

SET A

Judicial Magistrate First Class PRELIMS 2020

1. Property is designated as "Stolen property".

- (1) Property, the possession whereof has been transferred by theft
- (2) Property, which has been criminally misappropriated
- (3) Property in respect of which criminal breach of trust has been committed

(4) All of the above

Explanation- Section 410 of the Indian Penal Code defines stolen property as the property possession of which has been transferred by theft, extortion or robbery or which has been criminally misappropriated or in respect of which criminal breach of trust has been committed is considered a stolen property hence 4th option is correct Answer.

2. A competent Authority within the meaning of provisions of Maharashtra Rent Control Act is a person:

- (1) Who is holding an office not lower in rank than that of a Deputy Collector
- (2) Who is holding a post of a Civil Judge, Junior division
- (3) Who has been for not less than five years an advocate

(4) All of the above

Explanation - the question itself is not properly worded. As per Section 40 of Maharashtra Rent Control Act 1999 competent authority for particular area is to be appointed by the government by notification. So proper option for the Answer to have been person appointed by the government by notification. As per subsection 2 of Section 40 the government can appoint a person a (clinical the opponent is a and in come funny on the 3rd of those cute s competent authority if he is holding an office not lower in rank than that of a Deputy collector, who is holding the post of civil judge Jr division or who is an advocate for not less than 5 years. So, the persons in 1st, 2nd and 3rd option can be appointed as competent authority and therefore considering the nature of question as to who can be appointed as competent authority Answer will be option 4.

3. A search-warrant for persons wrongfully confined may be issued by :

- (1) District Magistrate
- (2) Sub-Divisional Magistrate
- (3) Magistrate of the First class

(4) All of the above

Explanation - as per Section 97 of the Code of Criminal Procedure search warrant for the person wrongfully confined may be issued by District Magistrate, sub divisional magistrate or Magistrate of the 1st class, hence correct Answer is option 4.

4. All citizens shall have the rights under Article 19 (1) of Constitution of India :

- (1) To uphold and protect the sovereignty, unity and integrity of India
- (2) To value and preserve the rich heritage of our composite culture
- (3) To safeguard public property and to abjure violence

(4) None of the above

Explanation - Article 19 (1) declares fundamental freedoms of citizens which include freedom of speech, freedom to assemble peacefully, to form associations and unions, to move freely throughout the territory of India, to reside and settle in any part of territory and to practice any profession. None of the above options it in respect of about freedoms and therefore Answer is none of the above i.e. option no. 4.

5. For compensation for wrongful seizure of movable property under legal process, the period of limitation as per provisions of Limitation Act 1963, to file suit is :

(1) One year

(2) Three years

(3) Two years

(4) Six months

Explanation - As per Section 80 of the Limitation Act the period of limitation for filing suit for compensation for wrongful seizure of movable property is funnier is one year and therefore Answer is option No. 1.

6. Consider the following statements:

Statement (I) : The court may appoint a receiver before decree

Statement (D) : The court cannot appoint a receiver after decree

(1) Statement (I) is correct, (II) is incorrect

(2) Statement (IT) is correct, (I) is incorrect

(3) Both statements are correct

(4) Both statements are incorrect

Explanation - As per Order 40 of the Code of Civil Procedure the Court may appoint a receiver of any property whether before or after decree. Statement 1 is therefore correct.

7. The period for acquisition of right of easement to use of light or air, way or other easement by prescription under Section 25 (1) of Limitation Act is :

(1) Thirty years

(2) Twenty years

(3) Twelve years

(4) Twenty-five years

Explanation - As per Section 25 (1) of Limitation Act where the excess and the use of light or air to and for any building is peacefully enjoyed as an easement for 20 years such easement becomes absolute and indefeasible hence option 1 is correct Answer.

8. The transfer of an actionable claim shall be effected :

(1) Only by oral

(2) Only by the execution of an instrument in writing signed by the transferor

(3) By partly oral and partly by execution of an instrument in writing

(4) None of the above

Explanation - As per Section 130 of the Transfer of Property Act the actionable claim can be transferred by the execution of an instrument in writing signed by the transferor hence option 2 is correct Answer

9. Consider the following statements in relation to the definition of "Public nuisance".

Statement (I); A common nuisance is not excused on the ground that it causes some convenience or advantage

Statement (II): A common nuisance is excused on the ground that it causes some convenience or advantage

(1) Statement (I) is correct, (II) is incorrect

(2) Statement (II) is correct, (I) is incorrect

- (3) Both statements are correct
- (4) Both statements are incorrect

Explanation - Section 268 of the Indian Penal Code which criminalises public nuisance provides that a common nuisance is not excused on the ground that it causes some convenience or advantage hence statement 1 is correct and statement 2 is incorrect and therefore Answer is option 1.

10. Limitation to file suit under Section 6 of the Specific Relief Act 1963, is :

- (1) 12 years from the date of dispossession
- (2) 3 years from the date of dispossession

(3) 6 months from the date of dispossession

- (4) 9 months from the date of dispossession

Explanation - Sub-Section 2 of Section 6 of the Specific Relief Act specifies limitation of 6 months from the date of dispossession before which the suit is required to be filed hence option 3 is correct Answer.

11. To redeem or recover possession of immovable property mortgaged, the period of limitation to file suit is :

(1) Thirty years

- (2) Twelve years
- (3) Three years
- (4) One year

Explanation - Article 61 of the Limitation Act prescribes period of 30 years as a limitation to redeem or recover possession of immovable property mortgaged the correct Answer is therefore option 1.

12. Sufficient cause within the meaning of Section 5 of Limitation Act, 1963 in computing the prescribed period may be :

- (1) The appellant or applicant was misled by any order
- (2) The appellant or applicant was misled by practice
- (3) The appellant or applicant was misled by judgement of the High Court

(4) All of the above

Explanation - Section 5 of the Limitation Act provides that delay in filing applications and appeal may be condoned if there is a sufficient cause. There are many cases in which the Supreme Court held that the phrase "sufficient cause" may be interpreted liberally. If the litigant is illiterate and is misled by the order of the Court, or misled by the judicial practice or misled by any precedent, the Court may condone the delay. The Answer therefore will be option 4.

