

HIMACHAL PRADESH JUDICIAL PRELIMINARY TEST PAPER, 2012

PAPER – I (CIVIL LAW – I)

1. Law of limitation is:
 - (A) a procedural law
 - (B) a substantive law
 - (C) both procedural and substantive law
 - (D) none of the above
2. Provisions of Section 3 of the Limitation Act, 1963 are:
 - (A) directory (B) discretionary
 - (C) mandatory (D) permissive
3. "The laws of limitation are a means of ensuring private justice, suppressing fraud and perjury, quickening diligence and preventing oppression." The Supreme Court made this observation in:
 - (A) Motichand Vs. Munshi, AIR 1970 SC 898
 - (B) Rajender Singh Vs. Santa Singh, AIR 1973 SC 2537
 - (C) Lala Balmukund Vs. Lajwanti, AIR 1975 SC 1089
 - (D) N. Bala Krishnan Vs. M. Krishnamurthy, AIR 1998 SC 3222
4. Provision for suits, etc. for which the prescribed period is shorter than the period prescribed by the Indian Limitation Act, 1908, is contained in:
 - (A) Section 28 of the Limitation Act, 1963
 - (B) Section 29 of the Limitation Act, 1963
 - (C) Section 30 of the Limitation Act, 1963
 - (D) Section 31 of the Limitation Act, 1963
5. The general rule is that "The law of limitation only bars the remedy but does not extinguish the right itself". The exception to this rule is contained in:
 - (A) Section 31 of the Limitation Act, 1963
 - (B) Section 27 of the Limitation Act, 1963
 - (C) Section 26 of the Limitation Act, 1963
 - (D) Section 25 of the Limitation Act, 1963
6. A suit to redeem or recover possession of immovable property mortgaged can be brought by the mortgagor within a period of:
 - (A) 30 years (B) 12 years
 - (C) 6 years (D) 3 years
7. If a suit is based on multiple causes of action, the period of limitation will begin to run from:

- (A) the date, when the right to sue first accrues
- (B) the date, when any successive violation of right accrues
- (C) the date, when the right to sue last accrues
- (D) the day the violation of the right comes to the knowledge of the party

8. Match List I with List II and select the correct answer by using the codes given below the lists. It relates to the law of limitation:

List I List II

- (a) Suit in form a pauperis (i) Section 13, the limitation Act, 1963
- (b) Proceedings stayed by an injunction (ii) Section 14, the limitation Act, 1963
- (c) Defect in jurisdiction (iii) Section 15, Limitation Act, 1963
- (d) Effect of fraud on limitation (iv) Section 17, limitation Act, 1963

Codes:

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

9. An application for setting aside of an arbitration award has to be filed:

- (A) within 30 days from the date of service of the notice of the filing of the award
- (B) within 15 days from the date of service of the notice of the filing of the award
- (C) within 30 days from date of knowledge of filing of award
- (D) within 60 days from the date of service of the notice of the filing of the award

10. In which of the following cases, the nature, scope and object of acknowledgement within the meaning of Section 18 of the Limitation Act, 1963 was relevant before the Apex Court:

- (a) Shapur Freedom Mazda Vs. Durga Prasad Chamaria, AIR 1961 SC 1236
- (b) Prabhakaran Vs. M. Azhagiri Pillai, AIR 2006 SC 1567
- (c) J.C. Budhiaja Vs. Chairman, Orissa Mining Corporation Ltd., AIR 2008 SC 1363
- (d) All the above

11. A, a Hindu, during subsistence of first marriage solemnized second marriage without obtaining divorce. Who are not entitled to grant of succession certificate on the death of A?

- (A) First wife
- (B) Second wife
- (C) Children born out of second wife
- (D) Children born out of first wife

12. In explaining "unsound mind" a ground for seeking divorce under the Hindu Marriage Act, 1955 in which of the following cases the Supreme Court held "a sound mind indisputably is a key to a happy married life".

(A) Sharda Vs. Dharpal, AIR 2003 SC 3450

(B) Gautam Kundu Vs. State of W.B., AIR 1993 SC 2295

(C) R. Lakshmi Narayan Vs. Santhi, AIR 2001 SC 2110

(D) Bipin Chandra Vs. prabhavati, AIR 1957 SC 176

13. Which of the following Sections of the Hindu Marriage Act, 1955, provides that children of a void marriage would be the legitimate children?

(A) Section 11 (B) Section 16

(C) Section 17 (D) Section 18

14. Within the meanings of the Hindu Adoption and maintenance Act, 1956, which of the following statements is not correct?

(A) A lunatic Hindu below the age of 15 years is not capable of being taken in adoption

(B) A valid adoption once made cannot be cancelled

(C) A Hindu male shall not be capable of taking a child in adoption unless he is of sound mind and is of the age of majority

(D) Adoption is now said to be a purely secular institution

15. While examining the amplitude of cruelty for the purposes of the Hindu Marriage Act, 1955, the Hon'ble Supreme Court, in which of the following cases, laid down broad parameters which may be relevant in dealing with the case of mental cruelty:

(A) V. Bhagat Vs. D. Bhagat, AIR 1994 SC 710

(B) Naveen Kohli Vs. Neelu Kohli, AIR 2006 SC 1675

(C) Gurbux Singh Vs. Harminder Kaur, AIR 2011 SC 114

(D) Samar Ghosh Vs. Jaya Ghosh, (2007)4 SCC 511

16. A Hindu male can claim maintenance from his wife under:

(A) Section 24 of the Hindu Marriage Act, 1955

(B) Section 18 of the Hindu Adoption and Maintenance Act, 1956

(C) Section 125 of the Code of Criminal Procedure

(D) None of the above provisions

17. The rules regulating "the distribution of property among heirs in class I of the schedule" to the Hindu Succession Act, 1956 are contained in:

(A) Section 9 (B) Section 10

(C) Section 11 (D) Section 12

18. Regard being had to the provisions of the Hindu Succession Act, 1956, which of the following statements is not correct?

