

Chhattisgarh Civil Judge - Class II
(Preliminary) Examination
(C.G.C.J. -2004)
(Law)

The Code of Civil Procedure, 1908

1. Decree shall be deemed to include the rejection of a plaint and the determination of any question within Section 144 of C.P.C.

(A) Wrong

(B) Right

(C) It includes rejection of plaint, but does not include the determination of any question within Sec. 144 of C.P.C.

(D) It includes determination of any question within Sec. 144 but shall not include the rejection of a plaint.

2. Whether an issue heard finally decided by a competent Court of limited jurisdiction, shall operate as res judicata in a subsequent suit that the aforesaid Court was not competent to try?

(A) No

(B) Yes

(C) Answer would depend upon the nature of the issue

(D) None of the above

3. Under Sec. 34 of C.P.C. Court can award interest from the date of decree to the date of payment or such earlier date as the Court thinks fit. Rate of such interest shall not exceed per annum.

(A) Nine percent

(B) Ten percent

(C) Six percent

(D) Twelve percent

4. Caveat shall not remain in force after expiry of-

(A) Ninety days

(B) Sixty days

(C) Thirty days

(D) Fifteen days

5. Where the plaint has been rejected, the plaintiff on the same cause of action-

- (A) May file new suit
- (B) Can't file new suit
- (C) May present with the leave of High Court
- (D) None of these

6. Where decree is for the partition of an undivided estate assessed to the payment of revenue to the government, the partition of the estate, in accordance with the law for the time being in force, shall be made by-

- (A) The Naib Tahsildar
- (B) The Nazir
- (C) The Collector
- (D) The Commissioner appointed by the Court.

7. During the proceeding of execution of a decree, a question arises as to whether any person is or not the representative of a party, such question shall be determined by-

- (A) The Court which passed the decree
- (B) The Court executing the decree
- (C) The appellate Court
- (D) A Separate Suit

8. In a suit, which relates to a railway, the authority to be named as plaintiff or defendant shall be-

- (A) The General Manager of the Railway
- (B) A Secretary to the Central Government
- (C) The Collector of the District
- (D) The Station Master of the Railway

9. During service of summons defendant was found absent from his residence and within reasonable time no chance to get back at his residence, service of the summons may be made on-

- (A) Servant
- (B) Minor daughter
- (C) Adult son
- (D) Munim

10. In which condition the officer incharge of the prison may refuse to produce the prisoner for evidence, despite Court's order?

- (A) Where the prisoner is related to ruling party
- (B) Where the prisoner is Ex-Minister

- (C) Where the prisoner is Government Servant
- (D) Where the medical officer has certified the prisoner is unfit to be removed.

11. A Suit may be dismissed where, after a summons has been issued to the defendant and returned unserved, plaintiff fails to apply for fresh summons for the period of-

- (A) Thirty days
- (B) Sixty days
- (C) One month
- (D) Two months when the plaintiff fails to apply for fresh summons from the Court

12. Where any party dies after conclusion and before pronouncing Judgment-

- (A) The suit shall abate
- (B) The suit shall not abate
- (C) The suit shall not abate, if cause of action survives
- (D) It depends on the discretion of the Court whether it shall abate or not.

13. After the passing of a decree for payment of money, on the application of the judgement debtor Court, shall not order that payment of amount of decree shall be made by instalments-

- (A) Without recording evidence of both parties
- (B) Without obtaining affidavits from both parties
- (C) Without obtaining documents regarding the financial position of the debtor
- (D) Without the consent of decree holder

14. Where an indigent person succeeds, the Court fee shall be recovered-

- (A) From the defendant
- (B) From the State Govt.
- (C) Not recoverable
- (D) From the Plaintiff

15. Appointment of receivers of any property can be made when-

- (A) Before decree
- (B) After decree
- (C) Only appellate Court can make the order
- (D) When it appears to the Court to be just and convenient whether before or after decree

16. 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 of simple hurt.
- (C) Recovery to be made from thief who escaped.
- (D) When the person is escaping after causing hurt.

