

## Question Booklet

SD : LDCE

Booklet Series

Booklet No.

C

Date: 9<sup>th</sup> October, 2016.

Total Questions: 100

Time : 90 minutes.

Total Marks : 200

### INSTRUCTIONS

1. The booklet contains 100 questions. All questions carry equal marks.
2. Immediately after the commencement of the examination, you should check that this booklet does not have any unprinted or torn or missing pages or items, etc. If so please 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 the 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. You shall enter your Roll number on the Booklet in the box provided alongside.
6. You have to mark your 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 answers 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. Which of the following fact is relevant under rule of res-gestae?
  - a. 'X' is tried for the murder of 'Y'. 'Y' was aware of fact that 'X' had murdered 'Z' and 'Y' had tried to extort money from 'X' by threatening to make his knowledge public.
  - b. 'X' is accused of crime. Soon after the commission of crime 'A' absconded from his house.
  - c. 'X' tried for committing murder at Mumbai. The fact that on the day of murder he was at Pune.
  - d. 'X' killed his wife and at the time of incident, the neighbour heard the wife's cry for help to save her life.
  
2. A boy, aged 9 years, has been compelled to work in a factory making match boxes. Which Fundamental Right is violated in this case?
  - a. Right to equality.
  - b. Right against exploitation.
  - c. Right to freedom.
  - d. Right to freedom of religion.
  
3. I. The Maharashtra Rent Control Act, 1999 shall not apply to any premises belonging to the Government or local authority.  
II. The Maharashtra Rent Control Act, 1999 shall not apply to the public limited company having a paid up share capital of less than rupees one crore.  
  
Choose correct option in respect of above statements.
  - a. 'I' is correct and 'II' is incorrect.
  - b. 'I' is incorrect and 'II' is correct.
  - c. both are correct.
  - d. both are incorrect.
  
4. Which of the following specific performance of contract may be enforced?
  - a. Contract which is in its nature determinable.
  - b. A contract the performance of which involves the performance of a continuous duty which cannot be supervised.
  - c. When there exists no standard for ascertaining the actual damage caused by non performance of the act agreed to be done.
  - d. A contract for the non performance of which compensation in money is adequate relief.
  
5. The period of limitation for a suit for money lent under an agreement that it shall be payable on demand is three years from the date \_\_\_\_\_.
  - a. when the loan is made.
  - b. when the demand is made.
  - c. when payment is due.
  - d. none of the above.

6. No transfer of property can operate to create an interest which is to take effect after the life time of one or more persons living at the date of such transfer. This provision is known as \_\_\_\_\_.
- rule against retrospective transfer only.
  - rule against perpetuity.
  - rule against prospective transfer.
  - none of the above.
7. Contract by which one party promises the other to save him from loss which may be caused either by the conduct of the promisor or by the conduct of any other person is called\_\_\_\_\_.
- guarantee.
  - bailment.
  - contract of indemnity.
  - pledge.
8. 'A' shakes his fist at 'Z', intending or knowing it to be likely that he may thereby cause 'Z' to believe that 'A' is about to strike 'Z', 'A' has committed\_\_\_\_\_.
- assault.
  - battery.
  - mischief.
  - none of the above.
9. 'A' instigates 'B' to commit murder of 'C'. 'B' refuses to do so. In above illustration, whether 'A' has committed any offence.
- conspiracy.
  - abetment.
  - attempt to commit murder.
  - no offence.
10. Evidence under Section 27 of the Indian Evidence Act \_\_\_\_\_.
- can be used as substantive evidence.
  - can be used as corroborative evidence only.
  - must be excluded.
  - none of the above.
11. I. When the language used in a document is plain and applies accurately to the fact then evidence may not be given to show that it is not meant to apply to such facts.
- II. When the language in a document is plain but is unmeaning with reference to the existing facts then evidence may be given to show that it was used in a peculiar sense.
- Choose correct option in respect of above statements.
- 'I' is correct, 'II' is incorrect.
  - both are correct.
  - 'I' incorrect and 'II' correct.
  - both are incorrect.