(A) If a Hindu woman had any existing interest in a property howsoever small, prior to the enactment of the Hindu Succession Act, 1956, the same would blossom into a full-fledged right by virtue of the operation of Section 14(1) thereof

(B) The right of daughter in coparcenary property is not lost by passing of preliminary decree for

partition before the 20th day of December, 2004

(C) If a right is created in a Hindu female for the first time in respect of any property under any instrument or under a decree, where a restricted estate in such property is prescribed, the provision of Section 14(2) of the above Act would be attracted and would not convert such a right into a full-fledged right of ownership of the property

(D) The right of daughter in coparcenary property is not lost by any testamentary disposition of property which had taken place before the 20th day of December, 2004.

19. Regard being had to laws relating to Hindu, which of the following is not correct?

(A) Irretrievable breakdown of the marriage is not a ground by itself, to dissolve it

(B) When evidence disclosed that parties, belonging to Santhal Tribe, were following customs of Hindus and not of Santhals, provision of Hindu Succession Act, 1956, would apply to inheritance of property

(C) Allegations against wife of unchastity, indecent familiarity with another person and extra-marital relationship made in written statement filed by the husband would not constitute cruelty

(D) None of the above

20. Considering the provisions of the Hindu Minority and Guardianship Act, 1956, the Supreme Court in which of the following cases, held that "the mother can be considered to be the natural guardian of her minor child even when father is alive":

(A) Jijabai Vithalrao Gajre Vs. Pathankhan AIR 1971 SC 315

(B) Apparel Export Promotion Council Vs. A.K. Chopra, AIR 1999 SC 625

(C) Githa Hariharan Vs. Reserve Bank of India, AIR 1999 SC 1149

(D) (A) and (C)

21. The Transfer of Property Act, 1882 applies to transfer of property:

(A) made by act of parties

(B) by operation of law

(C) by a decree or order of a court of competent jurisdiction

(D) in execution of a decree or order of a court of competent jurisdiction

22. Regard being had to the provisions of the Transfer of Property Act, mark, which of the following statements is not correct:

(A) A transfer of property may be made without writing in every case in which a writing is not expressly required by law

(B) A property cannot be transferred directly to an unborn person, but, it can be transferred for the benefit of an unborn person

(C) He, who accepts a benefit under a deed must adopt the whole contents of the instrument, conforming to all its provisions and renouncing every right inconsistent with it

(D) None of the above

23. Rule of feeding the estoppels is contained in:

(A) Section 41 of the Transfer of Property Act, 1882

(B) Section 42 of the Transfer of Property Act, 1882

(C) Section 43 of the Transfer of Property Act, 1882

(D) None of the above

24. Section 65 of the Transfer of Property Act, 1882 contains provisions relating to:

(A) Implied contracts by mortgagor

(B) Implied contracts by mortgagee

(C) Marshalling of securities

(D) Rights of usufructuary mortgagor

25. A donee which has taken all the properties of the donor and also liable to discharge all the liabilities of the donor is known as:

(A) an onerous donee (B) a gratuitous donee

(C) a universal donee (D) none of the above

26. Regard being had to the provisions of the Transfer of Property Act, 1882, match List I with List II and select the correct answer by using the codes given below the lists:

List I List II

(a) Spes successionis (i) Section 6(c)

(b) Right of re-entry (ii) Section 6(a)

(c) Dominant heritage (iii) Section 6(e)

(d) Right to sue (iv) Section 6(b)

Codes:

(a) (b) (c) (d)

(A) (ii) (iv) (i) (iii)

(B) (i) (ii) (iii) (iv)

(C) (iii) (ii) (i) (iv)

(D) (iv) (iii) (ii) (i)

27. Regard being had to the provisions of the Transfer of Property Act, 1882, match List I with List II and select the correct answer by using the codes given below the Lists:

List I List II

(a) Lit lite pendent nihil innovetur

(b) Qui facit per allium facit per se

(c) Nemo dat quod non habet

(d) Qui sentit commdum sentire

debtet onus

Codes:

(a) (b) (c) (d)

(A) (i) (ii) (iii) (iv)

(B) (i) (ii) (iv) (iii)

(C) (ii) (iv) (iii) (i)

(D) (i) (iii) (iv) (ii)

28. The principle "Once a mortgage always a mortgage", a principle based on equity, justice and good conscience, was for the first time evolved in:

(A) Harris Vs. Harris

(B) Noakes Vs. Rice

(C) Seth Ganga Dhar Vs. Shankarlal

(D) Reeve Vs. Lisle

29. Provisions for "determination of lease" for the purpose of the Transfer of Property Act, 1882, are contained in:

(A) Section 107 (B) Section 111

(C) Section 112 (D) Section 113

30. A lets a house to B for five years. B underlets the house to C at a monthly rent of Rs. 100. The five years expire, but C continues in possession of the house and pays the rent to A. Which of the following is correct?

(A) C's lease is renewed from month to month

(B) C's lease is renewed from year to year

(C) C is a tenant-at-sufferance

(D) None of the above

31. The provisions of the Himachal Pradesh Urban Rent Control Act, 1987 do not apply to:

(A) an area administered by the Municipal Corporation

(B) an area administered by a Notified Area Committee

(C) a Military Cantonment

(D) a building owned by the Government of the State of Himachal Pradesh

32. who among the following is not a "specified landlord" for the purpose of the H.P.U.R.C. Act, 1987?

