

PRELIMS

**HIMACHAL
PRADESH
JUDICIARY**

PRACTICE PAPER

(with Answer key)



Legal Bites

Law and Beyond

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Himachal Pradesh

Prelims

Mock Test 1

(Part 1 - Civil Law-I)

CIVIL LAW-I

Q.1) Which Act governs the stamp duty and registration charges in Himachal Pradesh?

- [A] The Indian Stamps Act 1889
- [B] The Himachal Pradesh Stamps Act 1899
- [C] The Indian Stamp (Himachal Pradesh Amendment) Act 1952
- [D] The Himachal Pradesh Court Fee Stamp Rules 1973

Q.2) What is the minimum value of transaction that requires estamping in Himachal Pradesh?

- [A] Rs. 50,000
- [B] Rs. 1 lakh
- [C] Rs. 5 lakh
- [D] Rs. 10 lakh

Q.3) According to the Indian Stamp Act, 1899, the market value of a security is determined by:

1. The price at which it is traded in a stock exchange
2. The price or consideration mentioned in the instrument through which it is transferred
3. The face value of the security
4. The market value of the underlying asset

- [A] 1 and 2
- [B] 1 and 3
- [C] 2, 3 and 4
- [D] 1, 2, 3 and 4

Q.4) Which of the following Sections of the Code of Civil Procedure provide grounds for second appeal?

- [A] Section 96
- [B] Section 100
- [C] Section 100A
- [D] Section 101

Q.5) In which of the following cases, the Court can exercise its inherent powers under the Code of Civil Procedure?

- [A] To take note of subsequent events in the case

[B] To continue trial 'in camera' or prevent disclosure of its proceedings

[C] To restore the suit and rehear on merits and also to review its order.

[D] All of the Above

Q.6) For instituting a suit against the Government or against a Public Officer in official capacity, the notice period under Section 80 of the Code of Civil Procedure is:

[A] 3 months

[B] 2 months

[C] 1 month

[D] 15 days

Q.7) Notice under Section 80 Code of Civil Procedure has to be served on:

[A] The Secretary to the Government

[B] The Deputy Commissioner

[C] The President of India

[D] All of the above

Q.8) Which provision of the Code of Civil Procedure provides that the procedure provided in this Code in regard to suits shall be followed, as far as it can be made applicable, in all proceedings in any Court of civil jurisdiction?

[A] Section 141

[B] Section 142

[C] Section 143

[D] Section 144

Q.9) Order returning plaint under Rule 10 of Order VII of Civil Procedure Code is:

[A] Reviewable

[B] Revisable

[C] Appealable under Order XLIII Rule 1

[D] Non- Appealable

Q.10) The principle which must be followed by the Appellate Court while recording additional evidences is provided in Code of Civil Procedure under:

[A] XLI, Rule 28

[B] XLI, Rule 29

[C] XLI, Rule 25

[D] XLI, Rule 26

Q.11) Which of the following sections deals with the second appeal in the Code of Civil Procedure, 1908?

[A] Section 97

[B] Section 98

[C] Section 99

[D] Section 100

Q.12) Which provision of the Civil Procedure provides that no second appeal shall lie from any decree, when the subject matter of the original suit is for recovery of money not exceeding twenty-five thousand rupees?

[A] Section 99

[B] Section 100

[C] Section 101

[D] Section 102

Q.13) Objection as to the non-joinder or mis-joinder of parties under Order I, Rule 13 of Code of Civil Procedure:

[A] can be taken at any stage of the proceedings

[B] shall be taken at the earliest possible opportunity

[C] can be taken in appeal or revision for the first time

[D] Either A or B or C

Q.14) Which of the following provisions of the Civil Procedure Code provides for power to High Court to determine the issue of fact in the second appeal?

[A] Section 100

[B] Section 101

[C] Section 102

[D] Section 103

Q.15) Which of the following are the powers of the Appellate Court provided under Section 107 of Civil Procedure Code?

I. To determine a case finally;

II. To remand a case;

III. To frame issues and refer them for trial;

IV. To take additional evidence or to require such evidence to be taken.

[A] I and II

[B] II and III

[C] I, III and IV

[D] All of the Above

Q.16) Order XLVII Rule 4 (1) of Code of Civil Procedure deals with

[A] Application for review of judgment

[B] To whom applications for review may be made

[C] Form of applications for review

[D] Application for review where rejected

Q.17) Which of the following situations must be fulfilled to constitute a matter as Res Judicata?

1. The matter directly and substantially in issue in the subsequent suit or issue must be the same matter which was directly and substantially in issue either actually or constructively.

2. The former suit must have been a suit between the same parties or between parties under whom they or any of them claim.

3. The parties must have been litigating under same title in the former suit.

[A] 1 and 2

[B] 1 and 3

[C] 2 and 3

[D] 1, 2 and 3

Q.18) On which of the following matters are the High Courts empowered to make rules?

1. Service of summons, notices or other processes by post

2. Procedure in suits by way of counter-claim

3. Summary procedure

[A] 1 and 3

[B] 1 and 2

[C] 2 and 3

[D] 1, 2 and 3

Q.19) Suit for partition of immovable property may be instituted:

- [A] where plaintiff resides
- [B] where plaintiff carries on business
- [C] where the subject-matter is situated
- [D] where defendant resides

Q.20) Foreign judgment as defined under Section 2(6) of Code of Civil Procedure means:

- [A] judgment given by an Indian Court in respect of foreigners
- [B] judgment given by a Foreign Court
- [C] judgment given by an Indian Court established under any Foreign Act
- [D] none of the above

Q.21) The essential elements of a decree:

- [A] there must be an adjudication
- [B] the determination must be of a conclusive nature
- [C] the adjudication must have been done in a suit
- [D] all of the above

Q.22) Which of the following provisions of the Code of Civil Procedure deals with transfer of business of a Court to any other Court?

