### Chhattisgarh Civil Judge -Class II

#### (Preliminary) Examination

(C.G.CJ. - 2003)

(Law)

#### The Code of Civil Procedure, 1908

- 1. Whether the pendency of a suit in a foreign Court will preclude the Courts in India from trying a suit founded on the same cause of action?
- (A) Yes
- (B) No
- (C) It will depend on the nature of the suit
- (D) Finding will be based on valuation of the suit.
- 2. The provisions of Res judicata also apply to the execution proceedings of a decree:
- (A) True
- (B) False
- (C) Res judicata only applies to the suit
- (D) Not to apply if objection raised by JDR
- 3. In the case of a public nuisance, a suit for declaration and injunction may be instituted by:
- (A) Two persons, with the leave of the Court
- (B) Two persons, having obtained oral consent of the Advocate General
- (C) Two persons, having obtained the written consent of the Advocate General
- (D) Two persons, having no special loss by such public nuisance.
- 4. In which of the following cases can C set off the claim?
- (A) A sues Con a Bill of Exchange. C alleges that A has wrongfully neglected to insure C's goods and is liable to pay in compensation.
- (B) A sues B and C for Rs. 1,000. The debt is due to C alone by A.
- (C) A and B sue C for Rs. 1,000. The debt is due to C by A alone.
- (D) A sues C on a Bill of exchange of Rs. 500, C holds a judgment against A for recovery of debt of Rs. 1,000.
- 5. Where the defendant is confined in a prison, the summons shall be :
- (A) By affixing outside the prison
- (B) By sending process server in the prison

(C) By delivery of the summons to the Officer in charge of the prison for service on the defendant
(D) By production warrant through the Court.
6. Whether the appeal or revisional Court can return the plaint u/s. 7 R 10 CPC after setting aside
the decree ?
(A) No
(B) On technical ground
(C) With the consent of parties
(D) Yes
7. The plaint shall be rejected in the following grounds also-
(A) Where it is not filed in 2 copies
(B) Where it is not supported with affidavit
(C) Where plaintiff has not affixed his photo
(D) Where plaintiff does not put his signature.
8. Where the defendant appears and the plaintiff does not appear when the suit is called for hearing
and where a part of the claim is admitted the Court shall:
(A) Dismiss the whole suit
(B) Dismiss the suit so far as it relates to the remainder
(C) Pass the decree of the whole claim
(D) Proceed, exparte (proceedings) against defendant.
9. Where the appellant has withdrawn the appeal preferred against a decree passed exparte, the
application under Order 9 Rule 13, shall be:
(A) Rejected
(B) Returned
(C) Maintainable
(D) Referred for opinion to the Appellate Court
10. If sufficient cause is shown by the parties for adjourning the hearing of the case, the Court shall
not adjourn the case more than:
(A) Once
(B) Twine
(C) Thrice
(D) Four times

11. In every case the examination-in-chief shall be:
(A) On affidavit
(B) Orally
(C) By typing in the Court
(D) As the Court thinks fit
12. Where a suit abates or dismissed u/s 22 of C.P.C. on the same cause of action:
(A) New suit may be instituted with the consent of parties
(B) With prior permission of the Court. fresh suit may filed
(C) No fires suit shall be brought
(D) If sufficient cause shown, then new suit may filed.
13. Whether a minor on attaining majority may, if a sole plaintiff, apply that a suit instituted in his name by next friend be dismissed on the ground that it was unreasonable or improper?
(A) No
(B) With the consent of next friend
(C) Yes
(D) Joint applications will lie with next friend.
14. Where any injunction is passed without giving notice to opposite party, the Court will try to decide the application within :
(A) 7 days
(B) 15 days
(C) 21 days
(D) 30 days from the date of such ex parte injunction order.
The Transfer of Property Act, 1882
15. "Immovable property" does not include timber:
(A) True
(B) False
(C) Till it is rooted in the earth
(D) Only the branches of timber does not include in immoveable property.
(D) Only the branches of timber does not include in mimoveable property.
16. Under Section 5 of T.P. Act "Living person" does include Company also:
(A) True
(B) False