(A) A retired army personnel, who happens to purchase 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 and who is holding an appointment in a public service

(C) A landlord who is holding a post in the Indian Council of Agricultural Research

(D) A landlord who is employed in a nationalised bank

33. For the purposes of the H.P.U.R.C. Act, 1987, which of the following statements is not correct?

(A) An application for determination of fair rent may be made to the controller by the landlord or by the tenant

(B) The order fixing the fair rent is a judgement in personam and not a judgement in rem

(C) The expression "new tenant" for the purpose of Section 4 of the Act is a tenant who takes on rent a building for the first time

(D) None of the above

34. Special procedure for the disposal of application for eviction contained in Section 16 of the H.P.U.R.C. Act, 1987 is application in a case falling under:

35. Under the H.P.U.R.C. Act, 1987, which of the following statements is not correct?

(A) A landlord is entitled to increase of rent of a building at the rate of 10% of the fair rent after every five years

(B) A landlord is entitled to increase of rent at the rate of 10% of the agreed rent after every five years

(C) A landlord is entitled to a further increase of rent in cases where he has done some additions, improvements on his own expenses and at the request of his tenant

(D) A landlord is entitled to increase of rent even for improvements made before the determination of fair rent

36. Under the H.P.U.R.C. Act, 1987, which of the following is not a ground for eviction of the tenant from a non-residential premises?

(A) bona fide need for residential purpose

(B) subletting

(C) change of user

(D) commission of an act likely to impair materially the value of the rented premises

37. Section 19 of the H.P.U.R.C. Act, 1987 provides for:

(A) Lease of Vacant buildings by the controller

(B) Deposit of rent by the tenant

(C) Recovery of possession in case of tenancy for limited period

(D) None of the above.

38. No appeal or second appeal lies against an order made by the controller under the H.P.U.R.C. Act, 1987 in accordance with the provisions of:

(A) Section 4 (B) Section 15

(C) Section 16 (D) Section 17

39. For the purpose of the H.P.U.R.C. Act, 1987, which of the following statements is not correct?

(A) Where the ground for eviction of tenants is a recurring cause, the landlord is not precluded from instituting fresh proceedings on the said ground

(B) The bona fide need, a ground for eviction of a tenant, must be considered with reference to the time when a suit for eviction is filed

(C) It cannot be assumed that once the question of necessity is decided against the landlord, it has to be assumed that he will not have a bona fide and genuine necessity ever in future.

(D) When a petition filed by the landlord on ground of bona fide necessity was dismissed in default, the application for restoration of the same was also dismissed, the landlord, would be precluded from instituting fresh eviction petition on ground that he required the premises bona fide for the purpose of rebuilding

40. Where the Rent Controller is satisfied that the application for eviction under the H.P.U.R.C Act, 1987, was made by the landlord on frivolous or vexatious grounds, he is empowered to inflict the following penalty on the landlord:

- (A) Penalty upto Rs. 500
- (B) Penalty upto Rs. 1000
- (C) Imprisonment upto 6 months or fine upto Rs. 1000
- (D) Imprisonment upto 2 years and fine

41. An agreement which is enforceable by law at the option of one or more of the parties thereto, but not at the option of the other or others is:

- (A) a voidable agreement
- (B) a voidable contract
- (C) a reciprocal agreement
- (D) a contract discovered to be void

42. Which of the following is correct under the Indian Contract Act, 1872?

- (A) An acceptance may be revoked at any time before the communication of the acceptance is complete as against the acceptor, but not afterwards
- (B) All agreements are contracts but all contracts are not agreements
- (C) A person who is usually of sound mind, but occasionally of unsound mind, may not make a contract when he is of sound mind
- (D) The communication of a revocation is complete, as against the person to whom it is made, when it is put into a course of transmission to the person to whom it is made, so as to be out of the power of the person who makes it.

43. Match List I with List II and select the correct answer by using the codes given below the lists:

List I List II

- (a) Undue influence (i) Contracts uberrima fides
- (b) Fraud (ii) Fiduciary relation
- (c) Misrepresentation (iii) Unlawfully detaining of property
- (d) Coercion (iv) Positive assertion not warranted by the Information of the person making it.

Codes:

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

44. A and B agree that A shall pay B 1,000 rupees, for which B shall afterwards deliver to A either rice or smuggled opium. Which of the following is correct?

- (A) The agreement is void in its entirety
 - (B) This is a valid contract to deliver rice, and a void agreement as to the opium
 - (C) The agreement is valid in its entirety
 - (D) This is a voidable contract, voidable at the option of B
45. Section 41 of the Indian Contract Act, 1872 deals with:
- (A) Effect of accepting performance from third person
 - (B) Person by whom promise is to performed
 - (C) Tender to perform a promise
 - (D) Effect of refusal of party to perform promise wholly
46. A promise to pay wholly or in part a debt of which the creditor might have enforced payment, but for the law for the limitation of suits is a contract:
- (A) if it is made in writing only
 - (B) if it is made in writing and registered under the law for the time being in force
 - (C) if it is made in writing and signed by the person to be charged therewith
 - (D) even if made orally
47. Where the debtor has omitted to intimate, and there are no other circumstances indicating to which debt the payment is to be applied:
- (A) the creditor may apply it at his discretion to any lawful debt actually due and payable to him from the debtor, provided its recovery is not barred by the law
 - (B) it is to be applied in discharge of the debts in order of time
 - (C) it is to be applied in discharge to the debts in order of time provided they are not barred by the law of limitation
 - (D) the creditor may apply it at his discretion to any lawful debt actually due and payable to him from the debtor, whether its recovery is or is not barred by the law in force for the time being as to the limitation of suit.
48. The case Frost Vs. Knight (1872) LR7Ex.111, related to:
- (A) anticipatory breach of contract
 - (B) frustration of contract
 - (C) remission of performance of contract
 - (D) discharge of contract by agreement
49. Which of the following is correct statement?
- (A) A bank guarantee constitutes a separate, distinct and independent contract
 - (B) The cardinal rule is that the guarantor must not be made liable beyond the terms of his engagement
 - (C) The finder of goods may sue the owner of the goods for compensation for trouble for expense voluntarily incurred by him to preserve the goods and to find out the owner
 - (D) Both the (A) and (B)
50. Which of the following is correct statement?