- [A] Section 148
- [B] Section 149
- [C] Section 150
- [D] Section 151

Q.23) A, B, C, D and E are jointly and severally liable for Rs. 1,000 under a decree obtained by F. A obtains a decree for Rs. 1,000 against F singly and applies for execution to the Court in which the joint-decree is being executed.

- [A] F may treat his joint-decree as cross-decree
- [B] F may not treat his joint-decree as a cross-decree
- [C] The Court may or may not allow F to treat his joint-decree as cross-decree
- [D] None of the above

Q.24) Which one of the following facts is protected from disclosure in a court of law?

- [A] A, a client, says to B, an attorney "I have committed forgery and I wish you to defend me"

[B] A, a client, says to B, an attorney "I wish to obtain possession of property by the use of forged deed on which I request you to sue"

[C] A, being charged with embezzlement retains B, an attorney to defend him . In course of the proceedings, B observes that an entry has been made in A's account book charging A with the sum said to have been embezzled which entry was not in the book at the commencement of the employment

[D] A, a client says to his attorney B,"I want to murder my enemy C. Please advice me how I may be able to murder C"

Q.25) No revenue officer is compelled to say whence he got any information as to commission of an offence against the public revenue. This provision is contained in Indian Evidence Act under:

[A] Section 125

[B] Section 124

[C] Section 123

[D] Section 126

Q.26) The examination after the cross examination of a witness by the party who has called him is called:

[A] Main examination

[B] Additional cross examination

[C] Re-examination

[D] Re-cross examination

Q.27) Oral account of contents of a document by person who has seen it is:

[A] Testimonial evidence

[B] Preliminary evidence

[C] Secondary evidence

[D] Circumstantial evidence

Q.28) Under Section 47 Indian Evidence Act, a disputed handwriting can be proved by:

[A] Examining a person who is acquainted with that person's handwriting

[B] Calling an expert

[C] Comparison of the handwriting by the court itself

[D] All of the above

Q.29) Section 129 Indian Evidence Act states that no one shall be compelled to disclose to the court any confidential communication which has taken place between:

- [A] Teacher and Student
- [B] Company and Customers
- [C] Him and his legal professional advisor
- [D] Landlord and tenant

Q.30) Section 98 Indian Evidence Act provides for:

- [A] Who may give evidence of agreement varying terms of document
- [B] Evidence as to meaning of illegible character
- [C] Evidence as to application of language to one of two sets of facts to neither of which whole correctly applies.
- [D] Evidence as to the application of language which can apply to one only of several persons

Q.31) The term admission is defined in the Indian Evidence Act, 1872 in:

- [A] Section 17
- [B] Section 18
- [C] Section 19
- [D] Section 20

Q.32) Mark the correct statement/s in relation to section 66 Indian Evidence Act.

1. When the original document is in the possession of adversary party, then secondary evidence can be given only when a notice has been given to that party or to his attorney or pleader
2. Such notice shall not be required when the document to be proved is itself a notice
3. Such notice shall not be required when the adverse party or his agent already has the original in court

- [A] 1 and 2
- [B] 1 and 3
- [C] 2 and 3
- [D] 1, 2 and 3

Q.33) Mark the incorrect statement/s:

1. To Prove good or bad character, the evidence can be given of both reputation and disposition
2. To Prove bad character evidence can be given of previous conviction
3. Evidence may be given only of general character and not particular acts by which the character is shown
4. Good character is also relevant in civil proceedings

[A] 1 and 4

[B] 2 and 3

[C] Only 1

[D] Only 4

Q.34) Mark the correct statement/s:

1. Witnesses shall be first examined in chief, the cross-examined and the re-examined
2. A witness can be made open to cross-examination even before he is first examined in chief
3. Without cross-examination the statement of a witness cannot become an evidence
4. Re-examination of a witness can be done after examination in chief and cross-examination

[A] 2, 3 and 4

[B] 1, 3 and 4

[C] 1 and 3

[D] 1, 2 and 3

Q.35) Which of the following sections of the Indian Evidence Act, 1872 does not deal with the criminal matters?

[A] Section 23

[B] Section 27

[C] Section 53

[D] Section 133

Q.36) The right of the villagers of a particular village to use the water of a particular well is general custom or right within the meaning of one of the following Sections of Indian Evidence Act

[A] Section 47

[B] Section 48

[C] Section 49

[D] Section 50

Q.37) Which one of the following sections of the Indian Evidence Act have been inserted by the Dowry Prohibition (Amendment) Act, 1986?

[A] Section 111A

[B] Section 113A

[C] Section 113B

[D] None of the above

Q.38) Dying declaration may be made to

[A] Doctor

[B] Magistrate

[C] Any other person

[D] All of the above

Q.39) In which Section of the Indian Evidence Act the words "to form part of the same transaction" are provided?

