

Preliminary written examination for the post of Judge, 1-A
Family Court

Question Booklet

FC/2014-2015

Booklet Series

A

Date: 1st March, 2015

Total Questions: 50

Total Marks : 100

Time : 45 minutes.

INSTRUCTIONS

1. The booklet contains 50 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 it is 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 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. The Magistrate shall endeavour to dispose of every application made under Section 12(1) of the Protection of Women from Domestic Violence Act, 2005 within a period of _____ from the date of its first hearing.
 - a. thirty days
 - b. sixty days
 - c. ninety days
 - d. one eighty days
2. A certificate of registration of marriage issued under the Compulsory Registration of Marriages Act, 2005 _____.
 - a. shall be conclusive proof of the marriage between the parties named in the certificate.
 - b. may be conclusive proof of the marriage between the parties named in the certificate.
 - c. does not raise presumption of the marriage between the parties named in the certificate.
 - d. does not dispense with the proof of marriage.
3. Any Child Marriage solemnised in contravention of an injunction order issued under Section 13 of The Prohibition of Child Marriage Act, 2006 shall be _____.
 - a. valid.
 - b. void.
 - c. voidable.
 - d. voidable only at the option of wife.
4. In appointing the guardian of a minor the prime consideration before the Court shall be _____.
 - a. the choice of the minor.
 - b. the choice of the guardian.
 - c. the welfare of the minor.
 - d. the benefit of the estate of the minor.
5. A guardian stands in a _____ relation to his ward.
 - a. family
 - b. legal
 - c. spiritual
 - d. fiduciary

11. Where a suit is instituted by a minor without a next friend, the defendant may apply _____.

- for rejection of a plaint.
- for dismissal of the suit.
- for getting a next friend appointed.
- for taking the plaint off the file.

12. A disposal of immovable property by guardian in contravention of Section 28 or 29 of the Guardians and Wards Act, 1890 is _____.

- voidable at the instance of any other person affected thereby.
- valid.
- void.
- voidable.

13. Under Section 27-A of the Special Marriage Act, 1954 on a petition for a decree of divorce, except in so far as the petition is founded on ground mentioned in clause (h) of sub Section (1) of Section 27, the Court may, if it considers it so to do having regard to the circumstances of the case pass instead _____.

- a decree for restitution of conjugal rights.
- a decree for judicial separation.
- a decree for annulment of marriage.
- a decree for maintenance.

14. A Muslim (Sunni-Hanafi) can marry any number of wives not exceeding four, if a Muslim marries a fifth wife such a marriage shall be _____.

- valid.
- void.
- irregular.
- either 'a' or 'b'.

15. A Hindu marriage which is not registered is _____.

- valid.
- void.
- voidable.
- voidable only at the option of wife.

16. A divorced Hindu woman cannot claim maintenance from her former husband.
 - a. under section 125 Cr.P.C.
 - b. under section 18 of the Hindu Adoption and Maintenance Act.
 - c. under section 25 of the Hindu Marriage Act.
 - d. 'b' and 'c' above.
17. Under Hindu Law, if the directory ceremonies are not performed at the marriage, the omission may be cured by the doctrine of _____.
 - a. relation back.
 - b. factum valet.
 - c. eclipse.
 - d. pleasure.
18. According to Section 3 of The Prohibition of Child Marriage Act, 2006, every child marriage shall be _____.
 - a. voidable at the option of the contracting party who was a child at the time of marriage.
 - b. void.
 - c. valid.
 - d. voidable at the option of either of contracting party.
19. Section 112 of Evidence Act provides for presumption of _____.
 - a. life.
 - b. marriage.
 - c. death.
 - d. legitimacy.
20. An application for the reliefs under the Protection of Women from Domestic Violence Act, 2005 can be presented by _____.
 - a. an aggrieved person only.
 - b. a Protection Officer only.
 - c. any other person on behalf of the aggrieved person.
 - d. any one of the above persons.

21. Any agreement for giving or taking of dowry shall be _____.
a. valid.
b. void.
c. voidable.
d. voidable at the option of the person giving dowry.

22. In matrimonial proceedings for determining the question of paternity, DNA/Blood test _____.
a. may be ordered as a matter of course.
b. shall be ordered.
c. shall not be ordered, as no one can be compelled to give blood sample.
d. may be ordered, if a strong *prima facie* case is made out.

23. In a petition for divorce under Hindu Marriage Act, on the ground of adultery, _____.
a. the alleged adulterer/adulteress is a proper party.
b. the alleged adulterer/adulteress is a necessary party.
c. the alleged adulterer/adulteress is neither a necessary nor a proper party.
d. none of the above.

24. In every suit or proceedings relating to matters concerning the family, _____, by the Court in the first instance, where it is possible to do so consistent with the nature and circumstances of the case, to assist the parties in arriving at a settlement in respect of the subject matter of the suit or proceeding.
a. an endeavour shall be made
b. an endeavour may be made
c. an endeavour need not be made
d. 'a' or 'b' above

25. Notwithstanding anything contained in any other law for the time being in force relating to the solemnization of marriages, a marriage between _____ may be solemnized under Special Marriage Act, if at the time of the marriage the conditions contained in Section 4 of the said Act are fulfilled.

- any two persons
- a Hindu and a Christian only
- a Hindu and a Muslim only
- 'b' and 'c' above.

