

QUESTION BOOKLET

FC/2017-2018

Booklet Series

A

Time : 90 minutes.

Booklet No..

Date: **15 AUG 2018**

Total Questions: 100

Total Marks : 200

INSTRUCTIONS

1. The booklet contains 100 questions. All questions carry equal marks.
2. Immediately on receiving the question booklet, the candidate should check that the booklet does not have any unprinted or torn or missing pages or items, etc. If it is so found, the candidate should get it replaced by a complete booklet. Question booklet will not be replaced after marking answers in answer-sheet.
3. Encode clearly the booklet series A,B,C or D, as the case may be, and indicate the series of question booklet, by completely shadowing the appropriate circle, by black ink ball pen, in the appropriate place in the answer-sheet. Any failure to shadow the appropriate circle will result in non evaluation of the answer-sheet.
4. If a candidate shadows the circle in the answer sheet which does not match the series of his/her question booklet, no marks will be allotted to such answer-sheet.
5. The candidate shall enter his/her Roll number on the Booklet in the box provided alongside.

6. The candidate has to mark his/her most correct answer/choices Only on the separate answer-sheet provided for the same. Please see instructions on last page of the answer-sheet.
7. Penalty for wrong answer:

There will be penalty for wrong answers marked by candidate.

- (i) There are four alternatives for the answer to every question. For each question for which a wrong answer has been given by the candidate, one fourth of the marks assigned to that question (0.50) will be deducted as penalty.
- (ii) If a candidate gives more than one answer, it will be treated as a wrong answer, even if one of the given answer happens to be correct and there will be same penalty as above to that question.
- (iii) If a question is left blank, i.e., no answer is given by the candidate, there will be no penalty for that question.

1. Every child marriage, within the meaning of the Prohibition of Child Marriage Act 2006 is _____.
 - a. void.
 - b. Voidable at the option of the contracting party who was a child at the time of the marriage.
 - c. non est.
 - d. illegal.
2. Which of the following statement/s is correct?
 - a. Hindu Marriage Act 1955 applies to Buddhist.
 - b. Hindu Marriage Act 1955 applies to Sikh.
 - c. Hindu Marriage Act 1955 applies to any other person domiciled in the territories to which the Hindu Marriage Act extends who is not a Muslim, Christian, Parsi or Jew by religion, unless it is proved that any such person would not have been governed by the Hindu Law.
 - d. All of the above.
3. Which of the following fact/s is/are relevant u/s. 9 of the Indian Evidence Act ?
 - a. Facts necessary to explain or introduce a fact in issue.
 - b. Facts which support or rebut an inference suggested by a fact in issue.
 - c. Facts which fix time or place at which any fact in issue happened.
 - d. All of the above.
4. State which of the following statement/s in respect of Limitation Act, 1963 is incorrect ?
 - a. Sec. 5 of the Limitation Act is not applicable to an application under Order XXI of the Code of Civil Procedure (CPC).
 - b. Where letter of administration to the estate of a creditor have been granted to his debtor, the running of the period of limitation for a suit to recover the debt shall not be suspended while the administration continues.
 - c. For the purposes of Sec.19 of the Limitation Act, debt does not include money payable under a decree.
 - d. All of the above.
5. As per Section 19 of the Hindu Succession Act, 1956, if two or more heirs succeed together to the property of an intestate, they shall take the

property _____.

- c. Both 'a' and 'b'.
- d. None of the above.

17. Appeal against decree passed by the Family Court is to be heard by ____.

- a. Single Judge of High Court.
- b. Division Bench of High Court.
- c. District Court.
- d. Principal District Judge.

18. The provisions relating to admissibility of electronic record is governed by ____.

- a. Section 65B of the Indian Evidence Act.
- b. Section 67A of the Indian Evidence Act.
- c. Section 73A of the Indian Evidence Act.
- d. Section 85C of the Indian Evidence Act.

19. Two persons descended from a common ancestress but by different husbands are said to be related to each other by ____.

- a. full blood.
- b. half blood.
- c. uterine blood.
- d. sapinda.

