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HPJS CJ(Prelims)
Previous Year Paper
(Civil Law) Paper-II
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1. Consider the following pairs :

| Terms | | Code of Civil Procedure, 1908 |
|-------|-----------------------------------|-------------------------------|
| (1) | Cost | Section 35 |
| (2) | Interest | Section 36 |
| (3) | Compensatory Cost for false claim | Section 35A |

How many pairs given above are correctly matched ?

- (A) (1) and (2)
- ✓(B) (1) and (3)
- (C) (2) and (3)
- (D) All of the above
2. Under Section 27 of the Code of Civil Procedure, 1908, where a suit has been duly instituted, a summons may be issued to the defendant to appear and answer the claim and may be served on such day not beyond days from date of the institution of the suit.
- (A) 14
- ✓(B) 30
- (C) 60
- (D) 90
3. Which of the following Sections of the Code of Civil Procedure deals with precepts ?
- (A) Section 44
- ✓(B) Section 46
- (C) Section 47
- (D) Section 38

4. Under the Code of Civil Procedure, 1908, with reference to execution of a decree against the judgment debtor :

- (1) His property can be attached and sold.
- (2) The judgment debtor, other than women, may be arrested.
- (3) The tools of artisans, cattle etc., cannot be attached.

Which of the above are correct ?

- (A) (1) and (2)
- (B) (1) and (3)
- (C) (2) and (3)
- (D) All of the above

5. With reference to the Code of Civil Procedure, 1908, consider the following statements :

- (1) The appellate court has same powers and duties as assigned to the court of original jurisdiction in respected of any suit instituted therein.
- (2) Appellate court can decide case finally but has not power to remand it back.
- (3) Appellate court can reframe the issue and refer it back to the court of original jurisdiction.

Which of the above are correct ?

- (A) (1) and (2)
- (B) (1) and (3)
- (C) (2) and (3)
- (D) All of these

6. Under Order XXII of the Code of Civil Procedure, 1908, consider the following statements :

- (1) Death of parties will not abate the suit if the right to sue survives.
- (2) There shall be no abatement of suit once hearing concludes.
- (3) Where a suit is filed against a woman, her marriage will not abate the suit and the judgment can be enforced against her as well as her husband, and her children.

Which of the above are correct ?

- ☒ (A) (1) and (2)
- (B) (1) and (3)
- (C) (2) and (3)
- ☒ (D) All of the above

7. Which of the following deals with interpleader suit ?

- ☒ (A) Section 88 and Order XXXV
- (B) Section 89 Order XXXV
- (C) Section 88 Order XXXIII
- (D) Section 89 Order XXXIII

8. Before filing a suit against state, a notice of is required.

- (A) 30 days
- (B) 90 days
- (C) 45 days
- ☒ (D) Two months

9. As per the Code of Civil Procedure, 1908, which of the following courts has revisional jurisdiction ?

- (A) The court of District Court
- ☒ (B) High Court
- (C) Court of small causes
- ☒ (D) All of the above

10. Which of the following is essential while exploring admissibility of facts under section 6 of the Indian Evidence Act, 1872 ?
- (A) Proximity of time and proximate of place
 - ✓(B) Continuity of action
 - (C) Community of purpose
 - (D) All of the above
11. The question of 'relevancy' under the Indian Evidence Act, 1872 is
- ✓(A) Question of fact
 - (B) Question of law
 - (C) Both (A) & (B)
 - (D) None of the above
12. As per the Indian Evidence Act, 1872, consider the following statements :
- (1) A fact is said to be proved when, after considering the matters before it, the Court believes it to exist.
 - (2) A fact is said to be proved when, after considering the matters before it, the Court considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists.
 - (3) When a fact neither proved nor disproved, the court presumed it to be disproved.

Which of the above are correct ?