17. Which of the following punishments cannot be awarded under the Indian Penal Code-

- (A) Forfeiture of property
- (B) Rigorous imprisonment
- (C) Transportation for life
- (D) Death

18. Nothing is an offence which is done by a child under-

- (A) Eight years
- (B) Ten years
- (C) Seven years
- (D) Twelve year

19. What is not correct about "Rape"?

- (A) Consent is immaterial if she is under 16 years
- (B) Penetration is sufficient
- (C) Intercourse by a man with his own wife, and the wife is not being under 15 yrs., is not rape.
- (D) Death penalty may be awarded

20. "A" instigates "B" to instigate "C" to murder "Z". "B" accordingly instigate "C" to murder "Z" and "C" commits that offence in consequence of "B"'s instigation. "A" is-

- (A) Not guilty of any offence
- (B) Not guilty of abetting murder
- (C) Guilty of abetment by conspiracy
- (D) Guilty of abetting murder.

21. What is the offence, where preparation whereof offence is also punishable?

- (A) Theft
- (B) Dacoity
- (C) Murder
- (D) Rape

22. "Z" strikes "B". B is by this provocation excited to violent rage. "A" intending to take advantage of "B"'s rage and to cause him to kill "Z" puts a knife in to "B"'s hand for that purpose. "B" kills "Z" with knife. What offence "A" is guilty of?

- (A) Culpable homicide not amounting to murder
- (B) Abetting culpable homicide
- (C) Attempt to murder
- (D) Murder

23. What punishment may be awarded to the person whose act is covered under general exceptions?

- (A) No punishment
- (B) Half of the punishment prescribed for that offence
- (C) One fourth of the punishment prescribed for that offence
- (D) Depends upon discretion of the Court

24. "A" finds the key to "Y"'s house door, which "Y" had lost and commits home trespass by entering "Y"'s house having opened the door with that key. What offence has "A" committed.

- (A) Lurking house trespass
- (B) Criminal misappropriation
- (C) Attempt to commit theft
- (D) House breaking

25. "A" in good faith says of a book published by "Z" that Z's book is indecent, "Z" must be a man of impure mind. Is this defamation punishable u/s 500 of IPC?

- (A) Yes, because the opinion respects "Z"'s character.
- (B) No, because it falls within one of the exceptions of section 499 of IPC
- (C) No, because it is slander
- (D) No, because it has not been repeated

26. Which is not the stolen property?

- (A) Possession whereof was obtained by cheating.
- (B) Possession whereof was obtained by robbery
- (C) Possession whereof was obtained by dacoity
- (D) Possession whereof was obtained by criminal breach of trust

27. Any hurt is 'grievous' if it causes the sufferer to be in severe bodily pain or unable to follow his ordinary pursuits during the space of-

- (A) Fifteen days
- (B) Twenty days
- (C) Twenty five days
- (D) Thirty days

28. Under Section 498-A cruelty means mental and physical torture-

- (A) Right
- (B) Wrong
- (C) Only demand of dowry includes
- (D) Only physical torture includes

29. Whoever kidnaps or abducts any child with intention of taking dishonestly any movable property from the person of such child, shall be punished under Sec. 369 of I.P.C. if the age of child is under-

- (A) Ten
- (B) Twelve
- (C) Fourteen
- (D) Fifteen years

30. "A" makes an attempt to pick the pocket of "B" by thrusting his hand into "B"s pocket. A fails in attempt in consequence of "B"'s having nothing in his pocket. A is guilty of-

- (A) No offence
- (B) Theft
- (C) Attempt of theft
- (D) Using criminal force.

The Code of Criminal Procedure, 1973

31. Warrant case means a case-

- (A) In which a Police officer cannot arrest without warrant
- (B) In which the Court in first instance, shall issue a warrant of arrest against the accused
- (C) Relating to an offence punishable with imprisonment for a term not exceeding 2 yrs.
- (D) Relating to an offence punishable with death, for life or for a term exceeding two yrs.

