. that if a person has gained benefit from another person and thereby causing loss to the other person, then the person who has gained is required to reimburse the plaintiff equal to the amount of benefit received by the defendant.
- ☒ D. that any clause considered to be ambiguous in a contract should be interpreted against the interests of the party that created, introduced, or requested that a clause be included.



40. Arrange the following events in sequence in which they occur during formation of a contract:

- i. Offer is communicated.
- ii. Counter-offer is made
- iii. Offer is rejected.
- iv. Counter-offer is accepted

- A. (i), (iv), (iii), (ii)      B. (iv), (iii), (ii), (i)  
 ✓ C. (i), (iii), (ii), (iv)      D. (i), (ii), (iii), (iv)

41. Which of the following is not a non-residential building under the Himachal Pradesh Urban Rent Control Act (HPURCA), 1987:

- A. a building being used mainly for the purpose of business. ✓  
 B. a building being used mainly for the purpose of trade. ✓  
 ✓ C. a building let out for residential and non-residential purposes, separately, to more than one person, the portion thereof let out for the purpose of residence.  
 D. a building being used partly for the purpose of business or trade and partly for the purpose of residence of the trader.

42. With reference to the HPURCA, Match List I with List II and select the correct answer by using the codes given below the lists:

List I

List II

- |  |              |
|--|--------------|
| a) Conversion of a residential building into a non-residential building. | i. Sec 14(3) |
| b) Bona fide requirement   | ii. Sec.12   |
| c) Right to recover immediate possession of premises to certain persons  | iii. Sec.20  |
| d) Receipt to be given for fair rent.                                    | iv. Sec.15   |

Codes:

- |      | a    | b     | c     | d     |
|------|------|-------|-------|-------|
| A.   | (i)  | (ii)  | (iii) | (iv)  |
| ✓ B. | (ii) | (i)   | (iv)  | (iii) |
| C.   | (iv) | (iii) | (i)   | (ii)  |
| D.   | (i)  | (iv)  | (iii) | (ii)  |



43. Which of the following is not a "specified landlord" under HPURCA:
- A. a retired army personal. who purchases a building after his retirement from the military service.
  - ☒ B. a person who is entitled to receive rent in respect of a building on his own account.
  - C. a person who is holding or has held an appointment in a public service.
  - D. a person who is holding a post in connection with the affairs of the Union or of a State

44. As per the Sec. 7 Proviso HPURC, any agreement for the payment of any sum in addition to fair rent or any rent in excess of such fair rent shall:
- A. Be binding on both parties.
  - ☒ B. Shall be null and void.
  - C. Not exceed the prescribed threshold.
  - D. Depend on the terms of the agreement as it is a private affair between the parties.

45. The Controller under HPURCA can exercise power of a magistrate for the following purpose:
- ☒ A. Validation
  - ☒ B. Recovery of fine
  - ☒ C. To make rules for proper implementation of the act
  - ☒ D. All of the above

46. Which of the following statements are correct as per HPURCA:
- i. The provisions of this Act shall not apply to any building or rented land owned by the Government. ✓
  - ii. The fair rent fixed under section 4 shall be operative from the date on which the application is filed under this section.
  - iii. When the fair rent of a building or rented land has been fixed under section 4, decrease may be allowed in cases where there is a decrease or diminution in the accommodation or amenities provided.

Choose the correct option:

- A. Only (i)
- B. Only (ii)
- C. Only (ii) and (iii)
- ☒ D. All are correct.

47. The deposit under Sec. 21 of HPURC Act shall NOT be accompanied by an application by the tenant containing the following particulars:

- A. the building or rented land for which the rent is deposited with a description sufficient for identifying the building or rented land.
- B. the period for which the rent is deposited. ✓
- ✓ C. the name and address of the tenant or the persons claiming to be entitled to such rent.
- D. the name and address of the landlord or the persons claiming to be entitled to such rent.

48. No rent deposited under section 21 of HPURC Act shall be considered to have been validly deposited under that section, unless the deposit is made:

- I. within thirty-one days of the time referred to in section 20 for payment of the rent.
- II. if the tenant wilfully makes any false statement in his application for depositing the rent.

Choose the correct option:

- ✓ A. Only II
- B. Only I
- C. Both I & II
- ✓ D. Both are false.

49. Any person aggrieved by an order passed by the Controller under HPURC Act may prefer an appeal. Choose the correct option after reading the following statements:

- i. within fifteen days from the date of such order. ✓
- ii. or such longer period as the appellate authority may allow for reasons to be recorded in writing. ✓
- iii. In computing the period of fifteen days, the time taken to obtain a certified copy of the order appealed against shall be excluded. ✓

- A. Only i
- B. Only ii
- C. Only iii
- ✓ D. All i, ii and iii

50. In which of the following cases, increase in fair rent is NOT admissible:

- A. Alteration
- B. Improvement
- C. Addition
- ✓ D. None of the above.

\*\*\*\*