26. On an answer to a Court question, the adverse party ____.

- has a right to cross-examination as a matter of right.
- has a right to cross-examine only with the permission of the Court.
- has no right to cross examine the witness.
- can cross-examine the witness with the consent of other party.

27. An application for maintenance under Section 125 of the Code of Criminal Procedure by the father against his son has to be filed in any district where _____.

- the son resides.
- both of them last resided together.
- the father resides.
- the mother resides.

28. Where a third person has right to receive maintenance from the profits of immovable property and such property is transferred, the right can be enforced against _____.

- the transferee who has no notice thereof.
- a transferee for consideration and without notice of the right.
- a gratuitous transferee.
- the property in the hands of transferee for consideration and without notice.

29. A Hindu wife shall not be entitled to separate residence and maintenance from her husband _____.

- if her husband ceases to be a Hindu by conversion to another religion.
- 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 any wife living.

30. When a marriage has been dissolved by a decree of divorce granted under Hindu Marriage Act, 1955, it shall be lawful for either party to the marriage to marry again, subject to provisions of Section 15 of The Hindu Marriage Act.
A Muslim (Sunni-Hanafi) divorced woman can marry, _____.

- a. if the marriage was consummated, after the completion of her iddat,.
- b. after three months of the divorce.
- c. if the marriage was not consummated, she is free to marry immediately.
- d. 'a' and 'c' above.

31. A compromise entered into a suit by next friend or guardian on behalf of a minor without the leave of the court shall be _____.

- a. void.
- b. valid.
- c. voidable against all parties other than the minor.
- d. voidable against all parties including the minor.

32. The relief of permanent alimony under Section 25 of the Hindu Marriage Act _____ where the main petition for relief under the Act such as divorce, judicial separation, restitution of conjugal rights is dismissed.

- a. can be granted
- b. cannot be granted
- c. may be granted at the discretion of the court
- d. shall be granted

33. Under the Evidence Act, facts not otherwise relevant are relevant _____.

- I. if they are significant.

- II. if they are inconsistent with any fact in issue or relevant fact.
- III. 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:-

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

34. Where the party against whom a decree for restitution of conjugal rights has been passed, and such party has had an opportunity of obeying the decree and has willfully failed to obey it, the decree may be enforced by _____.

- a. his arrest.
- b. his detention in civil prison.
- c. the attachment of his property.
- d. taking action against him for contempt of court.

35. A carbon copy of a document is _____.

- a. primary evidence.
- b. secondary evidence.
- c. circumstantial evidence.
- d. none of the above.

36. Within the meaning of the Section 2(s) of Protection of Women from Domestic Violence Act,2005, shared household includes _____.

- a. the house belonging to or taken on rent by the husband.
- b. the house which belongs to the joint family of which the husband is not a member.
- c. the house which belongs to the joint family of which any of the parents only of the husband are members.
- d. the house belonging to or taken on rent by any of the parents of the husband.

37. What is meant by 'Court of Record'?

- a. The court that is competent to give directions and issue writs.

b. The court that can punish for its contempt.

c. The court that preserves all its records and proceedings for a perpetual memorial and testimony.

d. 'b' and 'c' above.

38. Presumption under Section 90 of Indian Evidence Act, as to due execution and attestation of document is attached to _____.

a. any registered document only.

b. thirty year old document.

c. any registered document or a duly certified copy thereof.

d. any document obtained from the custody of Court.

39. U/s. 125 of the Code of Criminal Procedure, the maximum monthly maintenance allowance that can be granted is _____.

a. Rs. 1500

b. Rs. 1000

c. Rs. 500

d. according to the discretion of the court.

40. Which one of the following is one of the principles of Natural Justice.

a. Ubi jus ibi remedium. b. Nemo judex in causa sua.

c. Res ipsa loquitur. d. injuria sine damnum.

41. A foreign judgment shall be conclusive as to any matter thereby directly adjudicated upon between the same parties or between parties under whom they or any of them claim litigating under the same title except _____.

a. where it has been obtained by fraud.

b. where it has not been given on the merits of the case.

c. where the proceeding in which the judgment was obtained are opposed to natural justice.

d. all the above.

42. The offence of bigamy u/s. 494 of IPC takes place _____.

- a. simply by reason of second marriage during the lifetime of a spouse.
- b. by reason of a marriage of a person who has a spouse living only when such marriage is void by reason of its taking place during the life of such spouse.
- c. by reason of a marriage of a person who has a spouse living only when such marriage is voidable by reason of its taking place during the life of such spouse.
- d. only when second marriage is performed without the consent of the living spouse.

43. The doctrine of estoppel is a _____.

- a. rule of law.
- b. rule of equity.
- c. rule of evidence.
- d. rule of pleadings.

44. "Vishakha case decision" of the Apex Court relates to subject of _____.

- a. Domestic violence against women.
- b. Sexual harassment of women at a work-place.
- c. Immoral trafficking in women.
- d. Custodial rape on women.

45. Which of the following grounds for rejection of the plaint under Order VII, Rule 11 of the Code of Civil Procedure has been added as per the Amendment Act of 2002.

- a. where it is not filed in duplicate.
- b. where the suit appears to be barred by any law.
- c. where the relief claimed is undervalued.
- d. where it does not disclose a cause of action.

46. Which of the following propositions is incorrect?

- a. Admissions may operate as estoppels.