- ✓(A) (1) and (2)
- (B) (1) and (3)
- (C) (2) and (3)
- (D) All of these

13. When on proof of a given fact per the Indian Evidence Act, 1872, the court regards the other fact as proved, and refused to allow evidence to be given for the purpose of disproving it, the said presumption is :
- (A) May proof
 - (B) Shall proof
 - ✓(C) Conclusive proof
 - (D) None of the above
14. When the question is, whether A poisoned B, which of the fact is/are relevant under section 8 of the Indian Evidence Act, 1872 ?
- (A) State of B's health before the symptoms ascribed to poison
 - (B) Habits of B, known to A, which afforded an opportunity for the administration of poison.
 - ✓(C) The facts that A murdered C, that B knew that A had murdered C, and that B had tried to extort money from A by threatening to make his knowledge public.
 - (D) All of the above are relevant under Section 8.
15. A, accused of theft, is seen to give the stolen property to B, who is seen to give it to A's wife. B says as he delivers it—"A says you are to hide this." B's statement is relevant under of the Indian Evidence Act, 1872.
- (A) Section 7
 - (B) Section 8
 - ✓(C) Section 9
 - (D) None of these

16. Which of the state of mind/body is not the part of Section 14 of the Indian Evidence Act, 1872 ?

- ☒ (A) Good faith (B) Rashness
(C) Good-will and ill-will (D) All of these

17. As per the Indian Evidence Act, 1872, consider the following statements :

- (1) Admission constitutes a substantive piece of evidence.
(2) Admission should be certain and not vague or ambiguous.
(3) Admission has no effect on shifting the onus of proof.

Which of the above are correct ?

- (A) (1) and (2) (B) (1) and (3)
(C) (2) and (3) ☒ (D) All of these

18. As per the Indian Evidence Act, 1872, consider the following statements :

- (1) Confession is a substantive piece of evidence.
(2) Confession made to a police officer is inadmissible.
(3) Retracted confession can be made sole basis of conviction if it is corroborated with material particular.

Which of the above are correct ?

- (A) (1) and (2) (B) (1) and (3)
(C) (2) and (3) ☒ (D) All of these

19. An accused person led a police officer and pointed out the place where stolen articles or weapons which might have been used in the commission of the offence were found hidden. Choose the most appropriate response below as per the Indian Evidence Act, 1872.

(A) The conduct of the accused is statement and thus barred by Section 25

✓ (B) The conduct of the accused is admissible under Section 8

(C) Both (A) and (B) are correct

(D) Neither (A) nor (B) is correct

20. As per the Indian Evidence Act, 1872, consider the following statements :

(1) A judgment in *rem* decides legal character of a person.

(2) Judgment in *personam* decides rights and liability of parties to the proceedings as contested therein. ✓

(3) Judgment in *personam* never creates *res-judicata*.

Which of the above are correct ?

✓ (A) (1) and (2)

(B) (1) and (3)

(C) (2) and (3)

(D) All of these

21. As per the Indian Evidence Act, 1872, consider the following statements :

(1) In criminal proceedings, the fact that the accused person has a bad character is irrelevant. ✓

(2) Once evidence has been given that the accused is of a good character, facts suggesting that he is of a bad character becomes relevant. ✓

(3) The restriction created by Section 54 would be applicable even if the bad character of any person is itself a fact in issue.

Which of the above are correct ?

✓ (A) (1) and (2)

(B) (1) and (3)

(C) (2) and (3)

(D) All of these

22. Which of the following provision of the Indian Evidence Act, 1872 deals with dumb witness ?

(A) Section 117

(B) Section 118

— (C) Section 119

(D) Section 122

23. As per the Indian Evidence Act, 1872, consider the following statements :

(1) Communication between husband and wife during the marriage is privileged communication.

(2) Communication to be privileged, must be confidential in nature.

(3) Communication made during the subsistence of marriage will remain privileged even after dissolution of marriage.

Which of the above are correct ?