13. In executing a sentence of solitary confinement, such confinement shall in no case exceed :

- (1) Ten days at a time
- (2) Fourteen days at a time**
- (3) Fifteen days at a time
- (4) Twenty days at a time

Explanation - Section 74 of the Indian Penal Code provides that in executing a sentence of solitary confinement such confinement shall in no case exceed 14 days as the Answer is option 2.

14. Which confession can be proved as against a person accused of any offence?

- (1) A confession made to a police officer.

(2) A confession made in the immediate presence of a magistrate.

- (3) A confession made to Police Inspector.
- (4) All of the above

Explanation - Section 25 of the Evidence Act provides that no confession made to a police officer shall be proved as against a person Accused of any offence. Confession made to a magistrate is a judicial confession which is recorded as required by provisions of Section 164 of the Code of Criminal Procedure. The Answer is therefore option 2.

15. Irregularities which vitiate proceedings :

- (1) To make over a case under sub-Section (2) of Section 192
- (2) To tender a *pardon* under Section 306
- 3) To sell property under Section 458 or Section 459

(4) None of the above

Explanation - Section 460 of the code of Cuban procedure Code of Criminal Procedure provides that a magistrate who is not conferred with powers upon by the law if he does anything erroneously in good faith especially is a shall not be set aside merely on the ground of his not so important the Section include 9 types of his regularities including 1st 2nd and 3rd option. So the irregularities in these 3 options will not vitiate the proceeding if the above-mentioned circumstances in the explanation exist. The Answer therefore will be option 4.

16. An instrument, which has been registered under the Indian Registration Act 1908, is cancelled by the court, the court shall send a copy of its decree to :

- (1) The Collector
- (2) The Revenue Commissioner

(3) The officer in whose office the instrument has been so registered

- (4) All of the above authorities

Explanation - Section 31 of the Specific Relief Act provides when cancellation of written instrument may be adjudged void or voidable. SubSection 2 of the Section provides that when the Court adjudges any instrument registered under Indian registration act the Court shall send a copy of its decree to the officer in whose office the instrument has been registered. The Answer is therefore option 3.

17. Where a judgement-debtor has, by fraud or force, prevented the execution of a decree or order within the period of limitation, the court may, on the application of judgement-creditor extend the period for execution of the decree or order as per provisions of Section 17 (2) of Limitation Act 1963, provided that such application is made :

- (1) Within six months from the date of the discovery of the fraud
- (2) Within one year from the date of the discovery of the fraud**
- (3) Within two years from the date of the discovery of the fraud
- (4) Within three years from the date of the discovery of the fraud

Explanation - proviso to Section 17 (2) of the Limitation Act provides that such application is to be made within one year of the discovery of fraud the Answer is therefore option 2.

18. The Maharashtra Rent Control Act 1999 shall apply :

- (1) To any premises let or sub-let to banks
- (2) To any premises belonging to a local authority
- (3) To any Public Sector Undertaking

(4) None of the above

Explanation - Section 3 of the Maharashtra Rent Control Act provides that the Act shall not apply to several types of premises and includes the premises let out to banks, to any premises

belonging to local authority or to the premises let out to the public sector undertaking. The Answer therefore is option No. 4

19. When a party refuses to produce a document which he has had notice to produce,

(1) he can afterwards use the document as evidence without the consent of the other party.

(2) he cannot afterwards use the document as evidence without the consent of the other party,

(3) he can afterwards use the document as evidence without the order of the court.

(4) None of the above

Explanation – order to 12 rule 8 of the Code of Civil Procedure provides for notice to produce documents but doesn't provide for consequences upon production of document by the party to whom notice to produce document is served. Section 65 of the Evidence Act, however provides that the secondary evidence can be given of the existence of contents of the documents and one of the circumstances in which secondary evidence can be given is when the person legally bound to produce document, after the notice, doesn't produce it. Section 164 of the Indian Evidence Act provides that when a party refuses to produce a document which he has had notice to produce he cannot afterwards use it without the consent of the other party order of the court and therefore the Answer is option No. 2.

20. Whose opinion as to electronic signature is a relevant fact: .

(1) Of a person whose electronic signature is questioned

(2) of the Certifying Authority which has issued the Electronic Signature Certificate

(3) Of Expert

(4) All of the above

Explanation - in view of Section 47 A of the Indian Evidence Act when the Court has to form an opinion as to the electronic signature of any person the opinion of the certifying authority which has issued the electronic signature certificate is a relevant fact. The Answer therefore is option 2.

21. Every appeal under Section 34 (1) of the Maharashtra Rent Control Act shall be made within :

(1) Sixty days

(2) Thirty days

(3) Ninety days

(4) Fifteen days

Explanation - Sub-Section 2 of Section 34 provides limitation of 30 days for filing appeal contemplated under Sub-Section 1 Answer is option 2.

22. An appeal may not lie from:

(1) An original decree passed ex-parte

(2) A decree passed by the court with the consent of parties

(3) A preliminary decree

(4) None of the above

Explanation - Section 96 of the Code of Civil Procedure provides in Sub-Section 3 that no appeal shall lie from a decree passed by the Court with the consent of the parties. Option 2 is the Answer.

23. In the case of a contract for sale by sample there is an implied condition:

(1) that it is not necessary that the bulk shall correspond with the sample in quality

(2) that it is not necessary that the goods shall be free from *any* defect

(3) that the buyer shall have a reasonable opportunity of comparing the bulk with the sample

(4) None of the above

Explanation - Section 17 (1) (b) of the Sale of Goods Act provides that in case of sale by simple there is implied condition that the buyer shall have a reasonable opportunity of comparing the bulk with the sample. Option 3 is correct Answer

24. Consider the following statements:

Statement (I): A threat to injure the reputation of any deceased person in whom the person threatened is interested, amounts to criminal intimidation.

Statement (II): A threat to injure the reputation of any deceased person in whom the person threatened is interested, does not amount to criminal intimidation.

(1) Statement (II) is correct, (I) is incorrect

(2) Statement (I) is correct, (II) is incorrect

(3) Both statements are correct

(4) Both statements are incorrect

Explanation - Explanation 1 of Section 499 of the Indian Penal Code provides that it may amount to defamation to impute anything deceased person if the imputation would harm the reputation of that person if leaving, and is intended to be hurtful to the feelings of his family or other near relatives. Criminal action therefore lie for defamation of deceased in the above circumstances. Statement 1 is therefore correct and 2nd is incorrect. option 2nd will be the proper Answer.