32. In a first information, an offence is cognizable and other is non- cognizable, the whole case shall be deemed to be-

- (A) Cognizable
- (B) Non-cognizable

- (C) It is to be seen whether it is a warrant case
- (D) It is to be seen whether it is a summons case

33. The Court of Magistrate 1st class may pass a sentence of imprisonment for a term not exceeding-

- (A) Three years
- (B) Five years
- (C) Seven years
- (D) Four years

34. The maximum term of imprisonment awardable in a summary trial is

- (A) Three months
- (B) 6 months
- (C) One year
- (D) Two years

35. Whenever a Magistrate is of opinion, after hearing the evidence for prosecution and the accused, that the accused is guilty and that he ought to receive a severe punishment, then such Magistrate is empowered to inflict, the Magistrate may forward the case to-

- (A) Session Judge
- (B) Chief Judicial Magistrate
- (C) District Magistrate
- (D) Concerned Police Station

36. Inherent powers, under Sec 482 Cr.P.C. can be exercised by-

- (A) Any criminal Court
- (B) The Supreme Court only
- (C) The Court of Session & High Court
- (D) The High Court

37. When the person who would otherwise be competent to compound an offence under section 320 of Cr.P.C. is dead, then-

- (A) Offence cannot be compounded
- (B) Offence can be compounded by any eye witness
- (C) Offence can be compounded by the legal representative of such person without the consent of the Court
- (D) Legal representative of such person can compound the offence with the consent of the Court.

38. When will proceeding be vitiated if the Magistrate is not empowered to do so?

- (A) To issue a search warrant u/s 94 of Cr.P.C.
- (B) To hold an inquest u/s 176 of Cr.P.C.
- (C) Tries an offender summarily
- (D) To tender a pardon under sec 306 of Cr.P.C.

39. No wife shall be entitled to receive maintenance from her husband U/S 125 of Cr.P.C. if-

- (A) She has obtained a divorce from her husband and has not remarried
- (B) She is unable to maintain herself
- (C) She refused to live with her husband on the ground that he keeps a mistress
- (D) She is living in adultery

40. If a person in lawful custody escapes, the person from whose custody, he escaped may, immediately pursue and arrest him- <https://www.pyqonline.com>

- (A) Within Local limits of the Police station concerned
- (B) Within Local limits of the District
- (C) Within Local limits of the State
- (D) In any place in INDIA

41. What is true about Court of Sessions?

- (A) It can take cognizance without commitment
- (B) It can't take cognizance without commitment
- (C) It can take cognizance on DM's recommendation
- (D) It can take cognizance if challan is put up by S.P.

42. In relation to F.I.R., which of the following statements is not correct?

- (A) It is not a substantive evidence
- (B) It merely marks the beginning of the investigation
- (C) It can not be used as a previous statement for any purpose
- (D) The informant need not be an eye witness.

43. If in a criminal appeal an accused dies and his near relatives wish to continue, within how much time they must apply?

- (A) Four months
- (B) Three months
- (C) Sixty days
- (D) Thirty days

44. Three year period of limitation is prescribed for taking cognizance of the offence punishable with imprisonment for a term not exceeding-

- (A) One year
- (B) Three years
- (C) Five years
- (D) Seven years.

The Indian Evidence Act, 1872

45. In relation to expressions defined in S. 53 of the Indian Evidence Act, which of the following statement is not correct?