[A] Section 5

[B] Section 6

[C] Section 7

[D] Section 8

Q.40) Chapter V of Evidence Act deals with

[A] Oral Evidence

[B] Documentary evidence

[C] Burden of proof

[D] Witnesses

Q.41) The case, Pakala Narayana Swami v. King Emperor relates to

[A] Doctrine of estoppel

[B] Dying declaration

[C] Accomplice

[D] Cross-examination

Q.42) Under section 155 Indian Evidence Act the credit of a witness may be impeached by the adverse party or by the party who calls him on the ground of

[A] Unworthy of credit

[B] Corrupt inducements

[C] Former inconsistent statements

[D] All of the above

Q.43) Under Specific Relief Act, perpetual injunction may be refused

- [A] To restrain any person from applying to any legislative body
- [B] To prevent the breach of a contract the performance of which would not be specifically enforced
- [C] When equally efficacious relief can certainly be obtained by any other usual mode of proceeding except in case of breach of trust
- [D] All of the above

Q.44) Dismissal of the suit of the plaintiff seeking injunction by virtue of section 40 of the Specific Relief Act, 1963

1. Does not bar the plaintiff to sue for damages for the breach for which the injunction was sought
 2. The plaintiff can sue for damages for the breach for which the injunction was sought only with the permission of the court
 3. Bars the plaintiff to sue for damages for the breach for which the injunction was sought
- [A] Only 1
 - [B] 1 and 2
 - [C] Only 3
 - [D] None of the above

Q.45) Section 41 of the Specific Relief Act, 1963 mentions the cases in which

- [A] Perpetual injunction can be granted
- [B] Perpetual injunction cannot be granted
- [C] Declaratory order can be granted
- [D] Declaratory order cannot be granted

Q.46) Which of the following sections of the Specific Relief Act deals with the liability of a person in possession, not as owner, to deliver to persons entitled to immediate possession?

- [A] Section 8
- [B] Section 9
- [C] Section 10
- [D] Section 11

Q.47) A declaration made under Specific relief Act is binding on:

- [A] The parties to the suit
- [B] Persons claiming through the parties to the suit

[C] Where any party is a trustee, or the person for whom such party would be a trustee

[D] All of the above

Q.48) Which of the following statements are true about the functions of an Additional District Judge as per Himachal Pradesh Courts Act, 1976?

1. An Additional District Judge can exercise any of the functions of the District Judge, including receiving and registering cases and appeals, as assigned by the High Court or the District Judge.

2. An Additional District Judge can exercise the same power as the District Judge in the discharge of those functions that are assigned by the High Court or the District Judge.

3. An Additional District Judge can exercise any of the functions of the District Judge, without any assignment by the High Court or the District Judge.

4. An Additional District Judge can exercise any of the functions of the District Judge, except receiving and registering cases and appeals, as assigned by the High Court or the District Judge.

[A] 1 and 2

[B] 2 and 4

[C] Only 4

[D] None of the above

Q.49) What is the maximum value of suits that can be tried by a civil judge as a court of small causes in Himachal Pradesh?

[A] Rs. 5,000

[B] Rs. 10,000

[C] Rs. 15,000

[D] Rs. 20,000

Q.50) Which section of the Himachal Pradesh Courts Act, 1976 provides for the provisions regarding petition writers?

[A] Section 30

[B] Section 31

[C] Section 32

[D] Section 33

ANSWERS

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

Himachal Pradesh

Prelims

Mock Test 1

(Part 2 - Civil Law-II)

Civil law-II

Q.1) Failure by a party to perform his obligations under the contract is known as:

- [A] Performance of Contract
- [B] Discharge of Contract
- [C] Breach of Contract
- [D] None of the above

Q.2) A contracts to repair B 's house. B does not show him the places that require repairs. In this case:

- [A] A must request B to show the places
- [B] A is excused from non performance where it is caused by B's neglect
- [C] B can sue A for non performance
- [D] A can sue B for non-cooperation

Q.3) Tender, when validly made following all ingredients relieves the promisor of further obligations. The first case to establish this principle is:

- [A] Taylor v. Caldwell
- [B] Carlyle v. Carbolic Smoke ball Co.
- [C] Startup v. Macdonald
- [D] None of the above

Q.4) The remedies available to a person suffering from the breach of contract are:

- [A] Suit for damages
- [B] Suit for injunctions
- [C] Quantum meruit
- [D] All of the above

Q.5) A promises, for no consideration, to give to "B" Rs. 1,000 it is:

- [A] voidable
- [B] valid
- [C] void
- [D] none of the above

Q.6) An insurance contract is:

1. Contingent contract
2. Wagering agreement
3. Unenforceable contract

[A] Only 1

[B] 1 and 3

[C] 2 and 3

[D] 1, 2 and 3

Q.7) The doctrine of privity of contract means that:

- [A] A contract is a private affair between the parties
- [B] Consideration can be supplied only by the parties to contract
- [C] The contract can be enforced only by a civil and private action
- [D] Only parties to contract can sue and be sued upon the contract

Q.8) In a contract of guarantee:

- [A] there are two parties and one contract
- [B] there are two parties and two contracts
- [C] there are three parties and one contract
- [D] there are three parties and three contracts

Q.9) A agrees to advance Rs 40,000 to B to enable him to le a suit against D for recovery of his property. B in turn agrees to give one-third share in the property, if recovered. The agreement is:

- [A] maintenance agreement
- [B] champertous agreement
- [C] agreement for stifling prosecution
- [D] agreement in restraint of legal proceeding