25. The transaction will not be hit by doctrine of *lis pendens* if the suit is pending in the court:

(1) within the limits of Maharashtra

(2) within the limits of India

(3) beyond the limits of India

(4) All of the above

Explanation - opening sentences of Section 52 of the Transfer of Property Act provides that during the pendency in any Court having authority within the limits of India or established beyond such limits by the central government, suit or proceeding where any right to immovable property is directly or specifically in question in such suit, the property cannot be transferred which means *lis pendens* will operate when the suit in respect of immovable property is pending in any Court in India and the Court established beyond such limits of India by the central government. The transaction will therefore be hit by *lis pendens* if the suit is pending within the limits of Maharashtra, within the limits of India and beyond the limits of India if the suit is pending in the Court beyond the limits of India which is established by the central government. In option No. 3 eventually did mention that suit is pending in the Court beyond the limits of India but it is not specified that the said Court is established by the government of India hence lease with not continue in such event. Answer will be option 3.

26. The authority of a partner to bind the firm conferred by Section 19 of the Act is called:

(1) his express authority

(2) his implied authority

(3) representative of the firm

(4) statutory authority

Explanation - Section 19 of the Indian Partnership Act speaks about implied authority of partner to bind the firm. Option 2 is correct Answer.

27. High Court shall have powers to issue to any person, or authority, including in appropriate cases, any Government directions, orders or writs under:

(1) Article 32

(2) Article 232

(3) Article 226

(4) Article 228

Explanation - Article 226 of the Constitution of India empowers the High Court's to issue writs. Option 3 is correct Answer.

28. "Complaint" means :

(1) A police report

(2) A report made by a police officer in a case which discloses, after investigation, the commission of a non-cognizable offence

(3) A complaint made to an officer-in-charge of a police station

(4) None of the above

Explanation - Section 2 (d) of the Code of Criminal Procedure defines complaint as any allegation made orally or in writing to a magistrate with a view to his taking action under the Code of Criminal Procedure but does not include police report. Explanation to definition shows that a report made by a police officer in a case which discloses, after investigation, the commission of a non- cognizable offence shall be deemed to be a complaint. option number two is correct answer.

29. A man is said to commit "rape" if he :

(1) has sexual intercourse or sexual acts with his own wife, the wife not being under fifteen years of age

(2) has sexual intercourse with his own wife during separation, without her consent

(3) has sexual intercourse with his own wife during separation with her consent

(4) All of the above

Explanation - clause 1 of the definition of rape under Section 375 of the Indian Penal Code includes sexual intercourse by a man with woman without her consent and against will. Exception to this definition is sexual intercourse by a man with his own wife, the wife not being under 15 years of age. when the wife is residing separate from the husband the act of the husband to have sexual intercourse with her without her consent will come under the definition of offence under Section 376A. It is a separate offence with separate punishment and not the offence of rape. Option No. 2 is correct Answer.

30. Where both the parties to an agreement are under a mistake as to a matter of fact essential to the agreement:

(1) the agreement is void

(2) the agreement is voidable at the option of the party

(3) the agreement is valid

(4) None of the above

Explanation - in view of Section 20 of the Indian Contract Act when both the parties to an agreement are under a mistake as to a matter of fact with the existence of 3 conditions mentioned in the Section the contract would be void. Option No. 1 is correct Answer.

31. Where goods are delivered to the buyer and he refuses to accept them,

(1) buyer is bound to return them to the seller

(2) buyer is not bound to return them to the seller

(3) seller can compel the buyer to return them to him

(4) seller cannot compel buyer to return them to him

Explanation - Section 43 of the Sale of Goods Act provides that if a buyer, within his right, refuses to accept the delivery of goods, then he is not bound to return the rejected goods to the seller. He needs to inform the seller of his refusal. Option 2 is correct Answer.

32. The relation of Partnership arises from

(1) Status

(2) Contract

(3) Family business

(4) All of the above

Explanation - Section 4 of the Indian Partnership Act specifies that a partnership must be a result of an agreement between 2 or more individuals. The relation of partnership thus arises from contract. Option 2 is correct Answer.

33. A Magistrate of the First class may try in a summary way any of the following offences :

(1) Theft, under Section 379, where the value of the property exceeds two thousand rupees

(2) Offences not punishable with imprisonment for a term exceeding two years

(3) Offences under Sections 454 and 456 of the Indian Penal Code

(4) Receiving stolen property under Section 411 of the Indian Penal Code where the value of the property exceeds two thousand rupees

Explanation - (Question is Cancelled) as provided under Section 260 of the Code of Criminal Procedure Magistrate of the first class especially empowered by the High Court to try specified offences by summary procedure which include of offences punishable with imprisonment not exceeding term of 2 years, offences of theft and receiving stolen property when the property doesn't exceed Rs. 2000, of offences covered under Section 454 and 456 of the Indian Penal Code. Now offences not punishable with imprisonment for a term exceeding 2 years that means offences punishable with imprisonment for a term of 2 years or less and offences under Section 454 and 456 of Indian Penal Code both can be tried summarily by magistrate invested with summary powers.

34. The specific performance of a contract may not be obtained by :

(1) Any party thereto

(2) The representative in interest or the principal of any party thereto

(3) A person who is not party thereto

(4) The new company which arises out of amalgamation

Explanation - Section 15 of the Specific Relief Act specifies who may opt for specific performance and classifies persons to include any party thereto, the representative in interest or the principal of any party thereto, and the new company which arises out of amalgamation but doesn't include third-party who is not concerned with the contract. A person who is not party thereto cannot opt specific performance, hence option 3 is the correct Answer.

35. To set aside a sale by a Civil or Revenue Court the period of limitation as per provisions of Limitation Act 1963 to file suit is :

(1) Three years

(2) One year

(3) Six months

(4) Nine months

Explanation - As per Article 99 of the Limitation Act limitation to file suit to to set aside a sale by a Civil or revenue Court is one year from the date of confirmation of sale or when the sale becomes final and conclusive. Option 2 is therefore correct Answer.

36. The word "illegal" is applicable to everything:

(1) Which is an offence

(2) Which is prohibited by law

(3) Which furnishes ground for a civil action

(4) All of the above

Explanation - illegal is antonym to legal. offence is an act forbidden by law and the act infringing the right of other furnishes ground for civil action. So option No. 1 to 3 are covered under the definition of illegal act and hence correct Answer is option No. 4.

