

MP TEST SERIES

PAPER #1

(Tuesday, 05/12/2023)

(d)

The relief granted.

Important Instructions-

- (a) Question paper includes II Parts i.e. CPC & Limitation
- (b) All questions are compulsory
- (c) Time allotted 2 Hours only
- (d) Each question carries one marks.
- (e) There shall be no negative marking

| | | CODE OF CIVI | L PRO | CEDURE | | | |
|-----|--------|--|----------|----------------------------|--|--|--|
| Q.1 | The Co | ode of Civil Procedure (Amendment) | Act, 200 | 02 came into force on- | | | |
| | (a) | 1st April, 2002 | (b) | 1st June, 2002 | | | |
| | (c) | 1st July, 2002 | (d) | 6 th June, 2002 | | | |
| Q.2 | Which | of the following is not a decree? | | | | | |
| | (a) | Rejection of a plaint | (b) | Dismissal in default | | | |
| | (c) | Both (a) and (b) | (d) | Neither (a) nor (b) | | | |
| Q.3 | Which | of the following is not an essential el | ement o | f decree- | | | |
| | (a) | Conclusive determination of the rights of the parties | | | | | |
| | (b) | A formal expression of adjudication | | | | | |
| | (c) | An adjudication from which an appeal lies as an appeal from an order | | | | | |
| | (d) | The adjudication must have been given | en in a | suit | | | |
| Q.4 | Judgm | ent under Section 2(9) means. | | | | | |
| | (a) | A decree formally expressed. | | | | | |
| | (b) | A decree informally expressed. | | | | | |
| | (c) | Statements of grounds of an order or | decree. | | | | |

| Q.5 | Which of the following is <i>not</i> a legal representative? | | | | | | |
|------|--|---|----------|-----------------------------|--|--|--|
| | (a) | Executors and administrators | | | | | |
| | (b) | Hindu coparceners and married daug | hters | | | | |
| | (c) | Creditors | | | | | |
| | (d) | Intermeddler | | | | | |
| Q.6 | Which | n of the following is <u>not</u> a pleader | | | | | |
| | (a) | An advocate | (b) | A Vakil | | | |
| | (c) | An attorney of a High Court | (d) | Recognized Agent | | | |
| Q.7 | Which | n of the following is a public officer wi | ithin th | e meaning of Section 2(17): | | | |
| | (a) | A Bench clerk of a Civil Court | | | | | |
| | (b) | Chairman of Municipality | | | | | |
| | (c) | Sarpanch of a Gram Panchayat | | | | | |
| | (d) | A Municipal Councilor | | | | | |
| Q.8 | particu | or more courts have jurisdiction to try ular forum. Such an agreement would b llowing cases it was held so: | | | | | |
| | (a) | Mathura Prasad v. Dossibai | | | | | |
| | (b) | Ram Kumar v. State of Haryana | | | | | |
| | (c) | Hakam Singh v. Gammon (India) Ltd | d. | | | | |
| | (d) | M.S. Hasnuddin v. State of Maharasl | htra | | | | |
| Q.9 | Which | of the following suits is <i>not</i> of a Civi | l Natur | e: | | | |
| | (a) | A suit to declare the election of a can | ndidate | as contrary to law. | | | |
| | (b) | A suit for right to bury a corpse | | | | | |
| | (c) | Suits for brij jijman rights | | | | | |
| | (d) | A suit for right to services which are | honora | ary and gratuitous. | | | |
| Q.10 | Res Ju | udicata affects: | | | | | |
| | (a) | The parties to the suit | | | | | |
| | (b) | The privies i.e. person claiming under the parties to the suit | | | | | |

(c) The persons not expressly named as parties to the suit i.e. in a representative suit (d) All of the above An order of stay under Section 10 of the CPC occurred. Then the court appointed a Q.11 receiver after the stay of suit. Is it proper? (a) Yes (b) No (c) Section 10 of the CPC provides for the foreign judgment (d) None of the above. Section 10 of the Civil Procedure Code, 1908 does not apply when the previous suit is Q.12 pending (a) In the same court (b) In a foreign court In the court outside India established or continued by the Central Government (c) (d) In any other court in India Judgement and decree passed by the court which lacks inherent jurisdiction Q.13 (a) is a nullity (b) would never operate as res judicata (c) can be challenged in subsequent suit All of these are correct (d) Q.14 Which of the following landmark judgments of the Supreme Court deals with the applicability of res judicata in writ petitions? (a) Satyadhan Ghosal v. Deorajin Debi (b) Daryao v. State of UP LIC v. India Automobiles & Co. (c)

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A suit for specific performance of contract is dismissed. Whether subsequent suit for

(d)

(a)

(b)

No.