20. State which of the following statement/s in respect of Hindu Succession Act, is incorrect ?

- a. A murderer is disqualified from inheriting property of the person murdered.
- b. Where a Hindu ceases to be so by conversion to another religion, his children born before such conversion are disqualified from inheriting property of any of their Hindu relative.
- c. Disease of leprosy disqualifies a person from succeeding to any property.
- d. Both 'b' and 'c'.

21. Which of the following statement/s in respect of Hindu Adoptions and Maintenance Act 1956 is incorrect ?

- a. For the purpose of Section 9, the expression father and mother include an adoptive father or adoptive mother.
- b. A person already adopted may be further given in adoption.
- c. In case of valid adoption, adopted child cannot renounce his or her status as such.
- d. All of the above.

22. For the purpose of section 125 of the Code of Criminal Procedure, 'wife' does not include _____.

- a woman who has been divorced by her husband.
- a woman has obtained a divorce from, her husband.
- a woman has obtained a divorce from her husband and has remarried.
- None of the above.

23. Appeal u/s. 28 of the Hindu Marriage Act shall be preferred within a period of _____ from the date of the decree or order.

- 30 days.
- 45 days.
- 60 days.
- 90 days.

24. If the Marriage Officer upholds the objection, made u/s. 7 of the Special Marriage Act, to an intended marriage, and refuses to solemnize the marriage, either party to the intended marriage may prefer appeal to the _____.

- District Court.
- High Court.
- Registrar of Marriage.
- Competent Authority consisting the Superior Officer in hierarchy of the Marriage Officer.

25. As per Hindu Adoptions and Maintenance Act, where a defendant has a right to receive maintenance out of an estate and such estate is transferred, the right to receive maintenance may be enforced against the transferee, _____.

- if the transferee has notice of the right.
- if the transferee is gratuitous.
- even against the transferee for consideration and without notice of the right.
- Both 'a' and 'b'.

26. No person shall be appointed as, or hold the office of, a Judge of a Family Court after he has attained the age of _____.

- 58 years.
- 60 years.
- 62 years.
- 65 years.

27. Prohibited degree of relationship includes _____.

(I) illegitimate blood relationship as well as legitimate.

- (II) relationship by half or uterine blood.
- (III) relationship by adoption as well as by blood.

Choose correct answer using the code given below:

- a. (I) only.
- b. (I) and (III) only.
- c. (I) and (II) only.
- d. (I), (II) and (III).

28. As per Section 6 of the Hindu Minority and Guardianship Act, the natural guardians of a Hindu minor are, _____.

- (I) in the case of a boy or unmarried girl - the mother and after her the father.
- (II) in the case of an illegitimate boy or illegitimate unmarried girl- the father and after him the mother.
- (III) in the case of a married girl - the husband.

Choose correct answer using the code given below:

- a. (I) and (II) are correct.
- b. (II) and (III) are correct.
- c. (II) is correct only.
- d. (III) is correct only.

29. 'A' and 'B', Hindus, solemnized marriage with each other, though they were in Sapinda relationships, in absence of such custom governing them, then :

- (I) the marriage is void.
- (II) such act is punishable under Hindu Marriage Act.
- (III) the marriage is voidable.

Choose correct answer using the code below:

- a. (I) only.
- b. (I) and (II).
- c. (II) and (III).
- d. (III) only.

30. State which of the following statement/s is incorrect ?

- a. A family court has jurisdiction of a proceeding in the nature of a suit between the parties to a marriage with respect to the property of the parties.
- b. A family court has power to lay down its own procedure with a view to arrive at the truth of the facts alleged by one party and denied by other party.
- c. Party to a suit before family court is entitled, as of right, to be represented by a legal practitioner.
- d. A family Court may receive as evidence any report or document that may in its opinion assist it to deal effectually with a dispute whether or not the same would be otherwise relevant or admissible under Indian Evidence Act.

36. The marriage which has not consummated owing to the impotence of the respondent is _____.
a. a void marriage. b. a voidable marriage.
c. illegal marriage. d. valid marriage.

37. Consider the following :-
W, a Hindu widow, who had inherited property from her father in law dies issueless intestate. Her property shall devolve upon _____.
a. the husband. b. the mother and father.
c. the heirs of the father. d. the heirs of the husband.