37. No order for detention of the judgement debtor in civil prison in execution of a decree for the payment of money shall be made, where the total amount of the decree does not exceed.

- (1) Ten thousand rupees
- (2) Five thousand rupees
- (3) Three thousand rupees

(4) Two thousand rupees

Explanation - Section 58 of the Code of Civil Procedure provides that if the amount to be recovered is less than 2000 then there be no order of arrest of judgement debtor. The correct Answer is option No. 4.

38. No offence under Section 320 of Code of Criminal Procedure 1973 shall be compounded.

- (1) When the person who would otherwise be competent to compound an offence U/S 320 is under the age of eighteen years
- (2) When the person who would otherwise be competent to compound an offence U/S 320 is an idiot
- (3) When the person who would otherwise be competent to compound an offence U/S 320 is a lunatic

(4) If the accused, by reason of a previous conviction, is liable to enhanced punishment

Explanation -provisions of Section 320 of the Code of Criminal Procedure sure that fans can be compounded on behalf of minor, idiot a lunatic, however in view of Sub-Section 7N. and shall be compounded if the Accused is, by reason of previous conviction, liable either to enhanced punishment or to a punishment of different kind for such offence. The correct Answer is therefore option No. 4.

39. Any fact is relevant which shows or constitutes:

- (1) A motive
- (2) Preparation for any fact in issue
- (3) Relevant fact

(4) All of the above

Explanation -Section 8 of the Evidence Act provides that motive, preparation made towards commission of an act which is a relevant fact is to be considered as a relevant fact. The correct Answer therefore is option 4.

40. Leading question means:

- (1) Question which does not suggest the Answer
- (2) Question which suggests the Answer**
- (3) Question which leads to discovery of any fact
- (4) All of the above

Explanation - Section 141 of the Indian Evidence Act provides that any question suggesting the Answer which of the person putting it wishes or expects to receive is called a leading question. The correct Answer is therefore option 2.

41. An appeal shall lie from a decree or order made by the court of small causes Mumbai:

- (1) To City Civil Court Mumbai
- (2) To a bench of two judges of the Court of small causes, Mumbai**

(3) To Chief Metropolitan Magistrate

(4) To High Court Mumbai

Explanation - An appeal from a decree or order made by the court of small causes Mumbai lies to bench of two judges of the Court of small causes, Mumbai

42. Where a person delivers to a creditor, documents of title to immovable property, with intent to create a security, the transaction is called:

(1) English Mortgage

(2) Charge

(3) Mortgage by deposit of title-deeds

(4) Anomalous mortgage

Explanation - Section 58 (f) of the Transfer of Property Act defines mortgage by deposit of title deeds specifying that in this type of mortgage a person delivers to a creditor document of title of immovable property with the intention to create a security thereupon, however this type of mortgage can be effected only in Calcutta, Madras and Bombay and in any other city which the state government concerned may by notification in the official Gazette specify. Nothing of the sort is specified in the question however the correct Answer may be option No. 3 which is mortgage by deposit of title deeds created in the eventualities specified in the question and it is effected in the cities mentioned in the Section.

43. When rescission may be adjudged by the court?

(1) Where the plaintiff has expressly or impliedly ratified the contract

(2) Where third parties have, during the subsistence of contract acquired rights in good faith without notice and value

(3) Where the contract is voidable or terminable by the plaintiff

(4) in all of the above cases

Explanation - in view of Section 27 (1) (a) of the Specific Relief Act where the contract is voidable or terminable by the Plaintiff the Court may adjudge rescission of such contract on a suit filed by any person interested to have the contract rescinded. When the Plaintiff has expressly or impliedly ratified the contract, the Court may refuse to rescind the contract as provided in Sub-Section 2 of the said Section. Similarly, where 3rd party have during the subsistence of contract acquired right in good faith without notice and for value the Court may refuse to rescind the contract. The correct Answer is therefore option No. 3.

44. The endorsement made on the document admitted in evidence shall be signed or initialled by:

(1) The party who has tendered the document in evidence

(2) An advocate of the party who has tendered the document in evidence

(3) The Judge

(4) The clerk of the court

Explanation - in view of the provisions of order XIII R. 4 of the Code of Civil Procedure endorsement on the documents admitted in evidence shall be initiated by the judge. Option 3 is correct answer.

45. The Governor of each state shall appoint a person to be Advocate-General for the state who is qualified to be appointed:

(1) Attorney General

(2) District Judge

(3) A Judge of a High Court

(4) None of the above

Explanation - Article 165 of the Constitution provides that the Governor of each State shall appoint a person, who is qualified to be appointed a judge of the High Court, to be Advocate General for the state. Option 3 is correct Answer.

46. Who cannot acquire the right of subrogation?

- (1) Any person who has interest in the property mortgaged
- (2) Any surety for payment of the mortgage-debt
- (3) Any creditor of the mortgagor who has obtained a decree for sale of the mortgaged property

(4) The mortgagor

Explanation - Section 92 of the Transfer of Property Act provides that all persons referred in Section 91 except mortgagor have right of subrogation. The Answer is option 4.

47. Where a suit is for the recovery of possession of immovable property and for mesne profits, the court may pass a decree directing an enquiry as to mesne profits from :

- (1) The date of dispossession of the property until the delivery of possession to the decree-holder
- (2) The institution of the suit until the delivery of possession to the decree holder**
- (3) The date of decree until the delivery of possession to the decree-holder
- (4) The date of judgement until the delivery of possession to the decree-holder

Explanation - order 20 R 12 of the Code of Civil Procedure in sub rule (1)© and clause(i) provides that the Court may direct an enquiry as to the rent or immense profit from the institution of the decree holder. The Answer is option 2.

48. The period of limitation as per provisions of Limitation Act 1963 to file suit by a person excluded from a joint family property to enforce a right to share therein is:

- (1) Thirty years
- (2) Three years
- (3) Twelve years**
- (4) Twenty years

Explanation - Article 110 of the Limitation Act provides period of limitation by a person excluded from joint family property to enforce a right to share them to is twelve years. The correct Answer is option 3.