12. Under Criminal Procedure Code writ of commission for recording evidence of witness residing in territory where the Cr.P.C. extends is to be issued to\_\_\_\_\_.
- Chief Judicial Magistrate or Chief Metropolitan Magistrate.
  - Judicial Magistrate First Class.
  - any Advocate enrolled with the Bar.
  - District Magistrate.
13. Evidence before charge is to be recorded in a \_\_\_\_\_.
- summary trial.
  - summons trial.
  - warrant trial instituted upon police report.
  - none of the above.
14. Upon death of a judgment debtor before satisfaction of decree \_\_\_\_\_.
- the decree becomes unexecutable.
  - the decree can be executed against the self acquired property of legal representatives.
  - legal representatives are liable to the extent of the property that has come to their hands through deceased judgment debtor.
  - execution proceeding abates.
15. Where party aggrieved by a preliminary decree, does not appeal from such decree\_\_\_\_\_.
- may dispute the preliminary decree in a appeal from final decree.
  - cannot dispute the preliminary decree in a appeal from final decree.
  - cannot file appeal from the final decree.
  - none of the above.
16. When two persons are related by blood or adoption, wholly through males, it is called\_\_\_\_\_.
- cognate.
  - agnate
  - full blood
  - half blood
17. I. Under section 20 of Hindu Adoption and Maintenance Act, 1956, an illegitimate minor child can claim maintenance from his father.
- II. Under section 20 of Hindu Adoption and Maintenance Act, 1956, in absence of real son, the step son is not under obligation to maintain his (childless) step mother who is unable to maintain herself.
- Choose correct option in respect of above statements.
- 'I' is correct and 'II' is incorrect.
  - 'I' is incorrect and 'II' is correct.
  - both are correct.
  - both are incorrect.

18. Where a question arises as to whether there is a reasonable excuse for withdrawal from society, the burden of proving such reasonable excuse shall be on the person\_\_\_\_\_.
- who has withdrawn from the society.
  - who has made the petition.
  - none of the parties.
  - none of the above.
19. In which of the following Cases the Supreme Court held that the procedure contemplated under Article 21 must be right, just and fair, and not arbitrary?
- Golaknath case.
  - Maneka Gandhi case.
  - S.R. Bommai v. Union of India.
  - Kesavananda Bharati case.
20. Article 21 provides that no person shall be deprived of his life and personal liberty except according to\_\_\_\_\_.
- procedure established by law.
  - due process of law.
  - due course of law.
  - all of the above.
21. I. In view of Section 33 of the Maharashtra Rent Control Act, 1999 the suit or proceedings between the landlord and tenant relating to the recovery of rent or possession of any premises under this Act shall be decided by the Court of Small Causes in Brihan Mumbai.
- II. If the question of title to the premises is incidentally decided by the Court of Small Causes, Brihan Mumbai then it shall not bar a party from suing in the competent Court to establish his title to such premises.
- Choose correct option in respect of above statements.
- 'I' is correct and 'II' is incorrect.
  - 'I' is incorrect and 'II' is correct.
  - both are correct.
  - both are incorrect.
22. I. The suit under section 6 of the Specific Relief Act can be brought against the Government after the expiry of six months from the date of dispossession.
- II. No review shall lie against any order or decree passed in any suit instituted under section 6 of the Specific Relief Act.
- Choose correct option in respect of above statements.
- 'I' is correct and 'II' is incorrect.
  - 'I' is incorrect and 'II' is correct.
  - both are correct.
  - both are incorrect.