Q.10) The essence of liquidated damages is that it should be:

- [A] pre-estimate of damage
- [B] more than profitable damage
- [C] less than probable damage
- [D] all of the above

Q.11) The term 'frustration' used in English law is a parallel concept to:

- [A] Initial Impossibility
- [B] Subsequent/Supervening Impossibility
- [C] Commercial Impossibility
- [D] Public Policy

Q.12) General damages arises:

- [A] naturally in the usual course from a breach of contract itself
- [B] in the unusual circumstances of a breach of contract
- [C] in the special circumstances from a breach of contract
- [D] when there is a special loss from a breach of contract

Q.13) Match List-I with List-II and nd correct answer by using codes given below:

List-I

- (a) Dastane v. Dastane
- (b) Iqbal Bano v. State of U.P
- (c) Lily Thomas v. Union of India
- (d) Harvinder Kaur v. Harmander Singh

List-II

- (i) Bigamy
 - (ii) Restitution of Conjugal Right
 - (iii) Maintenance
 - (iv) Mental Cruelty
- [A] (a)-(iv), (b)-(iii), (c)-(i), (d)-(ii)
 - [B] (a)-(i), (b)-(iv), (c)-(ii), (d)-(iii)
 - [C] (a)-(iii), (b)-(ii), (c)-(iv), (d)-(i)
 - [D] (a)-(ii), (b)-(iii), (c)-(i), (d)-(iv)

Q.14) Consider the following propositions and give the correct answer

- I. A void marriage remains valid until a decree annulling it has been passed by a competent court.
- II. A void marriage is never a valid marriage and there is no necessity of any decree annulling it.

III. A voidable marriage is regarded as a valid marriage until a decree annulling it has been passed by a competent court.

[A] I, II and III are correct

[B] I and II are correct

[C] II and III are correct

[D] I and III are correct

Q.15) Match List I with Sections of the Hindu Marriage Act 1955 given in List II and select the correct answer from the code given below:

List I

- A. Proceedings to be conducted in camera
- B. Maintenance pendant lite and expense of proceedings
- C. Appeals from decree and orders
- D. Permanent alimony and maintenance

List II

- I. Section 24
 - II. Section 25
 - III. Section 22
 - IV. Section 28
- [A] A-IV, B-III, C-II, D-I
- [B] A-III, B-I, C-IV, D-II
- [C] A-III, B-I, C-II, D-IV
- [D] A-IV, B-I, C-III, D-II

Q.16) In joint family, if father debts for personal objects, then the responsible person is

- [A] Sons
- [B] Grandsons
- [C] Great grandsons
- [D] All of the above are correct

Q.17) A step-mother falls into the category of:

- [A] Class I heir

[B] Class II heir

[C] Agnate

[D] None of the above

Q.18) Who amongst the following is not a Class I heir?

[A] widow of an annulled voidable marriage

[B] divorced wife

[C] unchaste widow

[D] Both A and B

Q.19) Which Section of the Hindu adoption and Maintenance Act states that the amount of maintenance may be altered with the change in circumstance?

[A] Section 12

[B] Section 15

[C] Section 25

[D] Section 26

Q.20) If a Hindu has more than one wife, the wives other than the adoptive mother are reckoned to be

[A] Adoptive mothers only

[B] Natural mothers

[C] Step-mothers

[D] None of the above

Q.21) Determination of the adoptive mother is done according to

[A] Section 4 of The Hindu Adoptions and Maintenance Act, 1956

[B] Section 10 of The Hindu Adoptions and Maintenance Act, 1956

[C] Section 14 of The Hindu Adoptions and Maintenance Act, 1956

[D] Section 20 of The Hindu Adoptions and Maintenance Act, 1956

Q.22) The requirement of the claimant to maintenance should be a Hindu is laid down under The Hindu Adoptions and Maintenance Act, 1956 in

[A] Section 23

[B] Section 24

[C] Section 25

[D] Section 26

Q.23) A testamentary guardian is appointed in the case of minor girl, the rights of such a guardian cease when

- [A] She attains majority
- [B] She gets married
- [C] At the age of 21 years
- [D] All of the above

Q.24) If a Hindu has more than one wife, the adoptive mother is

- [A] the senior most in marriage
- [B] the junior most in marriage
- [C] any one of them
- [D] All of them

Q.25) Match List I with List II and give the correct answer with the help of codes given: List I List II (Provisions of Hindu Marriage Act)

List I

- A. Impotency
- B. Registration of Marriage
- C. Pre-marriage pregnancy
- D. Incapacity to consent & mental disorder

List II

- (i) Section 12(1)(d)
 - (ii) Section 12 (1)(b)
 - (iii) Section 8
 - (iv) Section 12(1)(a)
- [A] A-(iii), B-(ii), C-(i), D-(iv)
 - [B] A-(i), B-(ii), C-(iv), D-(iii)
 - [C] A-(iv), B-(ii), C-(iii), D-(i)
 - [D] A-(iv), B-(iii), C-(i), D-(ii)

Q.26) The Hindu Succession Act, 1956, applies to

1. Legitimate or illegitimate child of Hindu parents
2. Legitimate or illegitimate child of one Hindu parent and is brought up like one
3. Reconvert to Hindu

[A] 1 and 2

[B] 1 and 3

[C] Only 1

[D] 1, 2 and 3

Q.27) Under section 25 of Limitation Act, the easement rights over the property belonging to the government are acquired by continuous and uninterrupted user for

[A] 12 years

[B] 20 years

[C] 30 years

[D] 60 years

Q.28) In which of the following cases, the reference on the question whether use of the expression 'date' in Article 54 of the schedule to the Limitation Act is suggestive of a specific date in the calendar, has been answered by the Supreme Court?