- (A) Facts includes not only physical facts but also psychological facts.
- (B) Court includes Arbitrators
- (C) An inscription on a stone is a document
- (D) A fact is said to be not proved when it is neither proved nor disproved

46. A voluntarily confession is admissible in evidence-

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

47. For proving execution of a registered Will

- (A) Be necessary to call at least two attesting witness
- (B) Be necessary to call at least one attesting witness
- (C) Not necessary to call any attesting witness
- (D) Be necessary to call the Registrar

48. Unless non-access is proved, the presumption as to legitimacy of any child born during the continuance of a valid marriage between his mother and any man is-

- (A) Rebuttable presumption of Law
- (B) Presumption of fact
- (C) Mixed presumption of law & fact
- (D) Irrebuttable presumption of law

49. Admissions are-

- (A) Conclusive proof
- (B) May operate as estoppels

- (C) Always irrelevant
- (D) None of the above

50. "A" is charged with travelling on a railway without ticket, the burden of proving that "A" had a ticket is on-

- (A) Ticket Checker
- (B) Railway
- (C) "A"
- (D) Prosecution

51. A document is said to be in the handwriting of "A". That document is produced from proper custody. If the document is purporting or proved to be.....

- (A) Thirty
- (B) Fifteen
- (C) Twenty
- (D) Twelve

years old, Court may presume that it is in 'A's handwriting.

52. What number of witnesses will be required for the proof of any fact?

- (A) No particular number
- (B) At least one eye witness
- (C) Two witnesses with regard to documents
- (D) One party and one witness

53. Leading question-

- (A) May be asked in examination in chief
- (B) May be asked in cross examination
- (C) May be asked in re-examination
- (D) Can not be asked in any circumstances

54. Which of the following statement is correct-

- (A) Estoppel is not a rule of Evidence
- (B) Estoppel from record constitutes bar of resjudicata.
- (C) There can be estoppel on a point of law
- (D) There can be no estoppel when the truth of the matter is known to both parties.

55. The question is, whether "A" committed a crime at Kolkata on a certain day. The fact that, on that day "A" was at Chennai is relevant-

- (A) As a motive for fact in issue
- (B) As introductory to fact in issue
- (C) As preparation of relevant fact
- (D) As it makes the existence of fact in issue highly improbable.

56. A person summoned to produce a document when produces the document then-

- (A) He becomes a witness
- (B) He is cross-examined by both the parties
- (C) He is cross-examined with the permission of the Court
- (D) He does not become witness and can not be cross-examined unless and until he is called as a witness

57. 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

The M.P. Accommodation Control Act, 1961

58. Which of the following is not an "accommodation" as defined in Sec. 52 (a) of the C.G.A. C. Act-

- (A) House
- (B) Agriculture land
- (C) Shop
- (D) Gumti

59. Who is not a landlord for the purpose of Sec. 23 (J) of C.G.A.C. Act.

- (A) A retired servant of any Government
- (B) A servant of any Government
- (C) A divorced wife
- (D) A handicapped person

60. Where an order for the eviction of a tenant is made on the ground that the residence for himself, the landlord shall not be entitled to obtain possession thereof before the expiration of period of-

- (A) Two months
 - (B) Three months
 - (C) Six months
 - (D) One year
- from the date of order

61. No Court shall take cognizance of an offence punishable under Accommodation Control Act. Unless the complaint in respect of the offence has been made within-

- (A) Six months
- (B) One year
- (C) Three years
- (D) Three months from the date of commission of the offence.

62. After the service of notice of demand, no suit for eviction of a tenant on the ground of default in payment of arrears of rent shall be instituted until the expiration of-

- (A) One month
- (B) Two months
- (C) Three months
- (D) Fifteen days

63. The Rent Controlling Authority should not be below the rank of-

- (A) Tahsildar
- (B) Asstt. Supdt. Land records
- (C) Deputy Collector
- (D) Civil Judge

64. A landlord making false and frivolous application u/s. 23 A of A.C Act may be saddled with compensatory costs not exceeding.....

- (A) Six months
- (B) Nine months
- (C) Eleven months
- (D) One year

rent of the accommodation at a time.

65. Essential supply enjoyed by a tenant in respect of the accommodation let to him is cut off by the landlord. Who will make an order to restore such supply-

- (A) Collector
- (B) Civil Court

- (C) Rent Controlling Authority
- (D) Municipal Corporation or Municipality, as the case may be.