23. 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.
24. Where one of the several donees does not accept the gift, gift is\_\_\_\_\_.
- void in total.
  - void to the extent of his part of interest.
  - voidable at the option of other donees.
  - none of the above.
25. Which of the following agreement is valid?
- 'A' agrees to sell 'B', a hundred tons of oil.
  - agreement by way of wager.
  - 'A' promises 'B' to drop a prosecution which he has instituted against 'B' for robbery, and B promises to restore the value of things taken.
  - none of the above.
26. 'A' endorses a government promissory note and makes it payable to 'Z' or his order by writing on the bill the words 'Pay to Z or his order' and signing the endorsement. 'B' dishonestly erases the words 'Pay to Z or his order', and thereby converts the special endorsement into a blank endorsement.
- 'B' has committed forgery.
  - 'B' has committed criminal breach of trust.
  - 'B' has committed misappropriation.
  - 'B' has committed cheating.
27. As regards, presumption u/s. 90 of Evidence Act, which of the following statement is incorrect?
- If document is signed then it is presumed that, it is signature of that particular person.
  - If document is in the handwriting, then it is presumed that it is in the handwriting of that particular person.



32. Whether an appeal is tenable against an order of sentence of imprisonment/detention under Rule 2A of Order XXXIX of CPC?
- Appeal is not tenable.
  - Tenable under Cr.P.C.
  - Tenable under Clause (r) of Rule (1) of Order XLIII.
  - Tenable under Clause (h) of Sub-section (1) of Section 104 of CPC.
33. I. A continuous easement is one whose enjoyment is or may be continued without the act of man.  
 II. A discontinuous easement is one which needs the act of man for its enjoyment.  
 Choose correct option in respect of above statements.
- only 'I' is correct.
  - only 'II' is correct.
  - both are correct.
  - none is correct.
34. Servient Heritage means \_\_\_\_\_.
- the easementary right received by succession.
  - the land on which liability is imposed.
  - the land for the beneficial enjoyment of which the easementary right exists.
  - none of the above.
35. I. After commencement of the Hindu Succession Amendment Act, 2005, for daughter to be a coparcener, on the date of the commencement of the Amendment Act, it is necessary that both the daughter and her father must be alive.  
 II. After commencement of the Hindu Succession Amendment Act, 2005, for daughter to be a coparcener, on the date of the commencement of the Amendment Act, it is not necessary that the father should also be alive.  
 Choose correct option in respect of above statements.
- 'I' is correct and 'II' is incorrect.
  - 'I' is incorrect and 'II' is correct.
  - both are correct.
  - both are incorrect.
36. 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 an adoption.

Choose correct option in respect of above statements.

- a. 'I' is correct and 'II' is incorrect.      b. 'I' is incorrect and 'II' is correct.  
 c. both are correct.                                      d. both are incorrect.
37. 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.
38. Which of the following is a procedural defence that forbids a person from being tried again on the same or similar charges following a legitimate acquittal or conviction?
- a. Double jeopardy.                                      b. Ex post facto law.  
 c. Testimonial Compulsion.                              d. None of the above.
39. I. A Landlord shall be entitled to recover possession of any premises if the Court is satisfied that the premises have not been used without reasonable cause for the purpose for which they were let for the continuous period of one year immediately preceding the date of the suit.
- II. A landlord shall not be entitled to recover possession on the ground of reasonable and bonafide requirement if the premises let to the Central Government in a cantonment area, are being used for residence by members of the Armed Forces of the union, or their families.

Choose correct option in respect of above statements.

- a. 'I' is correct and 'II' is incorrect.      b. 'I' is incorrect and 'II' is correct.  
 c. both are correct.                                      d. both are incorrect.
40. I. The provision of Section 5 of the Limitation Act, 1963, is not applicable to the suit.
- II. Where the suit is instituted, after the expiration of the period prescribed by the law of limitation, the plaintiff shall show the ground upon which exemption from such law is claimed.

Choose correct option in respect of above statements.

- a. 'I' is correct and 'II' is incorrect.      b. 'I' is incorrect and 'II' is correct.  
 c. both are correct.                                      d. both are incorrect.
41. I. When one of the several persons jointly entitled to institute a suit is a minor and a discharge can be given without the concurrence of such person, the limitation will run against them all.
- II. The manager of Hindu Undivided Family governed by Hindu Mitakshara law shall be deemed to be capable of giving discharge without the concurrence of the other members of the family only if he is

in management of the joint family property.

Choose correct option in respect of above statements.