(A) (1) and (2)

— (B) (1) and (3)

(C) (2) and (3)

— (D) All of these

24. 'X' went to purchase two railway tickets for himself and his wife 'W'. During ticket checking, only 'X' could produce his ticket, and thus 'W' was charged for travelling without ticket. The burden of proving the fact about the purchasing of the ticket lies on :

(A) X only

— (B) W only

(C) X and W both

(D) Prosecution

25. In accordance with the Indian Evidence Act, 1872, an oral account of a copy of document compared with the original is :

- (A) Primary evidence
- (B) Secondary evidence
- (C) Neither primary nor secondary
- (D) Substantive evidence

26. Consider the following statements :

Statement-I : When the Court has to form an opinion as to the person by whom any document was written, the opinion of any person acquainted with the handwriting of the person by whom it is supposed to be written is a relevant fact. —

Statement-II : The Expression 'expert' includes persons who may or may not professionally skilled in any specific branch of knowledge.

Which one of the following is correct in respect of the above statements ?

- ✓(A) Both Statement-I and Statement-II are correct and Statement-II explains Statement-I
- ✓(B) Both Statement-I and Statement-II are correct and Statement-II does not explain Statement-I
- (C) Statement-I is correct and Statement-II is incorrect
- (D) Statement-I is incorrect and Statement-II is correct

27. Presumption of continuance of life is prescribed under of the Indian Evidence Act, 1872.

(A) Section 106

✓ (B) Section 107

(C) Section 108

(D) Section 112

28. Section 8 of the Specific Relief Act, 1963 can be invoked :

✓ (A) Against a person who has possession or control over the property

(B) Against a person who is the owner of the property

✓ (C) Both (A) and (B)

(D) None of the above

29. Which of the following provision deals with declaratory decree under the Specific Relief Act, 1963 ?

(A) Section 31

✓ (B) Section 34

(C) Section 35

(D) Section 36

30. Which of the following is true of perpetual injunction ?
- (A) Preventive in nature
 - (B) It prevents wrongful act
 - ✓(C) Both (A) & (B)
 - (D) None of the above
31. In accordance with the Specific Relief Act, 1963, consider the following statements :
- (1) A contract for sale IPR right can be specifically enforced.
 - (2) Agreement to form an association can always be specifically enforced.
 - (3) As a general rule, the court shall not direct the specific performance of a part of a contract. ✓
- Which of the above are correct ?
- (A) (1) and (2)
 - ✓(B) (1) and (3)
 - (C) (2) and (3)
 - (D) All of the above
32. Under the Himachal Pradesh Courts Act, 1976, which of the following is authorized to decide the local limits of jurisdictions of the subordinate courts ?
- ✓(A) Governor
 - (B) Home Ministry
 - (C) High Court
 - (D) District Judge

33. In accordance with the Himachal Pradesh Courts Act, 1976, consider the following statements :

- (1) Court may be held at any place within the local limits of its jurisdiction.
- (2) The place of sitting may be beyond the local limits of the jurisdiction of the Court.
- (3) Governor, with the approval of High Court can fix place of sitting beyond the local limit also.

Which of the above are correct ?

- ☒ (A) (1) and (2)
- (B) (1) and (3)
- (C) (2) and (3)
- ☒ (D) All of the above

34. As per the Indian Stamp Act, 1899, a contract of any kind affected by correspondence consisting of two or more letters, the contract shall be deemed to be duly stamped if :

- ☒ (A) Both the letters are stamped separately
- ☒ (B) Both the letters are stamped jointly
- (C) Any one of the letters is stamped with full value
- (D) None of the above

35. Drawing, making, issuing, endorsing or transferring a promissory note without being duly stamped is punishable under of the Indian Stamp Act, 1988.

(A) Section 32

☒ (B) Section 36

(C) Section 42

(D) Section 62

36. With reference to the Code of Civil Procedure, 1908, consider the following statements :

(1) A decree conclusively determines the rights of the parties.

(2) No preliminary decree can be passed merely to decide the mesne profit.

(3) When no appeal is preferred, the decree becomes final.

Which of the above are correct ?

(A) (1) and (2)

☒ (B) (1) and (3)

(C) (2) and (3)

(D) All of these

37. Which of the following provision of the Code of Civil Procedure, 1908 provides definition of Judgment ?

(A) Section 2(7)

☒ (B) Section 2(9)

(C) Section 2(11)

(D) Section 2(21)

38. Consider the following pairs :

| Terms | | Code of Civil Procedure, 1908 |
|-------|---------------------------|-------------------------------|
| (1) | Mesne Profit | Section 2(12) |
| (2) | Res Sub-judice | Section 10 |
| (3) | Constructive Res Judicata | Section 11 Explanation IV |

How many pairs given above are correctly matched ?