- (A) A person, named by the agent, to act for the principal in the business of the agency, is a sub-agent.
- (B) An agent is not liable for the acts of a disclosed principal subject to a contract to the contrary
- (C) A person with whom a contract has been entered into in the character of agent, is entitled to require the performance of it, if he was in reality acting, not as agent, but on his own account
- (D) When the agent commits a crime at the instance of the principal, he can claim indemnity from the principal against the consequences of the crime

- 1. B
- 2. A
- 3. B
- 4. A
- 5. A
- 6. B
- 7. D
- 8. A
- 9. A
- 10. A
- 11. D
- 12. A
- 13. B
- 14. B
- 15. A
- 16. D
- 17. C
- 18. D
- 19. C
- 20. D
- 21. D
- 22. B
- 23. A
- 24. D
- 25. C
- 26. B
- 27. B
- 28. C
- 29. A
- 30. B
- 31. D
- 32. D
- 33. D
- 34. D
- 35. B
- 36. B
- 37. A
- 38. D
- 39. D
- 40. D
- 41. D
- 42. D
- 43. C
- 44. C
- 45. A
- 46. B
- 47. B
- 48. A
- 49. A
- 50. A

Civil Law II

1. Under the Transfer of Property Act, 1882 where a writing is not expressly required by law:
 - (A) a transfer of parties may be made without writing in every case
 - (B) a transfer of property is subject to only writing
 - (C) no provision of oral transfer is made
 - (D) none of the above
2. 'Spes successions' means:
 - (A) Chances of succeeding to hereditary property
 - (B) Chances of succeeding to property of another
 - (C) Both (A) and (B)
 - (D) None of the above
3. 'A' by a settlement deed transfers property to 'P' for life, then to 'S'. 'S' dies before 'P' dies. On the death 'P' the heir of 'S' claims the property. Is the claim valid?
 - (A) Valid, since 'S' interest is heritable
 - (B) Invalid, since 'S' interest is contingent
 - (C) Invalid, since settlement deed is vague
 - (D) None of the above
4. Nemo dat quod non habet (no man can confer a better title than that which he himself has) is an established principle of:
 - (A) Rule of transfer of property
 - (B) Rule of Law of Torts
 - (C) Rule of Law of crimes
 - (D) Rule of contract
5. The doctrine of 'Lis pendens' applicable:
 - (A) During the pendency of the proceeding
 - (B) After filing the suit
 - (C) After disposal of the suit
 - (D) After filing of the suit
6. The transfer of right to enjoyment of property for certain time is in consideration of price paid or promised to pay is called:
 - (A) Mortgage (B) Lease
 - (C) Sale (D) None of these
7. Actionable claims are:
 - (A) Share in a company (B) Claim to copyright
 - (C) Perpetuity sale (D) Priceless sale
8. Section 41 of the Transfer of the Property Act, 1882 applies to voluntary transfers and has no application to:
 - (A) Court sale (B) Contingent sale
 - (C) Perpetuity sale (D) Priceless sale
9. In case of usufructuary mortgage, the mortgage is placed in possession and has a right to enjoy the rents and profits:
 - (A) Until the debt is paid
 - (B) Till the contract is rescinded
 - (C) Only (B) is correct
 - (D) None of the above
10. In case of Mortgaged lease, if the mortgage obtains a renewal of the lease, the mortgagor upon redemption:
 - (A) Shall not have the benefit of new lease
 - (B) Shall have the benefit of new lease
 - (C) Shall have the benefit of previous lease
 - (D) None of the above
11. Which Jurist has said "Contract is not joke of leisure time"?
 - (A) Anson (B) Chesire
 - (C) Lord Stowell (D) Lord Atikin
12. If a proposal has been accepted subject to certain conditions, then:
 - (A) The Contract is valid and conditions are binding
 - (B) The contract is voidable

- (C) The contract is valid but conditions are not binding
 (D) The contract is not constituted at all
13. In *Carlil Vs. Carbolic Smoke Ball Co.* the definition of "Wagering Agreement" was given by:
 (A) Justice Bowen (B) Justice Hawkins
 (C) Lord Denning (D) Lord Selborne
14. Which one of the following Sections of Indian Contract Act provides for the liability for necessaries supplied to persons incompetent to contract?
 (A) Section 11 (B) Section 68
 (C) Section 69 (D) Section 25(1)
15. Match List I with List II and select the correct answer using the codes given below the lists:
 List I List II
 (a) Invitation of offer (1) *Upton Rural District Council Vs. Powell*
 (b) Anticipatory breach (2) *Hochester Vs. De La Tour*
 (c) Restitution (3) *Harvey Vs. Falie*
 (d) Implied contract (4) *Leslie (R) Ltd. Vs. Sheill*
- Codes:
 (a) (b) (c) (d)
 (A) (3) (2) (4) (1)
 (B) (4) (2) (3) (1)
 (C) (1) (2) (4) (3)
 (D) (2) (3) (1) (4)
16. Which of the following cases is related to cross offer?
 (A) *Adams Vs. Lindsell*
 (B) *Tinn Vs. Hoffmann & Co.*
 (C) *Household Fire & Accident Insurance Co. Vs. Grant*
 (D) *Dunlop Vs. Higgins*
17. A and B agree that A shall pay B Rs. 500 for which B shall afterwards deliver to A one quintal wheat or a smuggled pistol.
 (A) The whole agreement is void
 (B) The whole agreement is valid
 (C) The whole agreement is unlawful
 (D) The agreement to deliver wheat is valid but the agreement is void as to the pistol
18. A Guru (Spiritual Advisor) induced the Chela (his devotee) to gift him the whole of his property to secure benefit to his soul in the next world. The gift shall be:
 (A) void (B) voidable
 (C) valid (D) immoral
19. Which one of the following essentials of contract does not find place in the Indian Contract Act, 1872?
 (A) Competency of Parties (B) Real consideration
 (C) Intention of contract (D) Lawful object
20. Assertion (A) : 'A' supplies necessary necessities to 'B', a minor. 'A' can recover the payment from the estate to 'B'
 Reason (R) : An agreement with a minor is void ab initio.
 Codes:
 (A) Both (A) and ® are true and ® is the correct explanation of (A)
 (B) Both (A) and ® are true, but ® is not the correct explanation of (A)
 (C) (A) is true but ® is false
 (D) (A) is false but ® is true
21. In Modern Hindu law, Marriage has become:
 (A) Monogamous (B) Indissoluble Union
 (C) Sacramental Union (D) Contract
22. Who is not a class I heir under Hindu Succession Act?
 (A) Mother (B) Father
 (C) Son (D) Wife
23. Coparcenary property is known as:
 (A) Joint family property (B) Self acquired property
 (C) Separate property (D) none of these
24. Under Hindu marriage Act, 'Condonation' applies to the matrimonial offence of:
 (A) Adultery (B) Cruelty