- a. 'I' is correct and 'II' is incorrect.      b. 'I' is incorrect and 'II' is correct.  
 c. both are correct.                              d. both are incorrect.
42. 'A' gift comprising of both existing and future property is \_\_\_\_\_.
- a. void in total.  
 b. void as to the latter.  
 c. voidable in total.  
 d. voidable at the option of the donee as to the latter.
43. When the consent to an agreement is obtained by fraud, the agreement is \_\_\_\_\_.
- a. void.  
 b. valid.  
 c. voidable at the option of the party who has obtained such consent.  
 d. voidable at the option of the party whose consent was so obtained.
44. Whoever commits criminal trespass by entering into or remaining in any building, tent or vessel used as a human dwelling or any building, used as a place for worship, or as a place for the custody of property, is said to commit \_\_\_\_\_.
- a. house breaking.                              b. lurking criminal trespass.  
 c. house trespass.                              d. none of the above.
45. When the Court has to form an opinion as to the electronic signature of any person, the opinion of the \_\_\_\_\_ is a relevant fact.
- a. expert on cyber law                              b. expert on electronic signature  
 c. certifying authority                              d. none of the above
46. I. When the language of the document on its face is ambiguous or defective, evidence may not be given to show its meaning or supply its defects.
- II. If contents of the document consists of illegible, technical, local and provincial expressions, the evidence may be given to show the meaning of the same.
- Choose correct option in respect of above statements.
- a. 'I' is correct and 'II' is incorrect.      b. 'I' is incorrect and 'II' is correct.  
 c. both are correct.                              d. both are incorrect.



- 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.
53. Which right has been deleted from the list of Fundamental Rights but has been retained as Constitutional Right?
- a. Equality of opportunity in matters of public employment.
  - b. Right to assemble peaceably and without arms.
  - c. Right to property.
  - d. Right to education.
54. I. A confession made by the accused under Section 164 of Cri.P.C. shall be signed by the accused making such confession.
- II. The confession made under Section 164(1) of Cri.P.C. may also be recorded by audio video means in the presence of the advocate of the accused of an offence.
- Choose correct option in respect of above statements.
- a. 'I' is correct 'II' is incorrect.
  - b. 'I' is incorrect 'II' is correct.
  - c. both are correct.
  - d. both are incorrect.
55. The prosecution did not examine the witness cited in the chargesheet. The defence examined him as a witness. During the cross-examination the prosecutor tried to contradict the witness with his former statement under Section 161 Cri.P.C.. The defence objected for the same. Decide?
- a. Prosecution can use the former statement to contradict him.
  - b. Prosecution cannot use the former statement to contradict him.
  - c. Prosecution can use the former statement to contradict him only with the permission of the Court.
  - d. none of the above.
56. The aggregate punishment in cases of conviction of several offences at one trial shall not exceed \_\_\_\_\_.
- a. the amount of punishment which the Court is competent to inflict for a single offence.
  - b. twice the amount of punishment which the Court is competent to inflict for a single offence.

- c. twice the amount of punishment which the Court has actually imposed for the single offence in the trial .
- d. no restriction as to the aggregate punishment.
57. A 'garnishee' is \_\_\_\_\_.
- the judgment debtor.
  - judgment debtor's debtor.
  - judgment debtor's creditor.
  - the banker of the judgment debtor.
58. I. The suit filed in representative capacity can be compromised under Order XXIII, Rule 3 of CPC without giving notice to all persons so interested, to whom the notice of institution of suit is given.
- II. The part of the claim in a suit filed in a representative capacity can be abandoned without giving notice to all persons having the same interest.
- Choose correct option in respect of above statements.
- 'I' is correct and 'II' is incorrect.
  - 'I' is incorrect and 'II' is correct.
  - both are correct.
  - both are incorrect.
59. Making sexually coloured remarks against women is an offence of \_\_\_\_.
- sexual harassment.
  - voyeurism.
  - stalking.
  - outraging modesty of a woman.
60. I. If, in one series of acts so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged and tried at one trial, for every such offence.
- II. If a single act or series of acts is of such nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused may be charged with having committed all or any of such offences.
- Choose correct option in respect of above statements.
- 'I' is correct 'II' is incorrect.
  - 'I' is incorrect 'II' is correct.
  - both are correct.
  - both are incorrect.
61. I. If the trial Court is satisfied that the compensation awarded u/s. 357 of Cr.P.C. is not adequate for the rehabilitation of the victim, it can make recommendation for compensation.
- II. In case of acquittal also the trial Court may make such recommendation for compensation.
- Choose correct option in respect of above statements.
- 'I' is correct and 'II' is incorrect.
  - 'I' is incorrect and 'II' is correct.
  - both are correct.
  - both are incorrect.