38. In the petition for restitution of conjugal rights, when a question arises whether there has been reasonable excuse for withdrawal from the society _____.
a. the burden of proving reasonable excuse shall be on the person who has withdrawn from the society.
b. the burden of proving absence of excuse shall be on the person who has claimed restitution.
c. the burden of proving reasonable excuse/absence of excuse shall be always on the Husband.
d. None of the above.

39. Where the suit appears from the statement in the plaint to be barred by any law, the plaint shall be _____.
a. returned. b. rejected.
c. discarded. d. None of the above.

40. Which of the following is a procedural defence that forbids a person from being tried again on the same charges following a legitimate acquittal or conviction?
a. Double jeopardy. b. Ex post facto law.
c. Testimonial Compulsion. d. None of the above.

41. In respect of Hindu Marriage Act, which of the following statement/s is incorrect?
a. Desertion includes the willful neglect of the petitioner by the other party to the marriage.
b. Non consummation of marriage due to impotence of respondent is a ground to annul a marriage.

c. Non resumption of cohabitation between the parties for a period of six months after passing decree for judicial separation is ground for divorce.

d. Both 'a' and 'c'.

42. State which of the following statement/s is incorrect ?

- A decree passed by family Court has same force and effect as a decree of a Civil Court.
- A decree passed by a Family Court may be executed by the Family Court.
- A decree passed by a Family Court may be executed by ordinary Civil Court to which it is sent for execution.
- None of the above.

43. Which of the following statement/s in respect of Hindu Marriage Act is incorrect?

- In a petition for dissolution of marriage, except on the grounds in clause (ii), (vi) and (vii) of sub-section (1) of section 13, the court may pass instead a decree for judicial separation.
- Divorced persons may marry again as soon as marriage is dissolved by divorce decree if there is no right of appeal.
- In any proceeding under Hindu Marriage Act, the Court cannot make provisions in the decree, with respect to any property presented at the time of marriage belonging jointly to both husband and the wife.
- 'a' and 'c'.

44. Section 311-A of the Code of Criminal Procedure empowers the Magistrate of First Class to _____.

- summon material witness.
- postpone or adjourn proceedings.
- order person to give specimen signature or handwriting.
- visit and inspect any place in which an offence is alleged to have been committed.

45. Normally, the rule of evidence is that the burden of proof is on the party who asserts the positive; but in which of the following instances is the burden cast upon the party who pleads the negative?

- Proof of legitimacy.
- Proof of alibi.
- Proof of conspiracy.
- None of the above.

46. Right to maintenance is a _____.
a. Constitutional right. b. Statutory right.
c. Fundamental right. d. None of the above.

47. Which of the following orders, can a Magistrate pass under the Protection of Women from Domestic Violence Act, 2005?
a. Protection orders and residence orders.
b. Monetary relief.
c. Custody orders and compensation orders.
d. All of the above.

48. In an application for restitution under Section 144 of the Code of Civil Procedure, the Court _____.
a. may place the parties in the position which they would have occupied but for such decree or order.
b. Court may order damages, compensation, consequential on such variation, setting aside or modification of the decree or order.
c. Both 'a' and 'b'.
d. None of the above.

49. Which of the following is not ground for dissolution of marriage under Section 10 of the Divorce Act, 1869?
a. The respondent has committed adultery.
b. The respondent ceased to be Christian by conversion to another religion.
c. Has not been heard of as being alive for a period of seven years or more by those persons who would naturally have heard of the respondent if the respondent has been alive.
d. None of the above.

50. Which of the following statement/s is incorrect?
a. It is mandatory that a petition u/s. 11 of the Hindu Marriage Act shall state that there is no collusion between the petitioner and other party to the marriage.
b. A document not duly stamped or registered is admissible in evidence at the trial of a petition under Hindu Marriage Act.
c. Every proceeding under the Hindu Marriage Act shall be conducted in camera.
d. The Hindu Marriage Act provides for punishment for contravention of condition specified in clause (iii) of Section 5 of the Act.

51. Which of the following statement/s is incorrect with reference to provisions of the Parsi Marriage and Divorce Act, 1936?

- Any married person may sue for judicial separation on any of the ground for which such person could have filed a suit for divorce.
- In any suit under this Act, the defendant may make a counter-claim for any relief he or she may be entitled to under this Act.
- In a suit under this Act, all questions of law and procedure shall be determined by the presiding Judge; but the decision on the fact shall be decision of the majority of the delegates before whom the case is tried.
- None of the above.