- (C) Desertion (D) both (A) and (B)
25. Which of the following theories is the outcome of a fundamental shift in the policy discernible from the judicial recognition of the view that the purpose of divorce law was not to punish the guilty but to protect the innocent spouse:
 (A) Fault theory (B) Consent theory
 (C) Breakdown theory (C) Both (B) and (C)
26. A married male can adopt:
 (I) Only with his wife's consent
 (II) Only with his wife's consent, when she is living with him
 (III) If he has more than one wife, consent of all the wives is necessary
 (IV) If marriage is void, the wife's consent is not necessary
 (V) In the case of voidable marriage, the wife's consent is necessary
 (A) (I), (III), (IV) and (V)
 (B) (II), (III), (IV) and (V)
 (C) (I), (IV), and (V)
 (D) (II), (III), and (IV)
27. The Supreme Court has recently held in which of the following cases, that under certain circumstances, even when the father is alive, mother can act as a natural guardian:
 (A) Vandana Shiva Vs. Jayanta Bandhopadhyaya
 (B) Narayan Vs. Sapurna
 (C) Jiyabai Vs. Pathan
 (D) Both (A) and (C)
28. The Hindu Marriage Act, 1955 contains the minimum period of desertion for filing a suit for judicial separation:
 (A) Three years (B) Five years
 (C) Two years (D) Seven years
29. The doctrine of relation back was explained in:
 (A) Raghvamma Vs. Chenchamma
 (B) Padasubhayya vs. Akkamma
 (C) Kewal Narain Vs. Prabhu Lal
 (D) Gurupad Vs. Hirabai
30. A Hindu widow could be divested of her property inherited by her from her husband if she:
 (A) Becomes unchaste (B) Re-marries
 (C) Converts to another religion (D) None of these
31. Provisions of Section 3 of the Limitation Act, 1963 are:
 (A) Mandatory (B) Directory
 (C) Discretionary (D) Optional
32. The Limitation Act brought into force in:
 (A) 1964 (B) 1963
 (C) 1965 (D) 1967
33. Bar of Limitation Act applies to:
 (A) Appeal (B) Suit
 (C) Application (D) All of the above
34. In computing the period of limitation for an appeal:
 (A) The day on which judgement pronounced shall be included
 (B) The day on which judgement pronounced shall be excluded
 (C) The day on which judgement pronounced and the time requisite for obtaining copy of the decree shall be excluded
 (D) The time taken for preparing the decree be included
35. Delay in filing the suit:
 (A) Can not be condoned
 (B) Can be condoned under Section 3 of the Limitation Act, 1963
 (C) Can be condoned under order VII, Rule 6 of the Code of Civil procedure, 1908
 (D) Can be condoned under Section 5 of the Limitation Act, 1963
36. The Fraud contemplated by Section 17 of the Limitation Act, 1963 is that of:
 (A) The plaintiff (B) The defendant
 (C) A third person (D) Both (A) and (C)
37. Period during which proceedings stand stayed by an injunction or order is excluded:
 (A) Under Section 14 of the Limitation Act, 1963