62. I. 'A' is tried for causing grievous hurt and convicted. The person injured afterwards dies. 'A' may be tried again for culpable homicide.
- II. 'A', 'B' and 'C' are charged and convicted by Magistrate of First Class of robbing 'D'. 'A', 'B' and 'C' may afterwards be charged with, and tried for, dacoity on the same facts.

Choose correct option in respect of above statements.

- a. 'I' is correct 'II' is incorrect.                      b. 'I' is incorrect 'II' is correct.
- c. both are correct.    d. both are incorrect.
63. I. Notwithstanding anything to the contrary contained in any other law for the time being in force, the Court dealing with the application under Rule 97 or 99 of Order XXI of CPC including the questions relating to right, title or interest, shall be deemed to have jurisdiction to decide such questions.
- II. Any order made under Rule 98 of Order XXI of CPC shall have the same force as to an appeal or otherwise as if it were a decree.
- Choose correct option in respect of above statements.
- a. 'I' is correct and 'II' is incorrect.                      b. 'I' is incorrect and 'II' is correct.
- c. both are correct.    d. both are incorrect.

64. Principle of res-subjudice is contained in \_\_\_\_\_.

- a. Section 10 of CPC.    b. Section 11 of CPC.
- c. Section 13 of CPC.    d. Section 14 of CPC.

65. 'A' holds 'Z' down and fraudulently takes Z's money and jewels from Z's clothes without Z's consent. Which offence 'A' has committed?

- a. Dishonest misappropriation.                              b. Robbery.
- c. Dacoity.    d. Extortion.

66. If a suit is filed against District Collector without giving statutory notice as required under Section 80 of CPC and the Court is satisfied after hearing the plaintiff that no urgent relief is required to be granted then the Court shall \_\_\_\_\_.

- a. reject the plaint.
- b. return the plaint.
- c. issue notice to District Collector.
- d. keep pending suit till the plaintiff makes compliance of statutory notice.

67. A tender of pardon to accomplice is applicable to;

- I. any offence triable exclusively by the Court of session.
- II. any offence punishable with imprisonment which may extend to five years.



73. A tender is \_\_\_\_\_.
- an offer.
  - an invitation to offer.
  - a counter offer.
  - a promise.
74. I. If any person abets the commission of suicide, of a person, who is in a state of intoxication, may be punished with death.  
II. If any person abets the commission of suicide, of a person, under 18 years of age, may be punished with life imprisonment.
- Choose correct option in respect of above statements.
- 'I' is correct 'II' is incorrect.
  - 'I' is incorrect 'II' is correct.
  - both are correct.
  - both are incorrect.
75. Which of the following is a sine qua non for the offence of house breaking?
- House trespass.
  - Mischief.
  - Hurt.
  - None of the above.
76. I. A Court may presume that an accomplice is unworthy of credit, unless he is corroborated in material particulars.  
II. An accomplice shall be a competent witness against an accused person; and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.
- Choose correct option in respect of above statements.
- 'I' is correct 'II' is incorrect.
  - 'I' is incorrect 'II' is correct.
  - both are correct.
  - both are incorrect.
77. I. The Court may, in its discretion, permit the person who calls a witness to put any questions to him which might be put in cross-examination by the adverse party.  
II. Any writing referred to under the provisions of Section 159 and 160 of Evidence Act must be produced and shown to the adverse party if he requires it and such party may, if it pleases, cross-examine the witness thereupon.
- Choose correct option in respect of above statements.
- 'I' is correct 'II' is incorrect.
  - 'I' is incorrect 'II' is correct.
  - both are correct.
  - both are incorrect.
78. I. 'A' is accused of an act which may amount to theft, or receiving stolen property, or criminal breach of trust and cheating. He may be charged with theft, receiving stolen property, criminal breach of trust or cheating.  
II. In the above mentioned case, 'A' is only charged with theft. It appears that he committed the offence of Criminal breach of trust, or that of

receiving stolen goods. He may be convicted of criminal breach of trust or of receiving stolen goods as the case may be, though he was not charged with such offence.