49. The Magistrate may award compensation to persons groundlessly arrested not exceeding:

- (1) One thousand rupees**
- (2) Three thousand rupees
- (3) Five thousand rupees
- (4) Ten thousand rupees

Explanation -Section 358 of the Code of Criminal Procedure provides that the magistrate may award compensation not exceeding Rs. 1000 when it appears to the magistrate that there was no sufficient ground for his arrest. The correct Answer is option 1.

50. Landlord to intimate to tenant the date of completion of the new building or floor, or floors, within the period not less than;

- (1) Six months before the date on which the erection of the new building
- (2) Three months before the date on which the erection of the new building**
- (3) One month before the date on which the erection of the new building
- (4) Nine months before the date on which the erection of the new building

Explanation -Section 21 of the Maharashtra Rent Control Act provides that the landlord shall, not less than 3 months before the date on which the erection of the new building or, floor, or

floors is likely to be completed intimate to the tenant the date of completion of such construction. The correct Answer is therefore option 2.

51. "Decree" includes:

(1) Any adjudication from which an appeal lies as an appeal from an order

(2) The determination of any question within Section 144

(3) Any order of dismissal for default

(4) All of the above

Explanation - Decree as defined under Section 2 (2) of the Code of Civil Procedure and includes the specifications mentioned in option no. 2 but not in option no. 1 and 3. The Answer therefore is option 2.

52. Sale of tangible immovable property may be made by delivery of the property if the value of the property is;

(1) One hundred rupees

(2) Two hundred rupees

(3) One thousand rupees

(4) Less than one hundred rupees

Explanation - Section 54 of the Transfer of Property Act while providing how the sale is effected specifies that sale of tangible immovable property for the value less than rupees 100 can be effected either by registered instrument or by delivery of the property. The correct Answer is therefore option 4.

53. If the complaint is made to a Magistrate who is not competent to take cognizance of the offence, he shall:

(1) Dismiss the complaint

(2) Return it for presentation to the proper court

(3) Hold the inquiry or trial

(4) None of the above

Explanation - Section 201 of the Code of Criminal Procedure provides procedure by Magistrate not competent to take cognizance of the case and specifies that in such event if the complaint is in writing return it for presentation to the proper Court. The proper Answer is therefore option 2.

54. The rights regarding freedom of speech, etc conferred by Article 19 (1) of Constitution of India are available to:

(1) The citizens of Bhutan

(2) The citizens of Lakshadweep

(3) The citizens of Burma

(4) None of the above

Explanation - under Article 19 (1) of the Constitution right of freedom of speech is available to citizens of India. From the above options only Lakshadweep is part of India. The correct Answer is therefore option 2.

55. No suit under Section 6 of the Specific Relief Act, 1963 shall be brought:

(1) Against the owner of the property

(2) Against the landlord

(3) Against the purchaser of the property

(4) Against the Government

Explanation - Section 6(2)(b) of the Specific Relief Act provides that no suit under Section shall be brought against the government. The correct Answer is therefore option 4.

56. Court shall fix the standard rent of any premises in any of the following cases:

(1) Plea that rent or increases are excessive

(2) If the permitted increase in respect of the same premises has been duly fixed by a competent court on the merits of the case

(3) Where any premises have been or are let rent-free or at a nominal rent

(4) All of the above

Explanation - provisions of Section 8 (1) © of the Maharashtra Rent Control Act where any premises has been or are let out rent-free or it a nominal rent or for some consideration in addition to rent then the Court may fix standard rent. The cause is given in 1st and 2nd clause are not included in the Section as grounds for fixing standard rent. Option 3 is correct Answer.

57. A transfer of property in completion of an exchange can be made only in the manner provided for the transfer of such property:

(1) by mortgage

(2) by gift

(3) by sale

(4) by lease

Explanation - Section 118 of the Transfer of Property Act provides that a transfer of property in completion of an exchange can be done only in the manner provided for the transfer of property by sale. The correct Answer is option 3.

58. Consider the following statements :

Statement (I) • In criminal proceedings, the fact that the person accused is of a good character, is relevant.

Statement (II): In criminal proceedings, the fact that the accused person has a bad character, is relevant.

(1) Statement (I) is correct, (II) is incorrect

(2) Statement (II) is correct, (I) is incorrect

(3) Both statements are incorrect

(4) Both statements are correct

Explanation - in view of Section 53 of the Evidence Act in criminal proceedings the fact that the accused is of a good character is relevant, however Section 54 of the Evidence Act provides that previous bad character of the accused is irrelevant unless evidence is adduced of his good character. Statement No. 1 is therefore correct and 2nd is incorrect. Correct Answer is option 1.

59. When a witness is cross-examined, he may be asked questions which tend:

(1) To test his veracity

(2) To discover who he is and what is his position in life

(3) To shake his credit

(4) All of the above

Explanation - Section 146 of the Evidence Act provides that questions to test veracity of witness, to discover who he is and what is his position in life and to shake his credit can be asked. Correct Answer is option 4.

60. For the purposes of clause (g) of sub-Section (1) of Section 16 of Maharashtra Rent Control Act, the expression "Landlord" does not include:

- (1) A rent-farmer
- (2) Rent-collector
- (3) Estate-manager

(4) All of the above

Explanation - Explanation to Sub-Section 2 of Section 16 of the Maharashtra Rent Control Act provides that the word "landlord" referred in Section 16 (1) (g) shall not include rent collector, rent former estate manager. The correct Answer is option No. 4.

61. A witness may refresh his memory:

- (1) by referring to any writing made by himself at the time of transaction,
- (2) by referring to any such writing made by any other person.
- (3) by reference to any document, he may refer to a copy of such document,

(4) All of the above

Explanation - in view of Section 159 of the Evidence Act a witness may, while in the examination refresh his memory by referring to any writing made by himself at the time of transaction, by referring to writing made by any other person and when he is to deposing regarding any document, he may refresh his memory with the permission of the Court by referring to the copy of document. The correct Answer is option No. 4.

62. The court may frame the issues from the materials :

- (1) Allegations made on oath by the parties
- (2) Allegations made by the pleaders of such parties
- (3) The contents of the documents produced by either party

(4) All of the above

Explanation - order 14 rule 3 of the Code of Civil Procedure provides that the Court may frame issues from all or any of the following materials which include allegations made on oath by the parties or made by the pleaders, allegations made in the pleadings, in Answers to interrogatory or the contents of the documents produced by the parties. The correct Answer is therefore option No. 4.