- (B) Under Section 15 of the Limitation Act, 1963
 (C) Under Section 16 of the Limitation Act, 1963
 (D) Under Section 13 of the Limitation Act, 1963
38. Under Section 25 of the Limitation Act, 1963 the easement rights over the property belonging to the court are acquired by continuous and uninterrupted user:
 (A) For 12 years (B) For 20 years
 (C) For 30 years (D) For 60 years
39. Under Section 19 of the Limitation Act, 1963, the part payment extends the period of limitation:
 (A) From the date of expiry of initial period of limitation
 (B) From the date of the waiting evidencing payment
 (C) From the date of extended period of limitation
 (D) From the date of payment
40. The period of limitation for a review of the Judgment is:
 (A) 60 days (B) 90 days
 (C) 30 days (D) 180 days
41. The expression "appointed day" for the purpose of the Himachal Pradesh urban Rent Control Act, 1987 is:
 (A) 17th November, 1971 (B) 18th August, 1987
 (C) 20th October, 1987 (D) None of these
42. The term "building" under the Himachal Pradesh Urban Rent Control Act, 1987, does not include:
 (A) A hotel (B) Godowns
 (C) Out-houses (D) Land
43. Fair rent of a building or rented land, under the Himachal Pradesh Urban Rent Control Act, 1987, is determined by the Rent Controller:
 (A) Taking into consideration the rent prevailing in the locality for similar building or rented land during specified period
 (B) Taking into Consideration the rent agreed upon between the landlord and the tenant
 (C) Taking into consideration the compromise arrived at between the parties to the proceedings
 (D) Either (A) or (B) or (C) with reference to the particular line
44. Provisions as to eviction of tenants, under the Himachal Pradesh Urban Rent Control Act, 1987, are described in:
 (A) Section 12 (B) Section 13
 (C) Section 14 (D) Section 18
45. Which building are exempted under the Himachal Pradesh Rent Control Act 1987?
 (A) The State Govt. may direct that all or any provision of this Act shall not apply to any particular building, rented land or any class of building or rented land
 (B) The Centre Govt. may direct that all or any provisions of this act shall not apply to any particular building, rented land or any class of building or rented land
 (C) Rented land owned by the foreign nationals
 (D) Rented land owned by the multinational company
46. In what cases increase in fair rent is not admissible?
 (A) Addition (B) Improvement
 (C) Alteration (D) None of these
47. No person shall convert a residential building into a non-residential building except with the Permission of the:
 (A) Prescribed Authority (B) Civil Judge
 (C) District Magistrate (D) Controller
48. Which one of the following is not the ground of eviction of tenant by the landlord?
 (A) The tenant has not paid the rent within 15 days after the expiry of the time fixed in the agreement of tenancy
 (B) The tenant has committed such acts as are likely to impair materially the value of the building
 (C) That the tenant has been guilty of such acts and conduct as are nuisance to the occupiers of the building in the neighbourhood.
 (D) That the tenant has ceased to occupy the building or rented land for a period of 6 months without reasonable cause
49. Under Section 14(1)©, the following is not the ground available to the landlord to seek eviction of the tenant:
 (A) To carry out building work at the instance of Government
 (B) If it has become unsafe or unfit for animal habitation

- (C) If it required bonafide for carrying out repairs which can not be carried out without the building is vacated
 - (D) That the building is required bonafide by him for the purpose of re-building which cannot be carried without the building is vacated
50. The deposit under Section 21 shall not be accompanied by an application by the tenant containing the following particulars:
- (A) The name and address of the tenant or persons claiming to be tenants
 - (B) The building or rented land for which the rent is deposit with a description sufficient for identifying the building or rented land
 - (C) The period for which the rent is deposited
 - (D) The name and address of the landlord or persons claiming to be entitled to such rent

- 1. B
- 2. A
- 3. B
- 4. A
- 5. D
- 6. A
- 7. B
- 8. D
- 9. C
- 10. D
- 11. A
- 12. D
- 13. C
- 14. A
- 15. C
- 16. A
- 17. B
- 18. A
- 19. B
- 20. A
- 21. D
- 22. A
- 23. B
- 24. C
- 25. D
- 26. A
- 27. A
- 28. C
- 29. D
- 30. A
- 31. B
- 32. A
- 33. A
- 34. B
- 35. A
- 36. C
- 37. A
- 38. C
- 39. D
- 40. A
- 41. B
- 42. A
- 43. A
- 44. B
- 45. A
- 46. C

- 47. D
- 48. A
- 49. D
- 50. B

Criminal Law

1. Under which of the following sections of IPC the death sentence can be commuted without the consent of the offender:

- (A) Section 53 (B) Section 54
- (C) Section 55 (d) None of these

2. Buying or disposing of any person as slave is punishable offence under IPC under:

- (A) Section 370 (B) Section 373
- (C) Section 372 (D) Section 374

3. Match List I and List II and select the correct answer by using the codes given below:

List I List II

- (a) Punishment for "Dishonest (1) 3 years imprisonment or fine or both misappropriation" of property
- (b) Punishment for the offence (2) One year imprisonment or fine or both of "Mischief"
- (c) Punishment for the offence (3) Imprisonment of 3 months of "Cheating" or fine or both
- (d) Punishment for the offence of (4) Imprisonment of two years "Criminal Breach of Trust" or fine or both

Codes:

- (a) (b) (c) (d)
- (A) (3) (2) (1) (4)
- (B) (2) (3) (4) (1)
- (C) (1) (2) (3) (4)
- (D) (4) (3) (2) (1)

4. The offence of theft becomes robbery when it is:

- (A) Coupled with force
- (B) Committed by two or more but less than five persons
- (C) Committed by five or more persons
- (D) Coupled with imminent danger to life

5. Examine the two statements and give the correct answer:

Assertion (A) : A boy of six and half years old intentionally kills B. A is not liable for murder.

Reason (R) : A child under the age of seven years is immuned from criminal liability.

- (A) Both (A) and (R) are true and (R) is the correct explanation of (A)
- (B) Both (A) 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

6. A, a mentally disturbed person picks up revolver and points towards B and attempted to fire at B. B picks a flower pot and hits A causing grievous hurt to A:

- (A) B is liable for causing grievous hurt to A
- (B) B is not liable for causing grievous injury but simple hurt
- (C) B has acted in private defence, therefore he is not liable
- (D) Right of private defence is not available against a mentally disturbed person

7. 'X' told his friend 'Y' that he was going to shoot down 'Z' in the evening. In the evening 'X' with a loaded pistol, entered the street in which 'Z' was living shouting "come out and he killed." 'Z' did not come out and 'X' went away. Which of the following statements is correct?