- (A) (1) and (2) (B) (1) and (3)
(C) (2) and (3) —(D) All of these

39. Consider the following pairs :

| Terms | | Code of Civil Procedure, 1908 |
|-------|---|-------------------------------|
| (1) | Small Causes Court | Section 8 |
| (2) | Place of Suing for <u>claim</u> of <u>compensation</u> | Section 18 -19 |
| (3) | Objection to Jurisdiction | Section 21 |

How many pairs given above are correctly matched ?

- (A) (1) and (2) —(B) (1) and (3)
(C) (2) and (3) (D) All of these

40. 'A' a journalist residing in Chandigarh, makes a defamatory statement to 'B' residing in Lucknow. 'B' may file suit at :

- (A) Chandigarh
(B) Lucknow
(C) Either in Chandigarh or Lucknow
(D) Anywhere in India

41. A suit is said to be instituted in the court when :
- (A) Original copy of the plaint is presented to the court
 - (B) A plaint in duplicate is presented to the court
 - (C) A plaint in triplicate is presented to the court
 - (D) Plaint as well as written statement both has been duly received by the court.
42. With reference to the Code of Civil Procedure, 1908, consider the following statements :
- (1) A judgement contains statement on facts.
 - (2) Judgement contains statement of points of determination.
 - (3) Judgement contains the determinations and reasons thereof.
- Which of the above are correct ?
- (A) (1) and (2)
 - (B) (1) and (3)
 - (C) (2) and (3)
 - (D) All of these
43. Which of the following would be the consequence in case of misjoinder or non-joinder of the parties under Order-I Rule 9 of the Code of Civil Procedure, 1908 ?
- (A) Suit dismissed
 - (B) Suit cannot be dismissed
 - (C) Its discretion of the court to decide to dismiss
 - (D) None of the above

44. With reference to the Code of Civil Procedure, 1908, consider the following statements :

- (1) There is no explicit provision for consolidation of suits.
- (2) Appropriate court can do consolidation of suits by transferring the suits filed in different jurisdictions to one court.
- (3) Court can do consolidation of the suits by using its inherent power.

Which of the above are correct ?

- (A) (1) and (2)
- (B) (1) and (3)
- (C) (2) and (3)
- (D) All of these

45. Pleadings means and includes :

- (A) Plaint
- (B) Written statement
- (C) Plaint, written statement and replication
- (D) (A) and (B) only

46. Plaintiff files plaint against X, Y, Z implicating together. Which of the following is/are authorized to do the verification of the written statement under Order VI Rule 15 of the Code of Civil Procedure, 1908 ?

- (A) X, Y and Z, collectively
- (B) X, Y or Z
- (C) Any other person acquainted with the facts and circumstances of Case
- (D) All of the above

47. While filing the written statement, which of the following can be made part thereof ?
- (A) Set off (B) Counter Claim
- (C) Both (A) & (B) (D) None of these
48. Where the defendant appears and the plaintiff does not appear when the suit is called on for hearing, the Court can :
- (1) Dismiss the suit in default.
- (2) Pass a decree to an extent the defendant admits any claim of the plaintiff.
- (3) In case partial admission of plaintiff's claim, shall pass a decree on entire claim.
- Which of the above are correct ?
- (A) (1) and (2) (B) (1) and (3)
- (C) (2) and (3) (D) All of these
49. Which of the following provision of the Code of Civil Procedure, 1908 deals with alteration of the issues already framed ?
- (A) Order XIII Rule 5
- (B) Order XIV Rule 5
- (C) Order XIII Rule 11
- (D) Order XIV Rule 11
50. Notice for admission of case under Order XII can be given by :
- (A) Party through pleadings
- (B) As per form prescribed by the Code
- (C) Court can record the admission of case otherwise
- (D) All of the above