63. The expression "agent duly authorised in this behalf" in Sections 18 and 19 of Limitation Act, 1963 shall, in the case of a person under disability to sign the acknowledgement include :

- (1) His lawful guardian
- (2) Committee
- (3) Manager

(4) All of the above

Explanation - Section 20 of the Limitation Act provides that the expression "agent duly authorised in this behalf" in Section 18 and 19 shall in case of a person under disability includes his lawful guardian, committee or manager or an agent duly authorised by such guardian committee or manager. The correct Answer is therefore option No. 4.

64. Where there is an agreement to sell goods on the terms that the price is to be fixed by the valuation of a third party and such third party cannot or does not make such valuation.

- (1) the agreement is void
- (2) the agreement is avoided**
- (3) the agreement is valid
- (4) the agreement is voidable

Explanation - Section 10 of the Sale of Goods Act provides that where there is an agreement to sale goods on the terms that the price is to be fixed by the valuation of a 3rd party and such 3rd party cannot or does not make such valuation then agreement can be avoided but if the goods are delivered and appropriated by the buyer he shall pay a reasonable price. The correct Answer is therefore option No. 2.

65. The appropriate Legislature may, by law, provide for the adjudication or trial by Tribunals of any.

- (1) disputes
- (2) complaints
- (3) offences

(4) All of the above

Explanation - in view of Article 323A the Parliament may provide for establishment of administrative tribunal by law for a adjudication of trials of disputes and complaints. The tribunal can try the offence of contempt. The correct Answer is therefore option No. 4.

66. The plaint shall be rejected in the following case :

- (1) Where plaint does not disclose effect of document
- (2) Failure to amend the plaint after order

(3) Where plaint is not filed in duplicate

- (4) All of the above

Explanation - order 8 rule 11 of the Code of Civil Procedure provides for the circumstances in which the Plaintiffs to be rejected and where plaint is not filed in duplicate it can be rejected but it does not include circumstances mentioned in option No. 1 and 2. The correct Answer is therefore option No. 3.

67. Article 20 of Constitution of India speaks about :

- (1) the principle of natural justice
- (2) the principle of double jeopardy**
- (3) the principle of estoppel
- (4) None of the above

Explanation - Article 20 of the Constitution of India provides protection to the citizens as well as foreigners from conviction for the offence except for the violation of law in force at the time of commission of offence, prosecution and punishment for the same offence more than once and he shall not be compelled to be a witness against himself. The principle enunciated here prohibiting prosecution and punishment for the same offence more than once is the principle of double Jeopardy. The correct Answer is therefore option No. 2.

68. A landlord cannot file suit against the tenant on the ground of non-payment of the standard rent due until the expiration of :

- (1) 120 days next after notice in writing of the demand of the standard rent
- (2) 90 days next after notice in writing of the demand of the standard rent**
- (3) 60 days next after notice in writing of the demand of the standard rent
- (4) None of the above

Explanation - Section 15 of the Maharashtra Rent Control Act provides that no ejectment ordinarily be made if tenant pays or is ready and willing to pay standard rent and permitted increases and in case of non-payment in view of Sub-Section 2 for recovery of possession shall be filed by the landlord until the expiration of 90 days next after notice in writing of the demand of the standard rent has been served upon the tenant. The correct Answer his option No. 2.

69. Any harm whatever illegally caused to any person, in body, mind, reputation or property is called:

- (1) hurt

(2) injury

- (3) grievous hurt
- (4) All of the above

Explanation - Section 44 of the Indian Penal Code defines injury as any harm whatever illegally caused to any person, in body, mind, reputation or property. The correct Answer is option 2

70. Every High Court shall have superintendence over:

- (1) any court constituted by the Armed Forces
- 2) any tribunal constituted by the Armed Forces

(3) all courts and tribunals throughout the territories in relation to which it exercises jurisdiction

- (4) All of the above

Explanation - Article 227 of the Constitution provides that every High Court shall have superintendence over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction. Sub Article 4 however excludes jurisdiction of the High Court over the courts and tribunals constituted by or under any law relating to the armed forces. The correct Answer is therefore option No. 3

71. Public documents mean and include :

- (1) Books of accounts of partnership firm.
- (2) Books of accounts of proprietary firm.
- (3) Statement of loan account of borrower of Finance Institution.

(4) Public records kept (in any state) of private documents.

Explanation - Section 74 of the Evidence Act broadly defines the public documents as part of the public records kept by the government, sovereign authority, official bodies and tribunals. It also includes public records kept in any state of private documents. The documents created by the bodies other than public bodies will be private documents like books of accounts of a partnership firm, of a proprietary form or statement of loan account by financial institution. The correct Answer is option No. 4.

72. A landlord is entitled to make increase in the rent of the premises let for any of the purposes referred to in sub-Section (1) of Section 2 of Maharashtra Rent Control Act, of :

- (1) 2 percent per annum
- (2) 4 percent per annum**
- (3) 6 percent per annum
- (4) 8 percent per annum

Explanation - Section 11 of the Maharashtra Rent Control Act provides that after the commencement of the Act a landlord shall be entitled to make an increase of 4% per annum in the rent of the premises let for any of the purposes referred to in subSection 1 of Section 2. The correct Answer is option 2.

73. All the provisions apply to charge which apply to a :

- (1) Mortgage by deposit of title-deeds
- (2) Simple mortgage**
- (3) Anomalous mortgage
- (4) Usufructuary mortgage

Explanation - Section 100 of the Transfer of Property Act provides that in case of charge the provisions contained in the Transfer of Property Act applicable to simple mortgage shall also apply to charge. Option 2 is therefore correct Answer.

74. Consider the following statements :

Statement (I): Consideration is necessary to create an agency.

Statement (II): No consideration is necessary to create an agency.

(1) Statement (I) is correct, (II) is incorrect

(2) Statement (II) is correct, (I) is incorrect

(3) Both statements are incorrect

(4) Both statements are correct

Explanation - Section 185 of the Indian Contract Act provides that when a person is appointed as an agent his appointment is valid even if there is no consideration. Statement 2 is therefore correct and option 2 is correct Answer.