[A] Ramzan v. Hussaini

[B] Tarlok Singh v. Vinay Kumar

[C] Abdul Mulla v. Bibijan

[D] Brahmanand v. Muthugopal

Q.29) Period of limitation is also known as:

[A] Prescription period

[B] Containment period

[C] Stoppage period

[D] None of the above

Q.30) 'A' on 9th January, 2015 agree to sell his immovable property to 'B' and out of the total sale consideration of Rs. 3,00,000 receives a sum of Rs. 1,00,000 from 'B' as advance payment and agrees to vacate the property and hand over vacant peaceful physical possession thereof to 'B' and to execute the Sale Deed or to deliver possession of the property in favour of 'B' on receipt of balance sale consideration on or before 9th July, 2015. 'A' fails to vacate the property to 'B'. 'B' after waiting patiently till 31st January, 2016. On 1st February, 2106 got issued a legal notice to 'A' to take the balance sale consideration and execute the Sale Deed and deliver vacant peaceful

physical possession. 'A' vide his reply received by 'B' on 17th February, 2016 denies the agreement. The limitation of three years available to 'B' for instituting a suit for specific performance is:

- [A] Will e ect from 9th January, 2015
- [B] Will e ect from 9th July, 2015
- [C] Will e ect from 17th February, 2016
- [D] Will e ect from 1st February, 2016

Q.31) Exclusion of time of proceeding bona de in Court without jurisdiction is stipulated in

- [A] Section 13 Limitation Act
- [B] Section 14 Limitation Act
- [C] Section 15 Limitation Act
- [D] Section 16 Limitation Act

Q.32) The period of limitation of a suit for recovery of arrears of rent from the due date shall be

- [A] 1 year
- [B] 2 years
- [C] 3 years
- [D] 5 years

Q.33) For the purposes of the Limitation Act, a suit is instituted:

- (i) in an ordinary case, when the plaint is presented to the proper officer
- (ii) in the case of a pauper, when his application for leave to sue as a pauper is made
- (iii) in the case of a claim against a company which is being wound up by the court, when the claimant first sends in his claim to the official liquidator

Which of the above are correct?

- [A] Only (i)
- [B] Only (i) & (ii)
- [C] All of these
- [D] None of these

Q.34) A lease of immovable property from year to year is terminable on the part of the lessor or lessee by the notice:

- [A] One month

[B] Six months

[C] Three months

[D] Sixty days

Q.35) Mark the incorrect statement in relation to doctrine of election:

1. This rule will apply only when two properties are transferred by the same deed
2. The owner of the property should get a direct benefit from the transfer
3. The person professing to transfer property should have a right to transfer
4. The period of limitation for election is one year

[A] 1, 2 and 3

[B] 3 and 4

[C] Only 3

[D] Only 4

Q.36) Under which Section of Transfer of Property Act 'Fraudulent Transfer' is defined?

[A] Section 21

[B] Section 35

[C] Section 53

[D] Section 41

Q.37) Which section of Transfer of Property Act deals with apportionment of periodical payments as between the transferor and the transferee?

[A] Section 35

[B] Section 36

[C] Section 37

[D] Section 38

Q.38) When property is transferred, what is to be apportioned between the transferor and the transferee?

[A] Rents, annuities, pensions

[B] Rents, annuities, pensions and dividends

[C] Rents and annuities only

[D] None of the above

Q.39) A collusive suit means:

- [A] Suit led with conspiracy
- [B] Suit led with hypocrisy
- [C] Suit led with malice
- [D] None of the above

Q.40) Which section of Transfer of Property Act deals with fraudulent transfers?

- [A] Section 53
- [B] Section 52
- [C] Section 51
- [D] Section 53A

Q.41) Every transfer of immovable property made with intent to defeat or delay the creditors of the transferor shall be:

- [A] Void
- [B] Voidable
- [C] Valid
- [D] Irregular

Q.42) Under Section 53 of the Transfer of Property Act, 1882, every transfer of immovable property made with the intent to defeat or delay the creditors of the transferor is:

- [A] Voidable at the option of any creditor of the transferor
- [B] Void and hence transfer of property is inoperative
- [C] Voidable at the option of any debtor
- [D] Void if made in favour of any person without consideration

Q.43) Which section of Transfer of Property Act specifies about the provision stating 'No merger in case of subsequent encumbrance'?

- [A] Section 100
- [B] Section 101
- [C] Section 102
- [D] Section 103

Q.44) An Easement is imposed on property, that property is called:

- [A] Servient heritage

[B] Non Servient heritage

[C] Dominant heritage

[D] Non Dominant heritage

Q.45) Mark the correct matching as per Transfer of Property Act:

1. Renewal of mortgaged lease: Section 64
2. Mortgagor's power to lease: Section 65 A
3. Right to appointment of receiver: Section 69A

[A] 1 and 2

[B] 1 and 3

[C] 2 and 3

[D] 1, 2 and 3

Q.46) When did the Himachal Pradesh Urban Rent Control Act, 1987 come into force?