52. Offence of breach of protection order under the Protection of Women from Domestic Violence Act, shall be _____.

- non-cognizable and bailable.
- cognizable and non-bailable.
- non-cognizable and non-bailable.
- cognizable and bailable.

53. The minimum period of precondition of leaving separately for presenting a petition for dissolution of marriage by mutual consent under section 10A of the Divorce Act 1869 is _____.

- six months.
- nine months.
- one year.
- two years.

54. As per Section 16 of the Divorce Act 1869, every decree for dissolution of marriage made by a High Court shall in the first instance be _____.

- an absolute decree.
- a decree nisi.
- final decree.
- None of the above.

55. Christian Marriages under the Indian Christian Marriage Act 1872 may be solemnized in India _____.

- by licensed Minister of Religion.
- by marriage Registrar appointed under the Act.
- Both 'a' and 'b'.
- Neither 'a' nor 'b'.

56. U/s. 4(1) of the Muslim Women (Protection on Rights on Divorce) Act, the Magistrate may make an order in favour of divorcee women directing _____ to pay maintenance to her.

- a. her husband
- b. her relatives entitled to inherit property on her death
- c. State Waqf Board
- d. All of the above

57. A marriage, under Special Marriage Act, where either of the parties is incapable of giving a valid consent to it in consequence of unsoundness of mind is _____.

- a. void.
- b. voidable at the option of unsound party.
- c. voidable at the option of the party other than unsound party.
- d. valid.

58. In respect of the Protection of Women from Domestic Violence Act, the Magistrate shall fix the first date of hearing, which shall not ordinarily be beyond _____ from the date of receipt of application by the Court.

- a. three days
- b. seven days
- c. fifteen days
- d. Thirty days

59. As per the Indian Christian Marriage Act, minor means _____.

- a. in case of boy who has not completed 21 years of age and in case of a girl who has not completed 18 years of age and who is not widower or widow.
- b. a person who has not completed 18 years and who is not widower or widow.
- c. a person who has not completed 21 years and who is not a widower or a widow.
- d. None of the above.

60. In a civil suit Court has the power to _____.

- a. amend the issue.
- b. frame additional issue.
- c. strike out any issue.
- d. All of the above.

61. State which of the following statement/s, in respect of the Dissolution of Muslim Marriages Act, 1939 is incorrect ?

- a. The renunciation of Islam by a married Muslim woman shall by itself operate to dissolve her marriage.
- b. After renunciation of Islam the woman is entitled to obtain a decree for dissolution of her marriage under the Act.

c. The provisions of the Act shall not apply to a woman converted to Islam from some other faith who re-embraces her former faith.

d. Both 'a' and 'c'.

62. State which of the following statement/s in respect of Guardians and Wards Act, 1890 is correct ?

- Order of appointment of guardian u/s. 7 of the Act implies the removal of guardian who has not been appointed by Will or other instrument or appointed or declared by the Court.
- The application for appointment of guardian must be accompanied by a declaration of the willingness of the proposed guardian to act and the declaration must be signed by him and attested by at least two witnesses.
- Notice of the application and of date fixed for hearing has to be posted on conspicuous part of residence of minor.
- All of the above.

63. An order u/s. 7 of the Guardians and Wards Act, for appointment of guardian shall not be made except on the application of _____.

- the person desirous to be a guardian.
- any friend of the minor.
- the Collector of the district within which the minor ordinarily resides or in which he has property.
- All of the above.

64. Which of the following conditions must be satisfied to invoke the provisions of Section 92 of the Code of Civil Procedure?

- It should be with regard to a public trust to obtain a decree for the purposes mentioned in the said provision.
- Suit should be instituted by the Advocate General or two or more persons having an interest in the trust.
- Leave of the Court has to be obtained for instituting the suit.
- All of the above.

65. The legal principle upon which the decision in a case is founded, is known as _____.

- Ratio decidendi.
- Obiter dicta.
- Per inquirium.
- None of the above.

66. A household where the person aggrieved lives or at any stage has lived in a domestic relationship either singly or alongwith the respondent is

called _____.
a. shared household. b. joint household.
c. domestic household. d. None of the above.