75. In a suit preventive relief is granted :

(a) by temporary injunction

(b) by perpetual injunction

(c) by declaration of right

(d) All of the above

Options :

(1) Only (d) is correct

(2) Only (a) is correct

(3) Only (b) and (c) are correct

(4) Only (a) and (b) are correct

Explanation- Section 36 of the Specific Relief Act provides that the preventive relief may be granted by the Court by granting temporary or perpetual injunction. The correct answer is option No. 4

76. Section 306 Tender of Pardon to accomplice applies to :

(1) Any offence triable exclusively by the Court of session

(2) Any offence triable exclusively by the Court of a Special Judge appointed under the Criminal Law Amendment Act 1952

(3) Any offence punishable with imprisonment which may extend to seven years

(4) All of the above

Explanation - Section 306 of the Code Of Criminal Procedure provides that tender of pardon to the accomplice may be granted if he's Accused of offence punishable with imprisonment which may extend to 7 years and which is triable by Court of special Judge or by sessions Court. Option 1 to 3 are therefore correct and correct answer is option No. 4.

77. "Warrant case" means a case relating to an offence punishable with imprisonment for a term :

(1) One year

(2) Two years

(3) Exceeding two years

(4) None of the above

Explanation - Section 2 (x) of the Code Of Criminal Procedure defines a warrant case as a case related to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding 2 years. The correct answer is option No. 3.

78. Mode of communicating or revoking rescission of voidable contract :

- (1) in the same manner, as apply to revocation of acceptances
- (2) in the same manner, as apply to revocation of proposals**
- (3) in the same manner, as apply to revocation of agency
- (4) by any other mode

Explanation - section 66 of the Indian Contract Act provides that mode of communicating or revoking rescission of voidable contract is as per the rules as apply to the communication or revocation of the proposal. Answer is option No. 2.

79. Temporary injunctions are to continue

- (a) Until a specified time
- (b) Until the further order of the court
- (c) Until death of one of the plaintiffs
- (d) Until death of one of the dependants

Answer Options :

- (1) All of the above
- (2) Only (a) is correct
- (3) Only (c) and (d) are correct
- (4) Only (a) and (b) are correct**

Explanation - Section 37 of the Specific Relief Act provides that temporary injunction are to continue until a specified time or until the further orders of the 4th Court. Statement No. a and B are therefore correct. Proper answer is option 4.

80. The period of limitation to file an application for leave to appear and defend a suit under summary procedure is :

- (1) Ninety days
- (2) Ten days**
- (3) Thirty days
- (4) Sixty days

Explanation - Order 37 of the Code Of Civil Procedure, which provides procedure for summary suit requires that the Defendant must apply for leave to defend within 10 days from the date of service of summons upon him. The correct answer is option 2.

81. An injunction can be granted :

- (1) to restrain any person from applying to any legislative body
- (2) to prevent the breach of an obligation**
- (3) to prevent a continuing breach in which the plaintiff has acquiesced
- (4) to prevent the breach of a contract the performance of which would not be specifically enforced

Explanation - Section 41 of the Specific Relief Act provides the grounds when relief of injunction is refused and the grounds include restraining any person from applying to legislative body, to prevent continuing breach to which the Plaintiff has acquiesced, to prevent the breach of contract the performance of which would not be specifically enforced. Section 38 (1) provides that a perpetual injunction may be granted to the Plaintiff to prevent the breach of an obligation existing in his favour. The correct answer is therefore option No. 2

82. Secondary evidence means and includes :

- (1) Where a document is executed in several parts, each part of the document
- (2) Where a document is executed in counterpart, each counterpart executed by one or some of the parties only

(3) Counterparts of documents as against the parties who did not execute them

- (4) Where a number of documents are all made by one uniform process

Explanation - Section 63 of the Indian Evidence Act provides that counterparts of documents can be tendered as secondary evidence as against the parties who did not execute them. Section 62 of the evidence act provides that when document is executed in several parts each part is primary evidence of the document, a document is executed in counterpart, each counterpart being executed by one or some of the parties only, each counterpart is it primary evidence, where No. of documents are all made by one uniform process each is primary evidence of the contents of the rest. Documents created as mentioned in option No. 1, 2 and 4 are primary evidence. Correct answer is No. 3.

83. The protection of Article 300-A "persons not to be deprived of property save by authority of law is available to :

(1) any person

- (2) legal person
- (3) juristic person
- (4) All of the above

Explanation - Article 300 A of the Constitution provides that no person shall be deprived of his property save as authority of law. Option 1 is the correct answer.

84. A person entitled to the possession of specific moveable property may recover it in the manner provided by :

- (1) Transfer of Property Act, 1882
- (2) Sale of Goods Act, 1930
- (3) The Code of Criminal Procedure, 1973

(4) The Code of Civil Procedure, 1908

Explanation - Section 7 of the Specific Relief Act provides that A person entitled to the possession of specific moveable property may recover it in the manner provided by the code of civil procedure. Option four is the correct answer.

85. Robbery :

- (1) In all robbery there is only theft
- (2) In all robbery there is only extortion
- (3) In all robbery there is either theft or extortion**
- (4) None of the above

Explanation - Section 390 of the Indian Penal Code defines offence of robbery and provides that in all robbery there is either theft or extortion. Option No. 3 is correct answer.

86. A Magistrate of the First class may, for the reasons to be recorded by him, stop the proceedings at any stage :

- (1) In any warrant-case
- (2) In any summons-case
- (3) When the proceedings have been instituted upon complaint
- (4) None of the above**

Explanation - Section 258 of the Code Of Criminal Procedure provides that the magistrate has power to stop proceedings in a summons case instituted otherwise than on complaint. None of the 1st of 3 options include this classification. Option 4 is correct answer.

87. Every transfer of immovable property made with intent to defeat or delay the creditors of the transferor shall be ;

- (1) Void
- (2) Invalid

(3) Voidable at the option of any creditor so defeated

- (4) Valid

Explanation - Section 53 of the Transfer Of Property Act provides that every transfer of immovable property made with intent to defeat or delay the creditors of the transferor shall be voidable at the option of any creditor. Option No. 3 is correct answer.

88. Landlord may recover possession of premises if the tenant has created on the premises any permanent structure without consent of landlord, the permanent structure includes :

- (1) Door
- (2) Standing cooking platform in kitchen
- (3) A false ceiling

(4) None of the above

Explanation - Section 16 (1) (B) of the Maharashtra Rent Control Act provides that the landlord shall be entitled to recover possession of any premises if the tenant had directed without consent of the landlord any permanent structure. Explanation does this to this provision provides that permanent structure doesn't include putting up of the door standing cook and cooking platform, false ceiling and as such other structures. Option No. 1 to 3 are excluded from the list of permanent structures. Correct answer is option No. 4.