[A] 17th November, 1971

[B] 20th October, 1987

[C] 10th November, 1987

[D] 16th March, 2012

Q.47) Which of the following is not exempted from the provisions of the Himachal Pradesh Urban Rent Control Act?

1. Any building or rented land belonging to or vested in a local authority
2. Any building or rented land belonging to or vested in a religious or charitable institution
3. Any building or rented land belonging to or vested in a Government company
4. Any building or rented land belonging to or vested in a co-operative society

[A] Only 1

[B] 1 and 3

[C] 2, 3 and 4

[D] Only 4

Q.48) What is the formula for determining the standard rent of a building under section 4 of the Himachal Pradesh Urban Rent Control Act?

[A] Standard rent = Basic rent + 10% of basic rent + cost of construction per unit area x plinth area x percentage increase

[B] Standard rent = Basic rent + cost of construction per unit area x plinth area x percentage increase

[C] Standard rent = Basic rent + 15% of basic rent + cost of construction per unit area x plinth area x percentage increase

[D] Standard rent = Basic rent + cost of construction per unit area x plinth area

Q.49) What is the maximum amount that a landlord can claim from a tenant as ne or premium for the grant, renewal or continuance of tenancy under section 8 of the Himachal Pradesh Urban Rent Control Act?

[A] One month's rent

[B] Two months' rent

[C] Three months' rent

[D] No such amount

Q.50) What is not the essential condition for cutting o or withholding any essential supply or service to the tenant under section 11 of the Himachal Pradesh Urban Rent Control Act?

1. The landlord must have a just or sufficient cause

2. The landlord must have a written consent of the tenant

3. The landlord must have a permission of the Controller

[A] 2 and 3

[B] Only 3

[C] 1 and 2

[D] Only 2

ANSWERS

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

Himachal Pradesh

Prelims

Mock Test 1

(Part 3 – Criminal Law)

Criminal Law

Q.1) Which of the following statement/statements is/are Incorrect?

- (i) Nothing is offence which is done in exercise of right of Private Defence under Indian Penal Code
- (ii) A person has right to defend his own body only and not the body of other
- (iii) Right of Private Defence is extended to cause death in defamation case
- (iv) A person has even right of Private Defence where there is time to have recourse to the protection of the public authorities.

- [A] Only (iii) is incorrect
- [B] (i), (ii) and (iii) are incorrect
- [C] (ii), (iii) and (iv) are incorrect
- [D] (i), (ii), (iii) and (iv) all are incorrect

Q.2) X knows Y is suffering from a particular disease in which he can die if given a simple blow. X causes a simple blow to Y with an intention to cause bodily injury. Y dies. X is guilty of:

- [A] Murder
- [B] Culpable homicide not amounting to murder
- [C] Grievous hurt
- [D] Simple hurt

Q.3) Which of the following provisions of Indian Penal Code may be resorted to abate the pollution?

- [A] Section 268
- [B] Section 258
- [C] Section 298
- [D] Section 195

Q.4) The right of private defence of property is not available against the offence of:

- [A] Criminal trespass
- [B] Mischief
- [C] Theft
- [D] Criminal misappropriation

Q.5) Which one of the following statements is correct?

[A] Amount and intensity of disaffection is immaterial under Section 124-A except in dealing with the question of punishment

[B] Amount and intensity of disaffection is material under Section 124-A

[C] Amount and intensity of disaffection is not relevant for dealing with question of punishment

[D] None of the above is correct

Q.6) Which one of the following pairs is not correctly matched?

[A] Mens rea - R. v. Prince

[B] Necessity - D.P.P. v. Beard

[C] Insanity - M'Naghten case

[D] Intoxication - Basudev v. State of Pepsu

Q.7) A personates B at a trial with B's consent, which was given to save himself from the trouble of making an appearance in person before a Magistrate.

[A] A is guilty of personation (Section 205)

[B] A is guilty of personation (Section 215)

[C] A is guilty of personation (Section 216)

[D] A is guilty of personation (Section 217)

Q.8) A' makes a false entry in his shop-book for the purpose of using it as corroborative evidence in a court of justice. 'A' is guilty of:

[A] Fabricating false evidence

[B] Giving false evidence

[C] Abetment

[D] Criminal conspiracy

Q.9) Which of the following is an offence under the Indian Penal Code?

[A] Keeping an offence for the purpose of drawing any lottery not being a State lottery

[B] Receiving profits from a business which the person knows is for making obscene books to be sold

[C] Selling an obscene object to a person aged 19 years

[D] All of the above

Q.10) Culpable homicide means:

[A] Attempt to cause death

[B] Causing death intentionally

[C] Causing grievous injury

[D] None of the above

Q.11) The distinction between Sections 299 and 300 Indian Penal Code was made clear by:

[A] Marshall, J in R v. Govinda

[B] Melvin, J in Govinda v. R

[C] Melvill, J in R v. Govinda

[D] Marshall, J in Govinda v. R

Q.12) Which of the following is essential of an offence under Section 114 of the Indian Penal Code?

[A] There was abetment by accused

[B] The act was actually committed in pursuance of abetment

[C] The accused was present while the act was being committed

[D] All of the above

Q.13) A, B, and C decide amongst themselves to persuade D to steal jewellery from the house of M and they accordingly do so. D readily agrees and sets out towards M's house in order to steal jewellery.