66. On the complaint of tenant if he is satisfied that the landlord without any reasonable cause refused to accept rent he may levy on the landlord a fine who is he? <https://www.pyqonline.com>

- (A) Judicial Magistrate first class
- (B) Rent Controlling Authority
- (C) District Magistrate
- (D) District Judge

67. No Court shall take cognizance of an offence punishable under the Accommodation Control Act, unless the complaint in respect of the offence has been made within-

- (A) Six month's
- (B) One year
- (C) Three years
- (D) Three months from the date of commission of the offence

The Transfer of Property Act, 1882

68. Which is not the immovable property?

- (A) A lease of land
- (B) Growing crops
- (C) A right of way
- (D) A life interest in the income of immovable property

69. In which of the following cases, a transfer of immovable property can be made without writing-

- (A) Sale of property of a value more than Rs. 100
- (B) Lease for a term of 11 months
- (C) Exchange
- (D) Actionable claim

70. The doctrine of Lis Pendens applies where-

- (A) The suit is collusive
- (B) The transfer is made after the decree of the trial Court, but before the filing of an appeal
- (C) Right to movable property is in question
- (D) Property is situated outside the territorial jurisdiction of the Court

71. What kind of property is transferable?

- (A) Right to re-entry
- (B) Public Office
- (C) Any kind of property if not prohibited by law
- (D) Pension

72. "Attested" in relation to an instrument means and shall be deemed always to have meant attested by at least-

- (A) One witness
- (B) Two witnesses
- (C) Three witnesses
- (D) Four witnesses

73. Whether a transfer can be made in favour of an unborn person?

- (A) Yes, by machinery of trust
- (B) Yes
- (C) Guardian has got to be appointed first
- (D) None of the above

74. A mortgage by deposit of title deeds is called-

- (A) Anomalous mortgage
- (B) English mortgage
- (C) Equitable mortgage
- (D) Usufructuary mortgage

75. A lease of immovable property from year to year is terminable, on the part of either lessor or lessee, by-

- (A) One month
- (B) Six month's
- (C) Three month's
- (D) Sixty days notice expiring with the end of a year of the tenancy.

76. Which of the following transfer is valid?

- (A) An unregistered usufructuary mortgage for Rs. 99
- (B) An unregistered gift of immovable property of the value of Rs. 99
- (C) An oral lease of immovable property from year to year
- (D) An oral assignment of debts.

77. In which of the following cases, a lease of immovable property doesn't determine?

- (A) By efflux of time limited there
- (B) By express surrender
- (C) On the service of a notice to quit
- (D) By forfeiture

78. What is not required in Gift?

- (A) Donor and Donee
- (B) Consideration
- (C) Moveable or immovable property
- (D) Transfer and acceptance.

The Indian Contract Act, 1872

79. What will be effect of mistake as to law in force in India on the agreement ?

- (A) Not voidable
- (B) Voidable
- (C) Void
- (D) Not Void

80. "A" promises, for no consideration to give to "B" Rs. 1000 (one thousand rupees) agreement is

- (A) Voidable
- (B) Void
- (C) Enforceable
- (D) Not enforceable, not being in writing

81. Which of the following is not a quasi-contract?

- (A) Obligation of person enjoying benefit of non-gratuitous act
- (B) Responsibility of finder of goods
- (C) Quantum one suit
- (D) Novation

82. Where no application is made and no time is specified for performance of promise, there the agreement to be performed within-

- (A) Three years
- (B) Two years
- (C) One year
- (D) Reasonable time

83. A proposal when accepted-

- (A) Becomes a promise
- (B) Becomes an agreement
- (C) Becomes a contract
- (D) Becomes a consideration

84. Every agreement in restraint of the marriage of any person other than a minor-

- (A) Is voidable
- (B) Is illegal
- (C) Is void
- (D) Is valid

85. "X" hires a carriage of "Y". The carriage is unsafe, though "Y" is not aware of it and "X" is injured. For the injury to "X", "Y" is-

- (A) Liable
- (B) Not liable
- (C) Liable to the extent of 50%
- (D) None of these

86. X entrusts Y with negotiable instruments endorsed in blank. Y sells them to Z in violation of private orders from X. The sale is-

- (A) Void
- (B) Valid
- (C) Voidable at the option of Y
- (D) Voidable at the option of Z

87. "A" supplies "B" a lunatic, with necessaries suitable to his condition in his life. Whether "A" is entitled for reimbursement from the property of "B".