Q.15

None of the above

compensation for breach of contract is maintainable?

Yes, with permission of court, in the next suit.

| | (c) | Yes, if superior court directs, | | |
|------|---|--|-----------|--|
| | (d) | None of the above | | |
| Q.16 | Where local limits of jurisdiction of courts are uncertain, the place of institution of the suit shall be according to: | | | |
| | (a) | Section 17 of the CPC | (b) | Section 18 of the CPC |
| | (c) | Section 19 of the CPC | (d) | Section 20 of the CPC |
| Q.17 | Object of: | tion as to place of suing shall be allowe | ed in the | court of first instance is the essence |
| | (a) | Section 21A of CPC | (b) | Section 20 of CPC |
| | (c) | Section 22 of CPC | (d) | Section 21 of CPC |
| Q.18 | | ich of the following cases the Suprer Iments to the Civil Procedure Code 19 | | |
| | (a) | Salem Advocate Bar Association, Ta | amil Na | du v. Union of India |
| | (b) | Delhi High Court Bar Association v | . Union | of India |
| | (c) | Allahabad High Court Bar Associati | on v. U | nion of India |
| | (d) | Punjab and Haryana High Court Bar | Associ | ation v. Union of India |
| Q.19 | decree | Section 34 of Civil Procedure Code, to the date of payment or such earliest shall not exceed per annum. | | |
| | (a) | Nine per cent | (b) | Ten per cent |
| | (c) | Six per cent | (d) | Twelve per cent |
| Q.20 | The Court may impose a fine for default upon a person required to give evidence of produce documents directed under Section 30(b) of CPC, and such fine as per Sec 32(c) is not to exceed | | | - |
| | (a) | Rs. 500 | (b) | Rs. 1,000 |
| | (c) | Rs. 5,000 | (d) | Rs. 10,000 |
| Q.21 | | is the maximum amount of compensate) of the Code of Civil Procedure, 190 | • | s that can be awarded under Section |
| | (a) | Rs. 1000 | (b) | Rs. 2000 |
| | (c) | Rs. 3000 | (d) | Rs. 4000 |
| | | | | |

| Q.22 | Which of the following deals with the Transferee of a decree in the Code of Civil Procedure? | | | |
|------|---|---|-----------|---------------------------------------|
| | (a) | Section 46 | (b) | Section 50 |
| | (c) | Section 49 | (d) | Section 43 |
| Q.23 | Arrest | of a person in execution of a decree l | nas beer | ı provided |
| | (a) | Under Section 53 of the Code of Civ | vil Proc | edure |
| | (b) | Under Section 54 of the Code of Civ | vil Proc | edure |
| | (c) | Under Section 56 of the Code of Civ | vil Proc | edure |
| | (d) | Under Section 55 of the Code of Civ | vil Proc | edure |
| Q.24 | Under | Section 51 of CPC, which one is not a | method | d to enforce execution of the decree? |
| | (a) | by appointing a receiver | | |
| | (b) | by sale without attachment | | |
| | (c) | by arrest and detention | | |
| | (d) | by appointing a commission | | |
| Q.25 | Provis | sions of Section 39 of CPC are: | | |
| | (a) | Permissive and not mandatory | (b) | Mandatory and not permissible |
| | (c) | Mandatory and discretionary | (d) | None of the above |
| Q.26 | | execution of a decree for the maintentent of | nance, sa | alary or a person can be attached to |
| | (a) | 1/4 th | (b) | 1/3 rd |
| | (c) | 2/3 rd | (d) | 1/2 th |
| Q.27 | | ding to Section 58 of Code of Civil Pre ordered if the P decree is for a paym | | - |
| | (a) | Not exceeding Rs. 500 | (b) | Not exceeding Rs. 1000 |
| | (c) | Not exceeding Rs. 1,500 | (d) | Not exceeding Rs. 2,000 |
| Q.28 | An order or direction given by the court which passed the decree to a court which would be competent to execute the decree, to attach any property belonging to the judgemen debtor, is called: | | | |
| | (a) | Precept | (b) | Garnishee order |
| | (c) | Interlocutory order | (d) | Simultaneous execution |