67. The forum for entertaining an application under section 12 of the Protection of Women from Domestic Violence Act, 2005 is the Judicial Magistrate of the First Class or the Metropolitan Magistrate, as the case may be, within the local limits of which _____.
a. the aggrieved person permanently or temporarily resides or carries on business or is employed.
b. the respondent resides or carries on business or is employed.
c. the cause of action has arisen.
d. All of the above.

68. Parties by their consent/agreement _____.
a. can confer jurisdiction on a Court, where there none in law.
b. can oust the jurisdiction of the Court where there is one in law.
c. can oust the jurisdiction of one of the courts when there are two courts simultaneously having jurisdiction in law.
d. All of the above.

69. Under Hindu Succession Act, where two persons have died in circumstances rendering it uncertain whether either of them and if so which, survive the other, then for all purposes, affecting succession to property, unless the contrary is proved, it shall be presumed that _____.
a. elder survived the younger.
b. younger survived the elder.
c. neither of them survived the other.
d. None of the above.

70. Presumption under Section 90 of The Indian Evidence Act, as to due execution and attestation of document is attached to _____.
a. registered document only.
b. thirty year old document.
c. twelve year old document.
d. any document obtained from the custody of Court.

71. A garnishee order is an order _____.
a. prohibiting the judgment debtor's debtor from making any payment to the judgment debtor.

78. Where a document is executed in several parts, each part is _____.
a. primary evidence of the document.
b. secondary evidence of the document.
c. neither primary nor secondary evidence.
d. relevant evidence.

79. State which of the following statement/s in respect of Guardians and Wards Act, 1890 is incorrect ?
a. Separate guardians may be appointed of the person and of the property of a minor.
b. A minor is incompetent to act as guardian of his own minor wife.
c. If a minor has several properties, the Court may appoint a separate guardian for anyone or more of the properties.
d. None of the above.

80. *Allegata et probata* means _____.
a. a term expressing the allegations made by a party to a suit and the proof adduced in their support.
b. a term expressing the allegations made by a party to a suit and the proof contradicts in their support.
c. a term expressing the denial made by a party to a suit and the proof adduced in their support.
d. None of the above.

81. Under section 97 of the Code of Criminal Procedure search warrant to find out a person can be issued if _____.
a. the person is absconding.
b. the person is wrongfully confined.
c. the person is missing.
d. whereabouts of such person are not known.

82. Every woman in a domestic relationship shall have the right to reside in the shared household, _____.
a. only if she has any right, title in the same.
b. only if she has any beneficial interest in the same.
c. whether or not she has any right, title or beneficial interest in the same.
d. None of the above.

83. State which of the following statement/s in respect of the Indian Evidence Act, is incorrect ?

- Protection from disclosure of communications during marriage under section 122 of the Evidence Act is not available in suits between married persons.
- Provisions of professional communications u/s. 126 of the Evidence Act, are made applicable to clerks of barristers, pleaders, attorneys and Vakils.
- Both 'a' and 'b'.
- Neither 'a' nor 'b'.

84. In computing the period of limitation for any suit _____.

- the time during which the defendant has been absent from India and from the territories outside India under the administration of the Central Government shall be excluded.
- the time during which the plaintiff has been absent from India and from the territories outside India under the administration of the Central Government shall be excluded.
- the time during which the defendant has been absent from India and from the territories outside India under the administration of the Central Government shall not be excluded.
- None of the above.

85. Under the Evidence Act facts not otherwise relevant are relevant _____.

- if they are consistent with the facts in issue.
- if they are inconsistent with any fact in issue or relevant fact.
- if they make the existence or non-existence of any fact in issue or relevant fact highly probable or improbable.

Choose correct answer using the code given below:

- I, II and III.
- II only.
- I and II only.
- II and III only.

86. Under the Code of Civil Procedure, "Decree" does not include _____.

- the rejection of a plaint.
- an order of restitution under sec. 144 CPC.
- an order of restitution of conjugal rights.
- the return of a plaint.

87. Presumption as to electronic records u/s. 90A of the Indian Evidence Act, may be raised if the electronic record is at least _____.

a. Five years old. b. Ten years old.
c. Twenty years old. d. Thirty years old.