- (A) No
- (B) Yes, if the value of property is more than one lakh
- (C) Yes
- (D) None of these

88. Which of the following statements is correct in relation to sub-agent?

- (A) He is employed by the principal in the business of the agency
- (B) He is employed by the original agent in the business of the agency
- (C) He acts under the control of the principal
- (D) The agent is not responsible to the principal for acts of the sub agent

The M.P. Land Revenue Code, 1959

89. "A" gives authority to "B" to sell his land and to pay himself out of the proceeds. The debts due to him from A. In the absence of an express contract-

- (A) "A" can revoke this authority
- (B) Authority can be terminated by the insanity of "A"
- (C) Authority can be terminated by the death of "A"
- (D) "A" cannot revoke this authority nor can it be terminated by his death or insanity.

90. The jurisdiction to decide any dispute to which the State Govt. is not a party, relating to any right which is recorded in the record of rights is conferred on-

- (A) Civil Court
- (B) Tahsildar
- (C) Sub-division officer
- (D) Collector

91. Agriculture does not include-

- (A) Horticulture
- (B) The planting and upkeep of orchards
- (C) The reserving of land for fodder, grazing or thatching grass
- (D) Forest of big bushes

92. Who is not a Revenue Officer?

- (A) Settlement officer
- (B) Revenue Inspector
- (C) Asstt. Supdt. Land record
- (D) Naib- Tahsildar

93. Land revenue for different lands will be assessed by-

- (A) Collector
- (B) Settlement Officer
- (C) Settlement Commissioner
- (D) Commissioner of Division.

94. Which one of the following shall not be taken into account in estimating the cost of cultivation?

- (A) Market value of the land
- (B) The depreciation of stock and buildings

- (C) The money equivalent of the cultivator's labour and supervision
- (D) The money equivalent of the cultivator's family's labour and supervision.

95. No usufructuary mortgage of any land by a Bhumiswami shall be valid if it is for a period exceeding-

- (A) 5 years
- (B) 6 years
- (C) Seven years
- (D) Ten years

96. Where Bhumiswami desire to take his land back possession whereof was taken by Tahsildar u/s. 176 of the Land Revenue Code he should apply within- <https://www.pyqonline.com>

- (A) Three years from the commencement of next agriculture year
- (B) Two years from the commencement of next agriculture year
- (C) One year from the commencement of next agriculture year
- (D) Six months from the commencement of next agriculture year

97. In respect of which of the following matters, jurisdiction of Civil Court is not excluded-

- (A) Ejectment of a government lessee
- (B) Restoration of possession to an occupancy tenant
- (C) Any claim to modify any entry in the Nistar Patrak
- (D) Partition holding

98. For recovery of arears of land revenue the following shall not be attached and sold-

- (A) Cooking vessels of the defaulter
- (B) Less than six hectares of land held by the defaulter in any scheduled area
- (C) If the defaulter is an agriculturist-implements of husbandry driven by mechanical power
- (D) Tools of artisans

99. The Term of Settlement shall not be less than-

- (A) 100 years
- (B) 50 years
- (C) 30 years
- (D) 20 years

100. Where a Bhumiswami effects a mortgage, the total amount of interest u/s. 165 (3) of land revenue, cost shall not exceed-

- (A) Equal to principal amount
- (B) One fourth of the principal amount
- (C) Half of the principal amount
- (D) One third of the principal amount

Tentative Answer

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