- (C) Company is not living person
- (D) Company cannot transfer its assets.
- 17. Where writing is not expressly required by law a transfer of property may be made orally:
- (A) False
- (B) Transfer can only be made by writing
- (C) With the consent of parties oral transfer can be done
- (D) True.
- 18. A lets a farm to Bon condition that he shall walk hundred miles in an hour:
- (A) The lease is void
- (B) Lease can be executed if B walks 100 miles in an hour
- (C) Lease can be executed
- (D) Conditional Transfer can be made
- 19. Transferee of the part performance has right to protect his possession:
- (A) Wrong
- (B) Right can accrue only after payment of full consideration
- (C) Right
- (D) Delivery of possession is not necessary.
- 20. Which of the following is "usufructuary" mortgage?
- (A) Where without delivery of the possession of the mortgage property, binds himself to pay the mortgage money
- (B) Where the mnortgagor delivers possession to the mortgagee but retains the profit of the property
- (C) Where mortgagor binds himself to repay the mortgage money on a certain date
- (D) None of the above.
- 21. Termination of lease of immovable property shall be in the following manner:
- (A) By oral intimation
- (B) By written notice
- (C) By sending agent
- (D) By telephonic intimation
- 22. A lease of immovable property from year to year or exceeding year can be made:
- (A) Only before Notary
- (B) Valid if executed before Magistrate

- (C) Agreement made by parties will be effective(D) Only by a registered instrument.23. Gift comprising of future property is valid :
- (A) Right
- (B) Wrong
- (C) Gift property may be provided in future to validate it
- (D) Future gift will be valid if donee accepted it.
- 24. Universal donee is:
- (A) Not liable for any debt or liabilities
- (B) Donee is personally liable for all debts to liabilities existing at the time of gift
- (C) Donee is only liable for half of the liabilities
- (D) Donee is only liable for the one-third of liabilities
- 25. Transfer of actionable claim has exception -u/s 130 of T.P. Act:
- (A) It does not apply to transfer of life insurance policy
- (B) It does not apply to the transfer of marine or fire policy
- (C) It does not apply to vehicle insurance policy
- (D) None of the above policy applies

#### The M.P. Accommodation Control Act, 1961

- 26. Whether furniture provided by landlord is defined as accommodation u/s. 2 of (A)(C) Act?
- (A) No
- (B) Furniture can never be accommodation
- (C) Yes
- (D) Furniture which is attached with land can be accommodation only.
- 27. Accommodation which is the property of the Government Accommodation Control Act shall not apply:
- (A) True
- (B) Government may apply through notification
- (C) False
- (D) With the consent of Government and tenant it can apply.

- 28. "Pagree" means (as defined in Sec. 6 of (A)(C) Act):
- (A) Deposits which is refundable
- (B) Premium or cash received or claimed in addition to rent
- (C) Amount which is received by landlord as agreement
- (D) Special amount for special place or accommodation.
- 29. Member of the family:
- (A) Married sister
- (B) A friend in service living together
- (C) Unmarried sister
- (D) Married daughter.
- 30. If any eviction decree is obtained on the basis of compromise then on execution:
- (A) The executing Court has no right to enquire about the validity of the decree
- (B) Executing Court will see whether ground was available or not
- (C) Tenant has right to challenge the decree as no ground was available u/s 12 of the Act
- (D) Landlord has right to impose new condition for execution.
- 31. If no specific place is agreed regarding payment of rent between landlord and tenant, then the tenant will pay the rent: https://www.pyqonline.com
- (À) In the business place of the landlord
- (B) In the residential house of the landlord
- (C) The landlord will come to the tenant and receive
- (D) Rent will be deposited in Bank account of landlord.
- 32. Plaintiff lives in another city but casually when he comes lives in the suit house with his family .
- (A) It doesn't include in bona fide need of plaintiff.
- (B) When plaintiff lives in other city how it would be bona fide need
- (C) It also includes bona fide need of plaintiff
- (D) Only when the plaintiff comes to enjoy vacation it includes bona fide need.
- 33. Tenant cannot sue against sub-tenant, why?
- (A) Because the contract is voidable
- (B) As there was no contract
- (C) As no permission taken from Landlord
- (D) Because the contract is void.