| A private transfer and delivery of property attached under section 64(2) of the Civ Procedure Code 1908 shall not be void: | | | ed under section 64(2) of the Civil | | |
|---|---|--|--|--|--|
| (a) | - · · · · · · · · · · · · · · · · · · · | | ch transfer or delivery entered into | | |
| (b) If made in pursuance of any contract for such transfer or delivery entered into and registered after the attachment | | | | | |
| (c) | (c) If made in pursuance of any contract for such transfer or delivery entered into before the attachment but registered after the attachment | | | | |
| (d) As in (b) and (c) above | | | | | |
| Which | of the following questions is not to b | e deterr | mined by an executing court? | | |
| (a) | Discharge of decree | (b) | Execution of decree | | |
| (c) | Modification of decree | (d) | Satisfaction of decree | | |
| Under | Section 75 of Civil Procedure Code, | the cou | rt cannot issue commission:- | | |
| (a) | To examine any person | | | | |
| (b) | To make a partition | | | | |
| (c) | To conduct sale of property which is not in the custody of the court | | | | |
| (d) | To hold a scientific, technical or exp | ert inve | estigation | | |
| For no | n-compliance of Section 80 of the CP | C: | | | |
| (a) The suit is to be dismissed on very first day | | | | | |
| (b) | The suit is to be admitted but summons have to be issued of a date after two months | | | | |
| (c) | The plaint is to be returned | | | | |
| (d) | Costs have to be imposed | | | | |
| Provis | ions relating to inter-pleader suit are o | containe | ed in:- | | |
| (a) | Order XXXIV of CPC | (b) | Section 88 of CPC | | |
| (c) | Order XXXV of CPC | (d) | Both (b) and (c) | | |
| Section 89 of the Civil Procedure Code was incorporated through the Civil Procedure Code Amendment Act of which is the prominent provision the discusses about the jurisdiction of civil courts in applying. Alternate Dispute Resolution mechanisms. | | | | | |
| (a) | 1989 | (b) | 1999 | | |
| (c) | 1988 | (d) | 2009 | | |
| | Procect (a) (b) (c) (d) Which (a) (c) Under (a) (b) (c) (d) For no (a) (b) (c) (d) Provis (a) (c) Code about mechal (a) | Procedure Code 1908 shall not be void: (a) If made in pursuance of any contract and registered before the attachment (b) If made in pursuance of any contract and registered after the attachment (c) If made in pursuance of any contract before the attachment but registered (d) As in (b) and (c) above Which of the following questions is not to be (a) Discharge of decree (c) Modification of decree Under Section 75 of Civil Procedure Code, (a) To examine any person (b) To make a partition (c) To conduct sale of property which is (d) To hold a scientific, technical or experson ron-compliance of Section 80 of the CP (a) The suit is to be dismissed on very for the suit is to be admitted but summonths (c) The plaint is to be returned (d) Costs have to be imposed Provisions relating to inter-pleader suit are of (a) Order XXXIV of CPC Section 89 of the Civil Procedure Code was Code Amendment Act of which about the jurisdiction of civil courts in mechanisms. (a) 1989 | Procedure Code 1908 shall not be void: (a) If made in pursuance of any contract for su and registered before the attachment (b) If made in pursuance of any contract for su and registered after the attachment (c) If made in pursuance of any contract for su before the attachment but registered after the attachment but registered after the d. As in (b) and (c) above Which of the following questions is not to be determed (a) Discharge of decree (b) (b) Modification of decree (d) Under Section 75 of Civil Procedure Code, the council of the confidence of the conf | | |