- (A) 'X' is liable for an attempt to murder because he carried a loaded gun
- (B) 'X' is liable for an attempt to murder because his intention to kill 'Z' was clear from his shouting
- (C) 'X' is not liable for an attempt to murder because he had not committed the penultimate act
- (D) 'X' is liable for an attempt to murder because he has clearly told 'Y' that he was going to shoot down 'Z'

8. Which of the following amounts to 'Dacoity'?

- (1) Five or more persons attempting to commit dacoity
- (2) Five or more persons actually committing dacoity

- (3) One attempting robbery and four others are there to aid
 (4) One attempting robbery and four others aiding the commission of robbery
 (A) (1), (2) and (3) (B) (2), (3) and (4)
 (C) (1), (2), (3) and (4) (D) (3) and (4)
9. Which is/are the leading cases on 'Conspiracy'?
- (A) Fakruddin Vs. The State of M.P.
 (B) Hussain Umar Vs. Dalip Singh Ji
 (C) V.C. Shukla Vs. State
 (D) All of the above
10. Right of private defence is not available:
- (A) Against an insane
 (B) Against a child
 (C) When there is a time to recourse the public authorities
 (D) All of the above
11. The Financial Commissioner may call for the records of any case decided by Excise Commissioner/Excise Officer if in his opinion the final order contains any erroneous decision:
- (A) On any question of law
 (B) On any question of fact
 (C) On any question of law and fact
 (D) None of the above
12. An excise duty or countervailing duty may be levied on any excisable article under the following section of Punjab Excise Act:
- (A) Section 31 (B) Section 32
 (C) Section 33-A (D) Section 34
13. No lease for manufacturing or selling of any excisable article can be granted to any person who is below the age of:
- (A) 21 years
 (B) 25 years
 (C) 18 years
 (D) None of the above
14. No Holder of License to sell an intoxicant is permitted to surrender his licence. Unless he has given a notice in writing to the collector. The period of such notice is:
- (A) 15 days (B) one month
 (C) two months (D) three months
15. Who has the power of arrest, seizure and detention of any person found guilty under sections 61 and 63 of Punjab Excise Act?
- (A) An excise officer of such rank
 (B) A police officer of such rank
 (C) An officer of Salt or Land Revenue Department of such rank
 (D) All of the above
16. A demand notice in writing has to be given to the drawer by the payee under section 138 of 'The Negotiable Instruments Act, 1881, after receiving intimation from the Bank of Dishonour of cheque, within the period of:
- (A) 15 days
 (B) 30 days
 (C) 60 days
 (D) None of the above
17. Who, of the following, are not liable for prosecution under Section 141 of The Negotiable Instruments Act, 1881?
- (A) Any person nominated as director by virtue of holding any office or employment in Central Government
 (B) Any person nominated as director by virtue of holding any office or employment in State Government
 (C) Any person nominated as director by virtue of holding any office or employment a central or state owned or controlled Financial Corporation
 (D) All of the above
18. No court shall take cognizance of any offence punishable under Section 138 of the Negotiable Instruments Act, 1881 unless complaint is made, from the date of accrual of case of action, within:
- (A) 15 days (B) 30 days

- (C) 60 days (D) none of these
19. For the purpose of Section 141 of The Negotiable Instruments Act, 1881 'company' means:
- (A) Any body corporate
 (B) A firm
 (C) Other association of individuals
 (D) All of the above
20. Match List I with List II and select the correct answer by using the codes given below the lists:
- List I List II
- (a) Cognizance of offences (1) Section 138 of the Negotiable Instruments Act, 1881
 (b) Offences by companies (2) Section 142 of the Negotiable Act, 1881
 (c) Dishonour of cheque for (3) Section 143 of The Negotiable Instruments Act, 1881
 (d) Power of court to try case (4) Section 141 of The NI summarily Act, 1881
- Codes:
- (a) (b) (c) (d)
 (A) (1) (2) (3) (4)
 (B) (2) (4) (1) (3)
 (C) (3) (1) (4) (2)
 (D) (4) (2) (1) (3)
21. How many persons representing NGO's are to be nominated to National Board for Wildlife, by Central Government?
- (A) Five (B) Ten
 (C) Three (D) None of these
22. Analyse the two statement and give the correct answer:
- Assertion (A) : The State Government can declare any area as a "Sanctuary" if the area is of adequate ecological, faunal, floral, geomorphological, natural or zoological significance.
 Reason (R) : The purpose is to protect, propagate or develop wildlife or its environment.
- (A) Both (A) and (R) are true and (R) is the correct explanation of (A)
 (B) Both (A) and (R) are true but (R) is not the correct explanation of (A)
 (C) (A) is true but (R) is false
 (D) (A) is false but (R) is true
23. Under which of the following sections of the Wildlife (Protection) Act, 1972. The Central Government has the power to declare areas as sanctuaries or National Parks?
- (A) Section 18 (B) Section 35
 (C) Section 38 (D) None of these
24. An appeal from the orders of Central Zoo Authority shall lie to:
- (A) Distt. Court (B) High Court
 (C) Central government (D) Supreme Court
25. Who of the following, has the power to grant licences for dealings in Trophy and Animal articles?
- (A) Any authorized officer (B) Chief wildlife warden
 (C) Both (A) and (B) (D) State Government
26. Who has the power to levy duty on timber and other forest produce?
- (A) State Government
 (B) Central Government
 (C) Collector
 (D) Forest Settlement Officer
27. Under which of the following Sections of Indian Forest Act, a forest court can be constituted?
- (A) Section 17 (B) Section 18
 (C) Section 19 (D) None of these
28. Who has the power to make rules to regulate the transit of all timber and other forest produce under the Indian Forest Act?
- (A) Central Government (B) Collector
 (C) State Government (D) Forest Settlement Officer
29. Who has the power of "seizure" when a forest offence has been committed as to any "forest produce"?
- (A) Collector (B) Forest officer