34. If stairs of the house is dismantled as unsafe whether tenant can get any relief $u/s$ . 38 of the Accommodation Control Act :
(A) Yes
(B) No
(C) It can be directed to re erect the stairs
(D) It depends on the discretion of the R.A.
35. Who can take cognizance of the offences mentioned u/s. 44 of the Accommodation Control Act.
(A) Third Class Magistrate
(B) Second Class Magistrate
(C) First Class Magistrate
(D) Second Class Executive Magistrate
The M.P. Land Revenue Code, 1959
36. "Agriculture" includes betel leaves and water nuts produce:
(A) No
(B) Only paddy, wheat and pulses included
(C) Right
(D) Till today not included
37. 'Rent' means as defined in Sec 2(1) in C.G Land Revenue Code
(A) Money or kind payable on account of use of land
(B) Consideration paid during sale of the land
(C) Income-tax imposed by the Income-tax Dept.
(D) Service money given to Kotwar.
38. Within how many period a person who land shall lawfully acquired the right in report to the revenue deptt. :
(A) 30 days
(B) 3months
(C) 6months
(D) 12 months
39. At the end of the land to which month the village Patel shall direct the holder o rectify the defective survey mark?  (A) July

(B) June

(C) October							
(D) November							
40. Who can correct the errors in record of rights which the parties : admit'							
(A) Tahsildar							
(B) Revenue Inspector							
(C) S.D.0.							
(D) Collector							
41. When a transfer of land is done by a tribe then who can file application u/s. 170A of Land Revenue Code?							
(A) By son of the seller							
(B) By the seller only							
(C) By Revenue Officer							
(D) Any person who have knowledge about transfer							
42. In a partition proceeding pending before Tahsildar u/s 178, Land Revenue Code if question of title is raised before Tahsildar for how many period Tahsildar shall stay the proceedings to file civil suit and get stay?							
(A) 6 months (B) 3 months (C) 1 month (D) 15 days							
43. Whether transfer of trees standing on the land is valid?							
(A) It can be transferred with the land							
(B) Only trees can be transferred							
(C) Standing trees cannot be transferred							
(D) It can be transferred with the permission							
44. The following land includes in Nistar Patrak:							
(A) All agricultural land							
(B) All unoccupied land							
(C) All tanks							
(D) All roads							
45. Whether Civil Court can decide regarding reinstalment of a Bhumi-Swami improperly dispossessed u/s 250 of Land Revenue Code :							
(A) Yes							
(B) With the consent of parties							
(C) No							
(D) Both Revenue and Civil Court can decide.							

#### The Indian Contract Act, 1872

- 46. Every promise and every set of promises, forming the consideration for each other(A) Is a promise
  (B) Is an agreement
  (C) Is called consideration
  (D) Is called contract

  47. When, during partition in a family or it is agreed as family arrangement to maintain the mother, then this contract is:
  (A) Void and not enforceable
  (B) Voidable but enforceable
  (C) Valid and enforceable
  (D) Null and Void.

  48. As per Indian law a person attains majority:
  (A) When he has completed 21 years
  (B) When he has completed 18 years
  (C) When he has completed 19 years
- 49. A patient in a lunatic asylum, who is at intervals of sound mind.
- (A) May not contract
- (B) May contract during intervals

(D) When he has completed 25 years

- (C) May contract on medical certificate
- (D) May contract after complete sound mind.
- 50. A sells, by auction, to B a horse which A knows to be unsound. A says nothing to B about the horse's unsoundness:
- (A) This is not fraud in A
- (B) A plays fraud with B
- (C) A did not tell the truth to B
- (D) A did not follow the ethics
- 51. A agrees to let her daughter to hire to B, for concubinage. The agreement is:
- (A) Valid
- (B) Morally

- (C) Void, because it is immoral
- (D) If daughter is major, then agreement is valid
- 52. A agrees with B to discover treasure by magic:
- (A) Agreement is valid
- (B) Agreement is immoral
- (C) Agreement is void
- (D) Agreement cannot be done for fictitious treasure.
- 53. A gives a recognizance binding him in a penalty of Rs. 500 to appear in Court on a certain day. He forfeits his recognizance. He is liable -
- (A) To pay the whole penalty
- (B) To pay half penalty
- (C) It depends on the discretion of the judge
- (D) for no penalty
- 54. A sells and delivers goods to B, C afterwards, without consideration agrees to pay for them in default of B.
- (A) The agreement is valid
- (B) Agreement is void
- (C) Agreement is Voidable
- (D) C has no right to agree
- 55. 'A' hires a carriage of 'B'. The carriage is unsafe though 'B' is not aware of it, and A is injured.
- (A) 'B' is not responsible to 'A' for the injury
- (B) B is responsible to 'A' for the injury
- (C) Both are contributory negligent
- (D) No one is responsible for A's injury.