| Q.35 | .35 In the case of a public nuisance, a suit for declaration and injunction may be instituted by | | | on and injunction may be instituted | | | |
|------|--|---|-----------|---|--|--|--|
| | (a) | Two persons, with the leave of the Court | | | | | |
| | (b) | Two persons, having obtained oral c | consent | of the Advocate General | | | |
| | (c) | Two persons, having obtained the w | ritten co | onsent of the Advocate General | | | |
| | (d) | Two persons, without the leave of the | ne Court | t | | | |
| Q.36 | | sion for grant of temporary injunction Procedure. | is provi | ded in Of the Code of | | | |
| | (a) | Section 95 read with Order XXXIX | | | | | |
| | (b) | Section 78 | | | | | |
| | (c) | Section 95 read with Order XXXVII | | | | | |
| | (d) | Section 151 | | | | | |
| Q.37 | "No approvid | ppeal shall lie from a decree passed by | y the co | urt with the consent of parties". It is | | | |
| | (a) | Section 96(1) CPC | (b) | Section 96(2) CPC | | | |
| | (c) | Section 96(3) CPC | (d) | Section 96(4) CPC | | | |
| Q.38 | A suit | in respect of public charities is provide | ded und | er | | | |
| | (a) | Section 92 of CPC | (b) | Section 41 of CPC | | | |
| | (c) | Section 100 of CPC | (d) | Section 150 of CPC | | | |
| Q.39 | Every decree and order passed by the court is appealable. Is it true? | | | | | | |
| | (a) | Yes | | | | | |
| | (b) | No | | | | | |
| | (c) | All orders are appealable but all dec | rees are | not appealable | | | |
| | (d) | None of the above | | | | | |
| Q.40 | Second appeal shall not lie from any decree, as provided under Section 102 of CPC, when the subject-matter of original suit is for recovery of money not exceeding | | | | | | |
| | (a) | Rs. 10,000/- | (b) | Rs. 25,000/- | | | |
| | (c) | Rs. 50,000/- | (d) | Rs. 1,00,000/- | | | |

| Q.41 | The substantive questions of law for the application of second appeal are | | | of second appeal are | |
|------|---|--|----------|-----------------------------------|--|
| | (i) | Conflict of judicial opinions | | | |
| | (ii) | Non-consideration evidence of admi | ssible | | |
| | (iii) | Two views are possible | | | |
| | (iv) | Lower court considering irrelevant e | evidence | 2 | |
| | Which among the above statements is/ are true? | | | | |
| | (a) | Only (i) | (b) | (i) and (ii) | |
| | (c) | (i), (ii) and (iii) | (d) | (i), (ii) and (iv) | |
| Q42 | Which | n one of the following combination is | mis-ma | tched under Civil Procedure Code? | |
| | (a) | Summary Procedure – Order 37 | | | |
| | (b) | Right to Lodge a Caveat – Section 1 | 48A | | |
| | (c) | Suit by Pauper – Order 33 | | | |
| | (d) Powers of Appellate Court – Section 102 | | | | |
| Q.43 | The p | eriod of limitation for filing an applica | ation fo | r review is | |
| | (a) | 30 days of the judgment/order. | | | |
| | (b) | 60 days of the judgment/order. | | | |
| | (c) | 90 days of the judgment/order. | | | |
| | (d) | 120 days of the judgment/order. | | | |
| Q.44 | stay o | ision under Section 115 of the Civil P f suit or on other proceedings s before eding is stayed by: | | | |
| | (a) | The High Court | (b) | The Supreme Court | |
| | (c) | The Appellate Court | (d) | District and Sessions Court | |
| Q.45 | Revie | w is maintainable | | | |
| | (a) | When an appeal is provided, but no | appeal j | preferred | |
| | (b) | When no appeal is provided | | | |
| | (c) | Both (a) & (b) | | | |
| | (d) | Neither (a) nor (b) | | | |
| | | • • • • • • | | | |