Choose correct option in respect of above statements.

- a. 'I' is correct 'II' is incorrect.                      b. 'I' is incorrect 'II' is correct.  
c. both are correct.    d. both are incorrect.
79. I. Under Section 249 of Cr.P.C., the Magistrate may discharge accused, if the offence is lawfully compoundable.  
II. Under Section 249 of Cr.P.C., the Magistrate may discharge accused, if the offence is non-cognizable.
- Choose correct option in respect of above statements.
- a. 'I' is correct 'II' is incorrect.                      b. 'I' is incorrect 'II' is correct.  
c. both are correct.    d. both are incorrect.
80. Compounding of an offence under the provisions of the Code in a criminal case when charge was framed, results in \_\_\_\_\_.
- a. acquittal of accused.                                      b. discharge of accused.  
c. stopping of proceedings.                              d. withdrawal of proceedings.
81. When a suit, in which defendant raised a counter claim, is dismissed for default.
- a. Counter claim may be proceeded with.  
b. Counter claim also stands dismissed.  
c. Counter claim is to be returned for its re-presentation as separate plaint.  
d. To continue with his counter claim, the defendant can pray for restoration of the suit.
82. An order of the Court rejecting an application for review, under CPC is \_\_\_\_\_.
- a. appealable.  
b. non appealable.  
c. appealable with the leave of Appellate Court  
d. appealable if permitted by the Court which passed the order.
83. I. No decree against minor shall be set aside merely on the ground that the next friend or guardian of the minor had an interest in the subject matter of suit adverse to that of the minor.  
II. Even if prejudice has caused to interest of the minor by the reason of such an adverse interest of the next friend or guardian, it shall not be the ground for setting aside the decree.

Choose correct option in respect of above statements.

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

84. I. It shall not be competent to entertain any petition for dissolution of a marriage by a decree of divorce, unless the petition is presented after one year of the marriage.
- II. The Court may subject to the rules made by the High Court allow a petition to be presented before the expiration of one year from the date of the marriage on the ground of exceptional hardship to the petitioner.

Choose correct option in respect of above statements.

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

85. Where an electronic record, purporting or proved to be \_\_\_\_\_ years old, is produced from proper custody, the Court may presume that the electronic signature of any particular person was so affixed by him or any person authorised by him in this behalf.

- a. 5    b. 10  
c. 20    d. 30

86. In India right to education is a \_\_\_\_\_.

- a. constitutional right.                              b. statutory right.  
c. fundamental right.                              d. common law right.

87. I. The suit for recovery of possession on the grounds of reasonable and bonafide requirement of the landlord can be preferred by the Rent Collector or the Estate Manager of the landlord.
- II. When the suit is decreed on the grounds of reasonable and bonafide requirement and the landlord re-let the premises within one year of the recovery of possession to any person other than the original tenant, the Court may order the landlord to place the original tenant in occupation of the premises.

Choose correct option in respect of above statements.

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

88. I. When there is a reasonable apprehension to a person that a void or voidable instrument against him, if left outstanding may cause serious injury to him, the Court may in its discretion order the cancellation of such instrument.
- II. When an instrument consists of different rights or obligations, the Court may cancel it in part and allow it to stand for residue.

Choose correct option in respect of above statements.