89. Consider the following statements :

Statement (I): Specific relief can be granted only for the purpose of enforcing individual civil rights.

Statement (II): Specific relief cannot be granted for the mere purpose of enforcing a penal law.

- (1) Statement (I) is correct, (II) is incorrect.
- (2) Statement (II) is correct, (I) is incorrect.
- (3) Both statements are incorrect.

(4) Both statements are correct.

Explanation - Section 4 of the Specific Relief Act specifies that specific relief to be granted only for enforcing individual civil rights and not for enforcing penal law. Statement No. 1 is correct and No. 2 is also correct. Option No. 4 is correct answer.

90. The Supreme Court may grant special leave to appeal from any judgement, decree, determination, sentence or order in any cause or matter passed or made by :

- (1) any court constituted by or under any law relating to the Armed Forces
- (2) any tribunal constituted by or under any law relating to the Armed Forces

(3) any court or tribunal in the territory of India

- (4) All of the above

Explanation - article 136 of the Constitution states that the Supreme Court of India can grant special leave to appeal in any case where the order was passed by any of the Court or tribunal in India. Sub article 2 however excludes Court or tribunal constituted by under any law relating to Armed Forces from application of provisions of article 136 (1). Option No. 3 is correct answer.

91. The expression "District Judge" includes ;

- (1) Judge of a City Civil Court
- (2) Chief Judge of a Small Cause Court
- (3) Chief Presidency Magistrate

(4) All of the above

Explanation - article 236 of the Constitution of India provides that the expression district judge includes a judge of the city Civil Court, additional District Judge, assistant district judge, Chief Judge of the small causes Court and the Chief Presidency Magistrate. Option No. 1 to 3 are included in the expression of district judge and hence correct answer is option No. 4.

92. The liability of the Universal donee is :

- (1) to the extent of part of the property
- (2) to the extent of the property comprised therein**
- (3) beyond the property acquired by him
- (4) All of the above

Explanation - section 128 of the Transfer Of Property Act provides that where gift consists of donor's whole property the donee is personally liable for all the debts due by and liabilities of the donor at the time of the gift to the extent of the property comprised therein. The correct answer is option No. 2.

93. Option to determine lease:- Where the time so limited is expressed to be terminable before its expiration, and the lease omits to mention at whose option it is so terminable.

- (1) Only the lessor shall have such option
- (2) Only the lessee shall have such option**
- (3) The lessor and lessee have such option
- (4) None of the above

Explanation - latter part of section 110 of the Transfer of Property Act provides that when the time so limited is expressed to be terminable before its expiration, and the lease omits to mention at all option it is so terminable, the lessee and not the lessor, shall have such option. Option No. 2 is correct.

94. By a landlord to recover possession from a tenant the period of limitation as per provisions of Limitation Act 1963 to file suit is :

- (1) Thirty years
- (2) Three years
- (3) Twelve years**
- (4) One year

Explanation - in view of Section 67 of the Limitation Act the limitation for the suit by the landlord to recover possession from the tenant is 12 years from the date of determination of tenancy. Option 3 is correct answer.

95. Where any period is fixed or granted by the court for doing of any act prescribed or allowed by the court, the court has discretion to enlarge such period not exceeding :

- (1) One hundred days in total
- (2) Ninety days in total
- (3) Sixty days in total
- (4) Thirty days in total**

Explanation - Section 148 of the Code Of Civil Procedure provides that where any period is fixed or granted by the Court for doing an act prescribed or allowed by this Code, the Court in its

discretion may enlarge such period from time to time. By the amendment of the Act of 1999 which came in effect from 2002 the section is amended and it provides that such period shall not be exceeding 30 days in total. Option No. 4 is correct answer.

96. Consider the following statements :

Statement (I): A promise made in writing to pay a debt barred by limitation is invalid.

Statement (II): A promise to compensate for something done is valid.

(1) Statement (I) is correct, (II) is incorrect

(2) Statement (II) is correct, (I) is incorrect

(3) Both statements are correct

(4) Both statements are incorrect

Explanation - Section 25 of the Indian Contract Act provides that the agreement without consideration is void unless it is either a promise made in writing to pay a debt barred by limitation or a promise to compensate for something done. Statement No. 1 is incorrect because such a promise made in writing is valid. Statement No. 2 is correct. The correct answer is option No. 2.

97. The punishment to which offenders are liable under the provisions of the Indian Penal Code 1860 is :

(1) Compensation

(2) Penalty

(3) Forfeiture of property

(4) All of the above

Explanation - Under the Indian Penal Code the offender is liable not only to punishment of imprisonment and fine but in some cases may have to provide compensation to the victim. Option 3 is correct answer.

98. To constitute "Bailment" :

(1) It is sufficient if bailee is in symbolic possession of the goods

(2) Actual delivery of the goods to bailee is essential

(3) Bailor need not deliver the goods to bailee

(4) None of the above

Explanation - Bill meant is explained under section 148 of The Indian Contract Act and it involves delivery of goods from one person to another for a specific purpose and upon a contract that when the purposes fulfilled the goods has to be returned or dealt with as per the directions of the person delivering them. This expression presupposes that actual delivery of the goods to bailee is essential. option No. 2 is correct answer

99. A person commits the offence of undue influence at an election, he voluntarily :

(1) made a declaration of public policy

(2) made a promise of public action

(3) exercised a legal right without intent to interfere with an electoral right

(4) Interferes with the free exercise of any electoral right

Explanation - section 171C of the Indian penal code provides that we were voluntarily interferes or attempt to interfere with the free exercise of any electoral right commits an offence. The correct answer is therefore option No. 4.

100. Consider the following statements :

Statement (I): "Pleading shall mean plaint

Statement (II): "Pleading" shall mean written statement

- (1) Statement (I) is correct, (II) is incorrect
- (2) Statement (II) is correct, (I) is incorrect

(3) Both statements are correct

- (4) Both statements are incorrect

Explanation – Rule one of order 6 of the code of civil procedure provides that pleading includes plaint and written statement. Both the statements are therefore correct. Option No. 3 is correct answer.

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