| Q.46 | In which section of the Code of Civil Procedure are the inherent powers of court mentioned? | | | | | | |
|------|---|---|----------|-----------------------------------|--|--|--|
| | (a) | Section 148 | (b) | Section 151 | | | |
| | (c) | Section 95 | (d) | Section 114 | | | |
| Q.47 | The di | uration of existence of a Caveat filed | under C | ode of Civil Procedure 1908 is | | | |
| | (a) | (a) 60 days from the date on which it was filed | | | | | |
| | (b) | 30 days from the date on which it w | as lodge | ed | | | |
| | (c) | 120 days from the date when it was | lodged | | | | |
| | (d) | 90 days from the date, when it was l | odged | | | | |
| Q.48 | Which Procee | n of the following deals with the p dure? | ublicati | on of rules in the Code of Civil | | | |
| | (a) | Section 122 | (b) | Section 127 | | | |
| | (c) | Section 124 | (d) | Section 129 | | | |
| Q.49 | | n one of the following Section of the opersonal appearance in the court? | CPC pro | ovides exemption of certain women | | | |
| | (a) | Section 133 | (b) | Section 135 | | | |
| | (c) | Section 135A | (d) | Section 132 | | | |
| Q.50 | | ders and notices served on or given t dure Code shall be in writing has beer | | _ | | | |
| | (a) | Section 141 | (b) | Section 142 | | | |
| | (c) | Section 143 | (d) | Section 144 | | | |
| Q.51 | Under | Section 148 of the CPC, the Court ha | ıs powe | r to enlarge time: | | | |
| | (a) | Not exceeding 30 days in total. | | | | | |
| | (b) | Not exceeding 60 days in total. | | | | | |
| | (c) | Not exceeding 90 days in total. | | | | | |
| | (d) | As may be appropriate in the facts a | nd circu | imstances of the suit. | | | |
| Q.52 | The 'd | doctrine of restitution' is based upon t | he maxi | m: | | | |
| | (a) | actus incumbit onus probandi | | | | | |
| | (b) | actus curiae neminem gravavit | | | | | |

| | (c) | actus dei nemini facit injuriam | | | | |
|------|--|---|-----------|-----------------------------------|--|--|
| | (d) | actus non-facit reum nisi mens sit re | а | | | |
| Q.53 | In which one of the following cases, it is held that "Inherent powers has not beer conferred on a court, it is a power inherent in a court"? | | | | | |
| | (a) | Rajni Bai v. Kamla Devi | | | | |
| | (b) | Satyabrat Biswas v. Kalyan Kumar l | Kisku | | | |
| | (c) | P.C. Jairath v. Amrit Jairath | | | | |
| | (d) | Manohar Lal v. Seth Hiralal | | | | |
| Q.54 | | ent powers conferred under Section 1 e exercised by the | 51 of t | he Code of Civil Procedure, 1908, | | |
| | (a) | Supreme Court only | | | | |
| | (b) | High Court only | | | | |
| | (c) | District Court only | | | | |
| | (d) | Supreme Court, High Court, District | Court | as well as by any Civil Court | | |
| Q.55 | Who is garnishee | | | | | |
| | (a) | A third party who is instructed by way of legal notice to surrender money to settle a debt or claim | | | | |
| | (b) | A borrower arrested for defaulting | | | | |
| | (c) | A person who cannot repay a bank loan | | | | |
| | (d) | A person who mortgaged his farm land | | | | |
| Q.56 | The power of a Court to correct clerical or arithmetical mistakes in judgments, decrees or orders: | | | | | |
| | (a) | (a) May at any time be exercised by Court of its own motion | | | | |
| | (b) | May at any time be exercised on an application by any of the Parties | | | | |
| | (c) | Either (a) or (b) | | | | |
| | (d) | None of the above | | | | |
| Q.57 | In a su | nit for possession by the landlord again | nst his t | enant, a sub-tenant is a | | |
| | (a) | Necessary party | (b) | Proper party | | |
| | (c) | Both (a) and (b) | (d) | None of the above | | |
| | | | | | | |