#### The Indian Penal Code, 1860

- 56. In how many years a sentence of imprisonment for life can be commuted by the Govt.
- (A) 20 Years
- (B) 18 years
- (C) 14 years
- (D) 12 years

- 57. The term for which the Court directs the offender to be imprisoned in default of payment of a fine shall not exceed -
- (A) one-third
- (B) half
- (C) one-fourth
- (D) two-third

of the term of imprisonment which is the maximum fixed for the offence, If the offence punishable with imprisonment as well as fine.

- 58. A is beating Z, Y interferes, and A intentionally strikes Y, here, as the blow given to Y is not a part of the act whereby A voluntarily causes hurt to Z, A is liable to one punishment for voluntarily causing hurt to Z and to another for the blow given to Y. https://www.pyqonline.com
- (A) Wrong
- (B) A will be punished once as the act is done during the same transaction
- (C) If Y would have not interfered, A would have not beaten him, so A has not caused blow to Y intentionally so A will not be punished to cause hurt to Y.
- (D) Right.
- 59. A, a blacksmith, is seized by a gang of dacoits and forced, by threat of instant death, to take his tools and to force the door of B's house. The dacoits, ten in number, loot B's money and jewels and kill B's son, A:
- (A) is guilty of dacoity with murder
- (B) is guilty of house-breaking and abetment of dacoity
- (C) is not guilty of any offence
- (D) is guilty of making preparation to commit dacoity
- 60. A is at work with a hatchet, the head lies off and kills a man who is standing by. No want of proper caution on the part of A. His act is:
- (A) munder
- (B) culpable homicide not anmounting to murder
- (C) his act is excusable, not an offence
- (D) causing death by negligence
- 61. Right of private defence of the body extends to voluntarily causing death if the offence, which occasions the exercise of right :
- (A) reasonably causes apprehension that death will be caused
- (B) reasonably causes an apprehension that simple injury will be caused
- (C) is of escaping with stolen property immediately after the theft
- (D) is of arresting a person who is running away after having committed an offence of voluntarily causing hurt.

(B) 302 and 304
(C) 299 and 300
(D) 403 and 405
63. A instigates B to murder C. B refuses to do so.
(A) A has not committed any offence
(B) A is guilty of abetting B to commit murder
(C) A has committed an offence of attempt to murder
(D) A has committed offence of criminal conspiracy.
64. A, by putting Z in fear of grievous hurt, dishonestly induces Z to sign or affix his seal to a blank paper and deliver it to A. Z signs and deliver the paper to A. A is guilty:
(A) of forgery
(B) of robbery
(C) of extortion
(D) of cheating
65. A Chief Judicial Magistrate may pass a sentence of:
(A) imprisonment for a term not exceeding three years or of fine not exceeding five thousand rupees or of both
(B) imprisonment for a term not exceeding five years or of fine not exceeding ten thousand rupees or of both
(C) imprisonment for a term not exceeding seven years or of fine which may extend to any amount or both
(D) imprisonment for a term not exceeding seven years or of fine exceeding 1 lakh rupees or of both.
66. A has sexual intercourse with his own wife aged about 14 years with her consent. A committed:
(A) No offence
(B) Rape
(C) Intercourse with own wife is not rape
(D) As there was consent, hence A cannot be held guilty for rape
67. 'A' finds a ring lying on the high road. By taking it A commits:
(A) No offence
(B) Theft

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62. In Rex Vs. Govinda the points of distinction between the provisions of the following Sections

of the I.P.C. were explained:

(A) 34 and 149

- (D) Loot.
  68. The appeal against an order of acquittal passed by the Court of Judicial Magistrate First Class shall lie to:

  (A) the Court of Chief Judicial Magistrate
  (B) the Court of Session
  (C) the High Court
  (D) the Supreme Court.

