

Judge, Family Court - 2009  
Key of Answers for preliminary exam held on 19/12/2010

HIGH COURT OF JUDICATURE AT BOMBAY

The key answers to the multiple choice objective type questions contained in the question paper for Preliminary/Screening Test held for the post of Judge, Family Court on 19.12.2010 are hereby notified for information of all the concerned. The correct answers/options are indicated by bold letters.

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. three months
  - d. six months
2. By \_\_\_\_\_ blood, two persons are said to be related to each other when they are descended from a common ancestor but by different wives
  - a. full blood
  - b. **half blood**
  - c. uterine blood
  - d. none of the above.
3. According to Section 14 of the Hindu Marriage Act, 1955, the Court shall not entertain any petition for dissolution of a marriage within \_\_\_\_\_
  - a. six months of marriage
  - b. **one year of marriage**
  - c. two years of marriage
  - d. three years of marriage
4. Unless the Central Government by Notification in the Official Gazette otherwise directs nothing contained in the Hindu Marriage Act, 1955 shall apply to the members of \_\_\_\_\_
  - a. **Scheduled Tribe**
  - b. Nomadic Tribes
  - c. Scheduled Caste
  - d. Other Backward Classes
5. A woman, who married in Delhi, lived with her husband in Mumbai and Pune, and after separation, now lives in Bangalore, whereas husband continues to reside in Mumbai, cannot file a petition for divorce \_\_\_\_\_
  - a. in Delhi
  - b. in Mumbai
  - c. **in Bangalore**
  - d. in Pune
6. Under Section 16 of the Hindu Marriage Act, 1955, a child of void marriage has rights in the \_\_\_\_\_
  - a. **property of his parents**
  - b. joint family property
  - c. ancestral property
  - d. coparcenary property

7. "Sapinda relationship" extends as far as the \_\_\_\_\_ generation in the line of ascent through the mother in case of both the parties.

- third**
- fifth
- first
- seventh

8. A Hindu marriage which is not registered is \_\_\_\_\_

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

9. The fundamental rule of Matrimonial Law, that one spouse is entitled to the society and comfort of the other spouse, is called \_\_\_\_\_

- solemnization
- consortium**
- conciliation
- consummation

10. Under the Child Marriage Restraint Act, 1929, no Court shall take cognizance of any offence after the 1 expiry of \_\_\_\_\_ from the date on which the offence is alleged to have been committed

- one year**
- two years
- three years
- six months

11. Court shall not take cognizance of an offence under the Dowry Prohibition Act, 1961 if the complaint is filed by \_\_\_\_\_

- a person aggrieved by the offence
- a parent of the aggrieved person
- a recognized welfare institution
- a neighbour of the aggrieved person**

12. For a valid adoption by a male Hindu of a female Hindu, the adoptive father should be at least \_\_\_\_\_ years older than the female to be adopted.

- 15
- 16
- 18
- 21**

13. Under certain circumstances, as per Section 19 of the Hindu Adoptions and Maintenance Act, 1956, a Hindu wife shall be entitled to be maintained after the death of her husband by \_\_\_\_\_

- her brother-in-law
- her mother-in-law
- her father-in-law**
- none of the above

14. Unless there is a custom or usage to the contrary, a person who has completed \_\_\_\_\_ years of age is not capable of being adopted.

- a. 15
- b. 16
- c. 18
- d. 21

15. 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

16. A guardian stands in a \_\_\_\_\_ relation to his ward.

- a. family
- b. legal
- c. spiritual
- d. **fiduciary**

17. A person appointed by the Court to be the guardian of the property of a ward aged 10 years, shall not, without the previous permission of the Court, lease any part of that property for a term exceeding \_\_\_\_\_ years

- a. three
- b. **five**
- c. seven
- d. ten

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

- a. **voidable**
- b. void
- c. valid
- d. not objectionable

19. One of the requisites to validity of Parsi Marriage is its solemnization according to the ceremony called \_\_\_\_\_

- a. Saptapadi
- b. Pooja
- c. **Ashirwad**
- d. Bidai

20. Under the Parsi Marriage and Divorce Act, 1936, "grievous hurt" does not include \_\_\_\_\_

- a. emasculation;
- b. permanent privation of the sight of either eye;
- c. permanent disfigurement of the head or face;
- d. **fracture or dislocation of a bone or tooth.**

21. Subject to exceptions given in section 10 of the Indian Christian Marriage Act, 1872, every marriage under that Act shall be solemnized between \_\_\_\_\_

- 11.00 a.m. and 9.00 p.m.
- 7.00 a.m. and 7.00 p.m.
- 7.00 a.m. and 6.00 p.m.
- 6.00 a.m. and 7.00 p.m.**

22. Under Section 10 of the Divorce Act, 1869 a Christian wife may claim dissolution of marriage on the following special ground, which ground is not available to the husband for claiming dissolution.

- adultery
- conversion of religion
- bestiality**
- cruelty

23. The District Court may pass a decree of divorce after \_\_\_\_\_ months of filing of the petition for divorce by mutual consent under Section 28 of the Special Marriage Act, 1954.