- (C) Police officer (D) Both (B) and (C)
30. Any person contravening any rule under the Indian Forest Act, 1927 for the contravention of which, no special penalty is provided shall be punishable with:
- (A) Imprisonment for a term which may extend upto six months or with fine which may extend upto five hundred rupees or both
 (B) Imprisonment for a term which may extend upto one month or fine which may extend upto five hundred rupees or both
 (C) Imprisonment for a term which may extend upto three months or a fine which may extend upto five hundred rupees or both
 (D) Imprisonment for a term which may extend upto two years or a fine which may extend upto five hundred rupees or both
31. The provisions of 'Plea-Bargaining' under Chapter XXI A of Cr. P.C. are not applicable if the offence is committed against a child below the age of:
- (A) 12 years (B) 14 years
 (C) 16 years (D) 18 years
32. An Executive Magistrate is empowered to secure a Security Bond from habitual offenders under Section 110 of Cr. P.C., for a period not exceeding:
- (A) one year (B) two years
 (C) three years (D) none of these
33. Inherent powers under Section 482 of Cr. P.C. can be exercised by:
- (A) Any Criminal Court
 (B) Supreme Court only
 (C) The Session Court and High Court
 (D) High Court
34. To seek compliance of maintenance order, an aggrieved party must make an application to the court within the period of:
- (A) Three months (B) Six months
 (C) One year (D) None of these
35. Which section of Cr. P.C. provides for confirmation by the High Court of an order of death sentence passed by Sessions Court prior to its execution?
- (A) Section 366 (B) Section 368
 (C) Section 369 (D) Section 365
36. Under which of the following chapter of Cr. P.C. provisions for "Preventive Action of the Police" are provided:
- (A) Chapter X (B) Chapter XI
 (C) Chapter XII (D) None of these
37. Any person, aggrieved by a refusal on the part of an officer in charge of a police station, to record the information relating to the commission of a cognizable offence may send the substance of such information, in writing and by post to:
- (A) District Magistrate
 (B) Magistrate having power to try the case
 (C) Chief Judicial Magistrate
 (D) Superintendent of Police Concerned
38. Which court has the power to grant maintenance to wife, children and parents under Cr.P.C.?
- (A) Sessions Court
 (B) Court of Magistrate Ist Class
 (C) Court of Magistrate IInd Class
 (D) Court of Chief Judicial Magistrate
39. No Police officer can investigate a non-cognizable case without the order of:
- (A) Superintendent of police concerned
 (B) Magistrate having the power to try such case or commit the case for trial
 (C) Chief Judicial Magistrate
 (D) Sessions Court
40. Who is authorized under Cr. P.C. to grant a warrant to search for a document, parcel or other thing in the custody of the postal or Telegraph Authority?
- (A) District Magistrate (B) Chief Judicial Magistrate
 (C) Both (A) and (B) (D) Magistrate Ist Class
41. Match List I with List II and select the correct answer by using codes given below:
 List I List II

- (a) Common Intention (1) Section 34
- (b) Good Faith (2) Section 149
- (c) Dishonest Intention (3) Theft
- (d) Common Object (4) Mistake of fact

Codes:

- (a) (b) (c) (d)
- (A) (1) (4) (3) (2)
- (B) (1) (2) (3) (4)
- (C) (4) (3) (2) (1)
- (D) (4) (1) (2) (3)

42. Actus non facit reum, nisi mens sit rea implies:

- (A) The act does not constitute guilt unless done with a guilty intention
- (B) The act constitutes guilt even if done with a bonafide intention
- (C) Intention of the accused should not be considered in a criminal case
- (D) None of the above

43. Examine the two statements and give the correct answer:

Assertion (A) : A did not try to extinguish fire so that he could earn more money from insurance Company, held guilty of Arson.

Reason(R) : Actus non facit reum, nisi mens sit rea.

- (A) Both (A) and ® are true and ® is the correct explanation of (A)
- (B) Both (A) and ® are true and ® is not correct explanation of (A)
- (C) (A) is true but ® is false
- (D) (A) is false but ® is true

44. The punishment prescribed under the IPC for the acts which cause slight harm is:

- (A) 15 days (B) 30 days
- (C) No punishment (D) None of these

45. A intending to murder B by poison, purchases poison and mixes the same in a glass of water. He gives it to the bearer to serve it to 'B'. the bearer while approaching B loses the balance and glass drops out of his plate. What offence has A committed?

- (A) A has committed no offence
- (B) A has committed the offence of attempt to commit murder
- (C) A has committed the offence of Abetment
- (D) A has committed the offence of attempt to commit homicide

46. Section 497 of IPC defines "Adultery" thus: "Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another." Here, actus reus relates to:

- (A) Time (B) Place
- (C) Person (D) Married woman

47. The provisions of Section 498 A I.P.C. which punish the husband or any of his relative for harrasing the married woman for dowry, were introduced in IPC by:

- (A) Act 46 of 1983 (B) Act 43 of 1986
- (C) Act 42 of 1993 (D) Act 24 of 1995

48. Importation of a girl from foreign country into India to force her for sexual intercourse with any other man, is a punishable offence under section 366 B IPC provided the age of girl is:

- (A) Below 14 years (B) Below 16 years
- (C) Below 18 years (D) Below 21 years

49. Under which of the following sections of IPC the word 'Public Servant' has been defined?

- (A) Section 14 (B) Section 21
- (C) Section 19 (D) Section 20

50. What is the maximum period for which a court can award punishment of solitary confinement?

- (A) one month (B) two months
- (C) three months (D) no limit

1. A
2. A
3. B
4. B
5. D
6. B
7. D
8. B
9. D
10. B
11. A
12. A
13. C
14. C
15. C
16. B
17. A
18. C
19. D
20. A
21. B
22. C
23. D
24. C
25. A
26. B
27. D
28. B
29. B
30. C
31. A
32. A
33. B
34. C
35. B
36. D
37. A
38. D
39. B
40. C
41. B
42. A
43. D
44. D
45. A
46. C
47. C
48. C
49. C
50. C