[A] A, B and C are liable for conspiracy to commit theft

[B] A, B, C and D are liable for criminal conspiracy

[C] A, B, and C are liable for criminal conspiracy, but D is not liable for any offence because his act only amounts to preparation

[D] None of the above

Q.14) In one of the famous cases, the Supreme Court has made the following observation: "The right of private defence is a right of defence and it is not a right of retribution".

[A] State of U.P. v. Ram Swarup

[B] State of Punjab v. Nanak Chand

[C] Deo Narain v. State of U.P.

[D] State of H.P. v. Wazir Chand

Q.15) Section 149 of the Indian Penal Code, 1860 is:

[A] A declaratory provision

[B] Creates a distinct offence

[C] A rule of evidence

[D] All of the above

Q.16) Which section in Code of Criminal Procedure provides that when the personal attendance of accused has been dispensed, the evidence must be recorded in the presence of a pleader?

[A] Section 272

[B] Section 275

[C] Section 273

[D] Section 299

Q.17) Which provision under Code of Criminal Procedure talks about recording the remarks respecting the demeanor of witness?

[A] Section 275

[B] Section 280

[C] Section 287

[D] None of the above

Q.18) Which of the following confessions is admissible under the provisions of the Code of Criminal Procedure, 1973?

[A] Magistrate while recording a confession did not specifically tell the accused that he was a Magistrate

[B] The Magistrate recorded the confession of the accused, but forgot to certify that the confession was taken voluntarily

[C] Magistrate recorded the confession of the accused but did not get it signed by the accused

[D] Investigating officer took the accused from the jail to the magistrate, sit with him while the confession was being made and brought the accused back to the jail

Q.19) In case of special summons in cases of petty offence under section 206 Code of Criminal Procedure, the amount of fine specified in such summons has, in view of Criminal Procedure (Amendment) Act, 2005 (25 of 2005) has been enhanced from Rs.100 to

[A] Rs.200

[B] Rs.500

[C] Rs.1000

[D] Rs.2000.

Q.20) Which section of Code of Criminal Procedure provides for procedure for prosecution of Judges and public servants

[A] Section 195 of Code of Criminal Procedure

[B] Section 196 of Code of Criminal Procedure

[C] Section 197 of Code of Criminal Procedure

[D] Section 199 of Code of Criminal Procedure

Q.21) Under the provisions of Code of Criminal Procedure, 1973, confessions-

[A] Can only be made to the authorised persons

[B] Only the Magistrate enjoys the power of recording confessions

[C] Made to the Police Officer are valid

[D] Made by the accused while in police custody to a police officer is valid

Q.22) Under section 164 of the Code of Criminal Procedure, 1973:

[A] Only the statement of a person produced by the police or investigations agencies can be recorded

[B] Statement of the person approaching the Magistrate independently can be recorded

[C] The statement made need not be voluntary

[D] The police officer is authorised to record the statement

Q.23) When information relating to the commission of cognizable offence is received by the officer in-charge of a Police Station:

[A] He can make enquiry and then decide whether to register an FIR or not

[B] He has to register an FIR as a rule

[C] He can refuse to register an FIR

[D] He can direct the informant to seek direction from the Magistrate

Q.24) Section 160 of Code of Criminal Procedure authorises a police officer to:

[A] Summon a person as a witness

[B] Summon a person for the production of documents

[C] Summon a person for the production of an article(s)

[D] All of the above

Q.25) A person who fails to attend on being served with an order under section 160 of Code of Criminal Procedure of an investigating officer, is liable to be prosecuted under:

[A] Section 173 Indian Penal Code

[B] Section 174 Indian Penal Code

[C] Section 186 Indian Penal Code

[D] All of the above

Q.26) Which of the following case gave the definition of charge?

- [A] VC Shukla v. State 1979 AIR 962
- [B] Birichh Bhuian v. State of Bihar AIR 1963 AIR 1120
- [C] Tulsi Ram and Ors. v. State of Uttar Pradesh
- [D] All of the above

Q.27) What power does the Judge have if the accused applies for the issue of any process for compelling the attendance of any witness?

- [A] The Court can refuse such application if it is satisfied that it is made for defeating the ends of justice.
- [B] The Court has to allow the accused to produce his evidence as doing otherwise will violate his rights
- [C] The judge has to seek the prosecution's approval before he allows accused to present his evidence
- [D] None of the above

Q.28) In cognizable offence, a police officer

- [A] Cannot arrest an accused without warrant
- [B] May arrest an accused without warrant
- [C] Can keep accused in police custody without a remand order
- [D] Is not required to produce accused before a magistrate

Q.29) Under which provision is the Court acquitting the accused, required to take a bond from him/her for appearance in the higher Court

- [A] Section 439 Code of Criminal Procedure
- [B] Section 436-A Code of Criminal Procedure
- [C] Section 436 Code of Criminal Procedure
- [D] Section 437-A Code of Criminal Procedure

Q.30) Jurisdiction to grant bail under section 438 of Code of Criminal Procedure vests with

- [A] the Court of Magistrate
- [B] the Court of Sessions
- [C] the High Court
- [D] the Court of Sessions and the High Court and not with the Court of Magistrate.

Q.31) Against whom can a complaint be led under the Domestic Violence Act 2005?

- [A] Any adult male member who has been in a domestic relationship with the woman

- [B] Relatives of the husband or the male partner
- [C] Both Male and female relatives of the male partner
- [D] All of the above

Q.32) As per the Juvenile Justice Act 2015 child in need of care and protection means?