- a. 'I' is correct and 'II' is incorrect.      b. 'I' is incorrect and 'II' is correct.  
 c. both are correct.                                      d. both are incorrect.
89. When two persons mutually transfer the ownership of one thing for the ownership of another, neither thing or both things being money only, the transaction under the provisions of Transfer of Property Act is called as \_\_\_\_\_.
- a. a sale.    b. an exchange.  
 c. a lease    d. a gift.
90. 'A' becomes surety to 'C' for B's conduct as a Manager in C's bank. Afterwards, 'B' and 'C' contract, without A's consent, that B's salary shall be raised, and that he shall become liable for one fourth of the losses on overdrafts. 'B' allows a customer to overdraw, and bank loses a sum of money. 'A' is discharged from suretyship by \_\_\_\_\_.
- a. release or discharge of principal debtor.  
 b. variance made in terms of the contract without his consent.  
 c. revocation.  
 d. none of the above.
91. 'A' finds a valuable ring, not knowing to whom it belongs. 'A' sells it immediately without attempting to discover the owner.
- a. 'A' has committed the offence of dishonest misappropriation of property.  
 b. 'A' has not committed the offence under Section 403 of the Indian Penal Code.  
 c. 'A' has committed the offence of theft.  
 d. 'A' has committed the offence of criminal breach of trust.
92. Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property or valuable security, or anything signed or sealed which may be converted into a valuable security, commits the offence of \_\_\_\_\_.
- a. dacoity.    b. extortion.  
 c. theft.    d. robbery.
93. 'X' and 'Y' are brothers. With a view to save property from creditors, 'X' executed a sale deed of his property in favour of 'Y'. Similarly, they also executed a deed of settlement by which 'X' was put in possession of the same property for his life time. On the death of 'X' his a son claimed ownership of the property on the basis of adverse possession thereby contending that the documents executed were sham and bogus to defeat the creditors. The son of 'X' has claimed to be in continuous, peaceful and settled possession of the property for more than 12 years.

- I. The claim of adverse possession can be granted as the son of 'X' is in continuous, peaceful and settled possession of the property for more than 12 years.
- II. In view of above facts, he is not entitled to claim the ownership on the basis of adverse possession.

Choose correct option in respect of above statements.

- a. 'I' is correct and 'II' is incorrect.
  - b. 'I' is incorrect and 'II' is correct.
  - c. both are correct.
  - d. both are incorrect.
94. Section 32 of the Indian Evidence Act is an exception to the rule of\_\_\_\_\_.
- a. confessions.
  - b. hearsay.
  - c. admissions.
  - d. none of the above.
95. If the accused though not of unsound mind, cannot be made to understand the proceedings, and if such proceedings result in conviction, the final order has to be passed by\_\_\_\_\_.
- a. JMFC conducting trial.
  - b. Chief Judicial Magistrate.
  - c. Sessions Court only.
  - d. High Court.
96. Period of limitation to take cognizance of an offence punishable with imprisonment for a term of seven years is \_\_\_\_\_.
- a. three years.
  - b. five years.
  - c. seven years.
  - d. no limitation.
97. State correct or incorrect.
- I. The offence of dacoity can be tried by the Court within whose local jurisdiction the accused person is found.
  - II. The offence of theft or robbery may be tried by the Court within whose local jurisdiction the stolen property was found possessed by any person committing it.
  - III. If an offence is committed by an Indian Citizen on the high seas or elsewhere outside India, he may be dealt with in respect of such offence at any place in India, where he may be found.
- a. 'I' correct, 'II' and 'III' are incorrect.
  - b. 'I' incorrect, 'II' and 'III' are correct.
  - c. all are incorrect.
  - d. all are correct.

98. The Appellate Court may admit evidence or document;
- I. When the trial Court has refused to admit evidence which ought to have been admitted.
  - II. If it requires any document to be produced or any witness to be examined to enable it to pronounce judgment.
- Choose correct option in respect of above statements.
- 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. Which of the following can exceed the pecuniary jurisdiction of the Court?
- a. Set off.
  - b. Counter claim.
  - c. Both 'a' and 'b'.
  - d. Neither 'a' nor 'b'.
100. Which of the following property is liable for attachment or sale in execution of a decree?
- a. Books of account.
  - b. The wages of labourers.
  - c. A right to future maintenance.
  - d. Bills of exchange.

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