  69. A voluntarily made confession is admissible in evidence:

  (A) when made to a police officer
  (B) to a Magistrate having competent jurisdiction
  (C) to a village Sarpanch with a request to save him from police
  (D) where it leads to no discovery of facts and made to the Police officer
  - (A) Cheating
  - (B) Cheating by personation

(C) Criminal misappropriation of property

- (C) Robbery
- (D) Fraud
- 71. A is Magistrate is making report to superior officer about 'B' s character. Imputation made in good faith and for public good. A commits:

Income-tax officer putting raid in 'B' business centre and gets valuable articles thus A commits:

70. A' is not a servant in Income-tax department but showing himself as

- (A) offence u/s 500 IPC
- (B) offence u/s 501 IPC
- (C) No offence as it is within exception u/s 499
- (D) u/s 504 IPC

#### The Code of Criminal Procedure 1973

- 72. Non-cognizable offence means:
- (A) A police officer has authority to arrest without warrant
- (B) Police officer cannot arrest without warrant
- (C) It depends on the discretion of the Police office
- (D) On request of complainant arrest can be made

73. Which statement is true? (A) Summons case means a case which is not warrant case (B) Summons case means in which security is not required (C) Summons case means through which offence of theft is tried (D) Summons case means in which only summons can be served during trial 74. On an application made by a person apprehending arrest on an accusation of having committed a non-bailable offence, the High Court or the Court of Sessions may, under Section 438 Cr. P.C., give the direction that: (A) he shall not be arrested till further orders (B) he shall be released on bail without taking him into custody (C) in the event of such arrest he shall be released on bail (D) in the event of such arrest he shall be released on bail three days after the arrest 75. Who can make rules or give special orders from time to time consistent with Cr. P.C. as to the distribution of business among the Subordinate Judicial Magistrate? (A) Executive Magistrate (B) District Magistrate (C) Additional District & Session Judge (D) Chief Judicial Magistrate 76. For appointment of a Special Public Prosecutor how many years experience is required as a practising advocate? (A) 7 years (B) 10 years (C) 15 years (D) 5 years 77. 'A' is a Magistrate in his presence one murder took place during his morning walk, whether he can arrest the culprit himself: (A) No

(B) Yes

(C) Only Police can arrest

(D) As the Magistrate has to try the case, he cannot arrest.

person- Whether the Court can issue search Warrant in such condition:							
(A) No							
(B) Only in such condition when it is known about the specific article							
(C) Yes							
(D) When specific place or person is specified							
79. Whether any criminal Court can impound any document produced before it:							
(A) Yes							
(B) No							
(C) Only Civil Court can impound							
(D) With the consent of Senior officer it can be impounded							
80. Only one statement is true amongst the following:							
(A) If any person having sufficient means neglects or refuses to maintain his mother. She can apply u/s 125 Cr.P.C.							
(B) Only wife can get relief u/s 125 Cr.P.C.							
(C) Only the children will get order u/s 125 Cr.P.C.							
(D) No order of maintenance can be passd u/s 125 Cr.P.C.							
81. The maximum term of imprisonment awardable in a summary trial is :							
(A) Three months (B) Six months (C) One year (D) Two years.							
82. On receipt of first information report for commission of an offence, the officer in charge of the							
police station will send the copy to the concerned Magistrate under which provision:							
(A) Under Sec. 154 Cr. P.C.							
(B) Under Sec. 156 Cr, P.C.							
(C) Under Sec, 159 Cr. P.C.							
(D) Under Sec. 157 Cr. P.C.							
83. Whether a person can send fine amount through Postal Deptt. without appearing in the Court in some petty offences, if yes, under what provision?							
(A) Yes-u/s 207 Cr. P.C.							
(B) Yes- u/s 206 Cr. P.C.							
(C) Yes- u/s 210 Cr. P.C.							
(D) Yes- u/s 194 Cr. P.C.							