- i) Child found without any home or settled place of abode and without any ostensible means of subsistence
- ii) Child found working in contravention of labour laws for the time being in force or is found begging

- [A] Only i
- [B] Only ii
- [C] Both i and ii
- [D] None of the above

Q.33) Which section of the Juvenile Justice Act 2015 describes the role of person in whose charge child in conflict with law is placed?

- [A] Section 10
- [B] Section 11
- [C] Section 12
- [D] Section 13

Q.34) Which of the following statements is true?

- i) The POCSO Act provides for compensation for medical expenses for the child o ended
- ii) The medical expenses may be provided after the registration of FIR only

- [A] Only i
- [B] Only ii
- [C] Both i and ii
- [D] None of the above

Q.35) Which among the following does not come under the meaning “workplace” under Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act 2013?

- [A] any private sector organisation
- [B] hospitals or nursing homes
- [C] any sports institute, stadium, sports complex
- [D] All of the above are included

Q.36) In which year did the PNDT Act (Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 get amended to become the PCPNDT Act (Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition Of Sex Selection) Act for the purpose of promoting the objectives behind the act?

- [A] 1988
- [B] 1998
- [C] 2001
- [D] 2003

Q.37) Under Section 143 of the Negotiable Instruments Act, trial shall be concluded within _____ from the date of filing of the complaint.

- [A] 2 months
- [B] 6 months
- [C] 1 year
- [D] 2 years

Q.38) For the purpose of section 141 Negotiable Instruments Act a company does not mean or include

- [A] A body corporate
- [B] A firm
- [C] A proprietary concern
- [D] An association of individuals

Q.39) Section 138 of Negotiable Instrument Act provides imprisonment for maximum term of

- [A] One year
- [B] Two years
- [C] Three years
- [D] Two months

Q.40) Which section provides that the offences under the Negotiable instruments Act are compoundable?

- [A] Section 137
- [B] Section 141
- [C] Section 147
- [D] Section 149

Q.41) Which of the following has a relation with section 138 of the Negotiable Instruments Act?

- [A] Right of holder
- [B] Right of holder in due course
- [C] Punishment for dishonour of cheque
- [D] None of the above

Q.42) Under Indian Forest Act, 1927, no suit shall be brought against any public servant in respect of any act done by him in good faith under

- [A] Section 21
- [B] Section 65
- [C] Section 72
- [D] Section 74

Q.43) Under Indian Forest Act, 1927, State Government may declare by notification in The Official Gazette that from a date fixed by such notification, any land which is not included within a reserved forest but which is the property of the Government shall be deemed to be a

- [A] Reserved Forest
- [B] Protected Forest
- [C] Village Forest
- [D] Unclassed Forest

Q.44) Which of the following is not included in the definition of "animal" under the Wild Life (Protection) Act, 1972?

- [A] Amphibians
- [B] Birds
- [C] Fishes
- [D] Reptiles

Q.45) Which section of the Wild Life (Protection) Act, 1972 empowers the Central Government to declare any area other than an area comprised within any reserve forest or the territorial waters as a sanctuary?

- [A] Section 15
- [B] Section 18
- [C] Section 22
- [D] Section 23

Q.46) What is the penalty for rendering or attempting to render denatured spirit for human consumption under the Himachal Pradesh Excise Act, 2011?

- [A] Imprisonment for a term which may extend to three years and fine which may extend to two lakh rupees
- [B] Imprisonment for a term which may extend to five years and fine which may extend to two lakh rupees
- [C] Imprisonment for a term which may extend to seven years and fine which may extend to ten lakh rupees
- [D] Imprisonment for life or with fine which may extend to twenty lakh rupees

Q.47) Who is the Financial Commissioner under the Himachal Pradesh Excise Act, 2011?

- [A] The Chief Secretary to the Government of Himachal Pradesh
- [B] The Secretary to the Government of Himachal Pradesh in-charge of Excise Department and Taxation
- [C] The Secretary to the Government of Himachal Pradesh in-charge of Excise Department
- [D] The Director of the Excise Department of Himachal Pradesh

Q.48) Which of the following is a direction given by the Supreme Court for courts to follow when bail orders are dictated in cases of sexual crimes against women?

- [A] Bail conditions should mandate, require or permit contact between the accused and the victim
- [B] Bail conditions and orders should reflect stereotypical or patriarchal notions about women and their place in society
- [C] Bail conditions and orders should discuss the dress, behaviour, or past “conduct” or “morals” of the prosecutrix
- [D] Bail conditions should seek to protect the complainant from any further harassment by the accused

Q.49) Which of the following is a suggestion made by India’s Attorney General to combat the non-empathetic approach of judges in sexual violence cases?

- [A] Gender sensitisation of both the bar and the bench
- [B] Higher representation of women in Indian judiciary
- [C] Both A and B
- [D] Neither A nor B

Q.50) Which of these is a UN Committee that attested that courts should not formulate

“in inflexible standards” on what a woman should be in order to be recognised as having been sexually assaulted in the eyes of law, or what a woman should have done when she faced a situation of sexual assault?

- [A] UN Committee for Human Rights (CHR)
- [B] UN Committee for Economic, Social and Cultural Rights (CESCR)
- [C] UN Committee for Conventions on Elimination of All Forms of Discrimination Against Women (CEDAW)
- [D] UN Committee for Conventions on Rights of Child (CRC)

ANSWERS

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

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