88. An order of the Court rejecting an application for review, under the Code of Civil Procedure, is _____.
a. appealable.
b. not appealable.
c. appealable by opposite party.
d. appealable with the permission of the Court.

89. The period of limitation for a suit for compensation for injury caused by an injunction wrongfully obtained begins to run from the time _____.
a. the injunction is obtained.
b. the injunction ceases.
c. the injury complained of is caused.
d. the defendant refuses to pay compensation on demand.

90. As per the provisions contained in Sec. 91 of the Indian Evidence Act, when a public officer is required by law to be appointed in writing and when it is shown that any particular person has acted as such officer, the writing by which he is appointed _____.
a. must be proved by examining his superior officers.
b. must be proved by examining the author of the writing.
c. must be proved by examining the public officer himself.
d. need not be proved.

91. I. If the adoption is by a male and the person to be adopted is a female then as per Section 11 of the Hindu Adoption and Maintenance Act, 1956, the adoptive father must be at least 18 years older than the person to be adopted.
II. The performance of datta homam shall not be essential to the validity of adoption.

Choose correct option in respect of above statement/s.

a. 'I' is correct and 'II' is incorrect.
b. 'I' is incorrect and 'II' is correct.
c. both are correct.
d. both are incorrect.

92. Whether an appeal is tenable against an order of detention in the Civil prison under Rule 2A of Order XXXIX of the Code of Civil Procedure?

- Appeal is not tenable.
- Tenable under Code of Criminal Procedure.
- Tenable under Clause (r) of Rule (1) of Order XLIII of the CPC.
- Tenable under Clause (h) of Sub-section (1) of Section 104 of the CPC.

93. For computing fresh period of limitation, an acknowledgment of liability _____.

- must be within one year of the expiration of prescribed period of limitation.
- must be within the prescribed period of limitation.
- may be during or after the subsistence of period of limitation, if it is in writing.
- None of the above.

94. Any order made under the Protection of Women from Domestic Violence Act, shall be enforceable _____.

- throughout the District.
- throughout the State.
- throughout India.
- none of the above.

95. Doctrine of confirmation by subsequent events is based on _____.

- Section 32 of the Indian Evidence Act.
- Section 27 of the Indian Evidence Act.
- Section 100 of Code of Criminal Procedure.
- Section 10 of the Indian Evidence Act.

96. Where a fresh suit is instituted on the strength of permission granted by the Court under Order 23, Rule (1) of the Code of Civil Procedure _____.

- the plaintiff is not bound by the law of limitation.
- a fresh period of limitation begins to run from the date of the order granting such permission.
- the plaintiff shall be bound by the law of limitation in the same manner as if the first suit had not been instituted.
- such suit must fail if not instituted within one year.

97. As per Hindu Adoption and Maintenance Act, a Hindu wife shall not be entitled to separate residence and maintenance from her husband _____.
 a. if her husband ceases to be a Hindu by conversion to another religion.
 b. if he is suffering from a virulent form of leprosy.
 c. if she ceases to be a Hindu by conversion to another religion.
 d. if he has other wife living.

98. I. Under Hindu Adoption and Maintenance Act, 1956, an illegitimate child can claim maintenance from his father.
 II. Under Hindu Adoption and Maintenance Act, 1956, no person shall be entitled to claim maintenance if he or she has ceased to be a Hindu by conversion to another religion.

Choose correct option in respect of above statement/s.

a. 'I' is correct and 'II' is incorrect.
 b. 'I' is incorrect and 'II' is correct.
 c. both are correct.
 d. both are incorrect.

99. In view of Order XXII, Rule 6 of CPC, during the period between the conclusion of hearing and pronouncement of the judgment, if either party dies _____.
 a. the proceeding shall abate.
 b. the proceeding shall not abate irrespective of whether the cause of action survives or not.
 c. the proceeding shall abate if the cause of action does not survive.
 d. it shall be discretion of the Court to abate the suit or not.

100. Disposal of immovable property of a minor by the guardian in contravention of Sec. 28 and 29 of the Guardians and Wards Act, is _____.
 a. void.
 b. voidable at the instance of any other person affected thereby.
 c. voidable only at the option of the ward.
 d. voidable at the option of father of the ward.