(D) It depends on the wishes of the Magistrate which charge be framed.							
85. In every criminal trial when the Magistrate finds the accused guilty he shall pass the sentence after hearing the accused:							
(A) Wrong, it is not required in summons cases							
(B) Right, without hearing the accused no sentences can be passed							
(C) It is required only before sending the conviction warrant							
(D) Not required at all in any case.							
86. 'A', 'B' and 'C' are charged for robbery and after trial convicted by 1st class Magistrate, there after whether for the same fact they can be charged and tried for dacoity:  (A) Yes							
(B) No							
(C) Barred u/s 300 Cr. P.C.							
(D) There will be illegality							
87. The composition of an offence u/s 320 Cr. P.C. shall have the effect of:							
•							
(A) Conviction (B) Discharge (C) Acquittal (D) Finish the case							
-							
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84. A is prosecuted for robbery and doing so voluntarily causes hurt to B. Whether he may be

charged u/s 323, 392 and 394 of I.P.C.?

() Alternative charge can be framed

(A) Yes(B) No

# The Indian Evidence Act, 1872

90. An inscription on a metal plate or stone is a document:
(A) Wrong
(B) Right
(C) Document always on paper only
(D) They are only archaeological things
91. A is tried for the murder of B by poison. The fact that before the death of B, A procured poison similar to that which was administered to B is:
(A) Not relevant
(B) Relevant
(C) Partly relevant
(D) Neither relevant nor irrelevant
92. In which section of Indian Evidence Act special provision is mentioned regarding evidence relating to electronic record? https://www.pyqonline.com
(A) u/s 59
(B) $u/s$ 63
(C) u/s 65 (A)
(D) u/s 67-A
93. A sells B a horse and verbally warrants him sound. A gives B a paper in these words "Bought of A a horse for Rs. 500." Whether B can prove the verbal warranty?
(A) Yes
(B) Barred u/s 92 of Evidence Act
(C) No
(D) u/s 91 Indian Evidence Act only written document can be proved.
94. A prosecutes B for theft and wishes the Court to believe that B admitted the theft to C. Who must prove the admission?
•
must prove the admission ?
must prove the admission ? (A) A
must prove the admission ? (A) A (B) B
must prove the admission ?  (A) A  (B) B  (C) C
must prove the admission ?  (A) A  (B) B  (C) C

- (B) u/s 114 (A) (C) u/s 113 (B) (D) u/s 114 (B) 96. Dumb witness may give his evidence by writing or signs in open Court such evidence shall be deemed to be: (A) Written Evidence (B) Oral Evidence (C) Not admissible in evidence (D) It depends on the discretion of the Court to accept it or not. 97. In a trial of Murder, Rape and Dacoity No. of witnesses required 10, 8 and 6 respectively: (A) Right (B) Wrong it requires 12, 10 and 8 witnesses respectively (C) Judge directs how much witnesses to be adduced (D) No particular number of witnesses is required. 98. If any advocate asks questions without reasonable ground what procedure should Court adopt? (A) Court will not dictate them (B) Will hear quietly (C) Report to State Bar Council (D) Will permit to ask 99. Under which provision a witness can refresh his memory: (A) u/s 145 of Indian Evidence Act (B) u/s 159 of Indian Evidence Act (C) u/s 165 of Indian Evidence Act (D) u/s 157 of Indian Evidence Act
- 100. A, a sculptor, agrees to sell to B "all my models." A has both mode is and tools. Whether evidence can be adduced to show his intention?
- (A) Yes
- (B) No
- (C) Interference should be drawn to see the agreement
- (D) Oral evidence is not admissible.

## **Tentative Answer**

Que.	Ans.								
1	В	21	В	41	В	61	A	81	A
2	A	22	D	42	В	62	С	82	D
3	A	23	В	43	A	63	В	83	В
4	D	24	В	44	В	64	C	84	A
5	С	25	В	45	C	65	С	85	В
6	D	26	C	46	В	66	В	86	A
7	A	27	A	47	C	67	A	87	C
8	В	28	В	48	В	68	В	88	В
9	С	29	С	49	В	69	В	89	A
10	С	30	A	50	A	70	В	90	В
11	A	31	В	51	С	71	С	91	В
12	С	32	С	52	С	72	В	92	С
13	С	33	С	53	A	73	A	93	A
14	D	34	С	54	В	74	С	94	A
15	A	35	С	55	В	75	D	95	С
16	A	36	С	56	С	76	В	96	В
17	D	37	A	57	С	77	В	97	D
18	A	38	С	58	D	78	С	98	С
19	С	39	D	59	С	79	A	99	В
20	D	40	С	60	С	80	A	100	A