- 3 months
- 12 months
- 6 months**
- 9 months

24. Under Section 27-A of the Special Marriage Act, 1954 on a petition for a decree of divorce, the Court, in the alternative, may pass \_\_\_\_\_

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

25. A woman married under Muslim law shall be entitled to obtain a decree of dissolution of her marriage on the ground that the whereabouts of her husband have not been known for a period of \_\_\_\_\_

- 7 years
- 5 years
- 4 years**
- 3 years

26. Under Muslim law a woman shall be entitled to get divorce if, \_\_\_\_\_

- the husband has more wives than one and treats her unequitably against the injunctions of Quran.**
- if whereabouts of the husband have not been known for three years
- if the husband has been sentenced to imprisonment for a period of five years
- if the husband has deserted her for a period of one year

27. Under Muslim law a child is entitled to get maintenance from the father only till \_\_\_\_\_

- he attains the age of 2 years
- he attains the age of puberty**
- if resides with his father
- till he attains the age of majority

28. Kharchi-i-pandan does not include the expenses for \_\_\_\_\_  
a. betal box  
b. eating fruits  
c. **medical treatment**  
d. Mewa Khorri

29. A Mahomedan of sound mind may get married on attaining the age of \_\_\_\_\_  
a. majority  
b. **puberty**  
c. twenty one years  
d. eighteen years

30. The marriage of a Mahomedan person who is sound and has attained the prescribed minimum age is \_\_\_\_\_, if it is brought about without his consent.  
a. valid  
b. voidable  
c. irregular  
d. **void**

31. For a valid marriage under Mahomedan Law the proposal for marriage and acceptance thereof by the parties have to made in the presence and hearing of \_\_\_\_\_  
a. one male and one female  
b. two male and one female  
c. two male and two female  
d. **one male and two female**

32. Under the Mahomedan Law the mother is entitled to the custody of her male child until he completes the age of \_\_\_\_\_  
a. ten years  
b. twelve years  
c. fifteen years  
d. **seven years**

33. 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

34. Under Old Hindu Law, coparcenary was consisting only of \_\_\_\_\_  
a. the holder of the joint property, his sons and grandsons  
b. **the holder of the joint property, his sons, grandsons and great-grandsons**  
c. the holder of the joint property, his sons and daughters  
d. the holder of the joint property and his brothers

35. 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.

- where it is not filed in duplicate**
- where the suit appears to be barred by any law
- where the relief claimed is under valued
- where it does not disclose a cause of action

36. As per the Civil Procedure Code (Amendment) Act, 2002, the defendants shall, within 30 days from the date of \_\_\_\_\_, present a written statement of his defence

- his first appearance before the court
- service of summons on him**
- filling the suit
- none of the above

37. Where the suit is dismissed because when the suit was called on for hearing, the defendant appeared but the plaintiff did not appear, the plaintiff \_\_\_\_\_

- shall be precluded from bringing a fresh suit on the same cause of action**
- may bring a fresh suit subject to law of limitation
- cannot apply for restoration of the suit
- may bring a fresh suit at any time

38. At the first hearing of the suit under Order 10, Rule 2 of the Code of Civil Procedure, the Court shall examine orally the parties present in the Court with a view to \_\_\_\_\_

- decide the matters in controversy
- elucidate the matters in controversy**
- evaluate the rights of the parties
- verify the cause of action for the suit

39. In execution of a decree for maintenance \_\_\_\_\_ of the salary cannot be attached

- two-third
- three-fourth
- half
- one-third**

40. Where a defendant is minor the court shall appoint a guardian for the suit for such minor \_\_\_\_\_

- on the application by the plaintiff in the name and on behalf of the minor**
- on the application of the next friend of the minor
- on the application of the proposed guardian
- on the application of the Collector of the District

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

- void
- valid
- voidable against all parties other than the minor**
- voidable against all parties including the minor

42. Where a suit is instituted by a minor without a next friend, the defendant may apply \_\_\_\_\_  
a. for rejection of a plaint  
b. for dismissal of the suit  
c. for getting a next friend appointed  
d. **for taking the plaint off the file**

43. The decree for restitution of conjugal rights may be enforced by \_\_\_\_\_  
a. arrest of the judgment debtor  
b. detention of the judgment debtor in civil prison  
c. **attachment of the property of judgment debtor**  
d. taking action for contempt of court

44. The evidence in the proceeding under Section 125 of the Code of Criminal Procedure shall be recorded in the manner prescribed for \_\_\_\_\_  
a. civil suits  
b. **summons cases**  
c. warrant cases  
d. civil applications

45. Which of the following propositions is incorrect?  
a. admissions may operate as estoppels  
b. admissions are not conclusive proof of the matters admitted  
c. **admissions are conclusive proof of the matters admitted**  
d. admissions are the statements which suggest any inferences to any facts in issue

46. Public records kept in any State or private documents are \_\_\_\_\_  
a. **public documents**  
b. private documents  
c. secondary documents  
d. inadmissible documents

47. The Court may presume genuinness of a digital signature on any electronic record if it is produced from proper custody and is \_\_\_\_\_ years old  
a. 30  
b. 12  
c. **5**  
d. 7

48. No questions can be asked to the prosecutrix in cross-examination in a prosecution for rape \_\_\_\_\_  
a. to test her veracity  
b. to discover her position in life  
c. to shake her credit by injuring her character  
d. **to show her general immoral character.**

49. In the absence of any law, the order in which witnesses are to be examined shall be regulated by \_\_\_\_\_

- the desire of the plaintiff
- the desire of the defendant
- the discretion of the Court**
- mutual consent of the Advocates of the parties

50. Under Section 3 of the Evidence Act, the word "Court" does not include \_\_\_\_\_

- all persons legally authorised to take evidence
- Judges
- Arbitrators**
- Magistrates

Date : 30<sup>th</sup> December, 2010

sd/-  
Registrar  
(Legal and Research)