| Q.58 | Which provision of the Code of Civil Procedure provides that one person may s defend on behalf of all in same interest? | | | rovides that one person may sue or | |
|---|---|---|-----------|--------------------------------------|--|
| | (a) | Order 1, Rule 1 | (b) | Order 1, Rule 2 | |
| | (c) | Order 1, Rule 8 | (d) | Order 1, Rule 9 | |
| Q.59 | A suit | may be defeated due to: | | | |
| | (a) | Non joinder of a proper party | (b) | Mis-joinder of a necessary party | |
| | (c) | Non joinder of a necessary party | (d) | Mis-joinder of a proper party | |
| Q.60 | Under | the Civil Law the term 'multifarious | ness' m | eans | |
| | (a) | Misjoinder of cause of action | | | |
| | (b) | Misjoinder of parties | | | |
| | (c) | Non-joinder of parties | | | |
| | (d) | Mis-joinder of causes of action as w | ell as P | arties. | |
| Q.61 'A' lets a house to 'B' at a yearly rent of rupees five hundred. The rent for the years 1905, 1906 and 1907 is due and unpaid. 'A' sues 'B' in 1908 of due for 1906- | | | | | |
| | (a) | 'A' can afterwards sue 'B' only for th | e rent d | lue for 1905 | |
| | (b) | 'A' can afterwards sue 'B' only for th | e rent d | lue for 1907 | |
| | (c) | 'A' can afterwards sue 'B' for the ren | t due fo | or 1905 and 1907 both | |
| | (d) | 'A' cannot afterwards sue 'B' for the | rent du | e for 1905 or 1907 | |
| Q.62 | Under Civil Procedure Code, 1908 "every suit shall be instituted by presenting a plain in duplicate to the court or such officer as it appoints in this behalf". This is provided under | | | | |
| | (a) | Section 26 | (b) | Section 20 | |
| | (c) | Order 3 Rule 1 | (d) | Order 4 Rule 1 | |
| Q.63 | | endant under Order V, Rule 1(1) of C. of file the written statement | P.C.is r | required to appear, answer the claim | |
| | (a) | (a) Within 90 days from the date of service of summons | | | |
| | (b) | Within 60 days from the date of serv | vice of s | summons | |
| | (c) | Within 30 days from the date of serv | vice of s | summons | |
| | (d) | Within 15 days from the date of serv | vice of s | summons | |

| Q.64 | Q.64 Dasti summons for service on the defendant can be given to the plaintiff under | | | given to the plaintiff under: | | |
|--|--|--|-----------|--------------------------------------|--|--|
| | (a) | Order V Rule 9A, C.P.C. | (b) | Order V Rule 9, C.P.C. | | |
| | (c) | Order IV Rule 7, C.P.C. | (d) | Order VI Rule 6, C.P.C. | | |
| Q.65 | Which is maximum limit in Code of Civil Procedure, 1908 to incorporate amendment in plaint? | | | | | |
| | (a) | Seven days | (b) | Fourteen days | | |
| | (c) | Fifteen days | (d) | Thirty days | | |
| Q.66 | | of the following propositions is in ment of pleadings, under Order VI Ru | | 7 | | |
| | (a) | Amendment of the pleadings must be before the trial has commenced. | e allow | red at any stage of the proceedings, | | |
| | (b) | Amendment which cause prejudice t court. | to the ot | her side may not be allowed by the | | |
| | (c) | (c) The basic or cardinal test for deciding whether an amendment should or should not be allowed is the "real controversy test". | | | | |
| (d) The court is normally proscribed, from deciding the correctne case in the amendment when deciding an application for ame | | | | | | |
| Q.67 | Order | 7, Rule 10 to 10B provides for: | | | | |
| | (a) | Return of Plaint | (b) | Admission of Plaint | | |
| | (c) | Rejection of Plaint | (d) | Documents relied on in Plaint | | |
| Q.68 | In which of the following cases, C can set off the claim? | | | | | |
| | (a) A sues C on a Bill of Exchange. C alleges that A has wrongfully neglected to insure C's goods and is liable to pay compensation. | | | | | |
| | (b) | A sues B and C for Rs. 1,000. The d | ebt is du | ue to C alone by A | | |
| | (c) | A and B sue C for Rs. 1,000. The de | bt is du | e to C by A alone. | | |
| | (d) | (d) A sues C on a bill of exchange for Rs. 500. C holds a judgment against A for recovery of debt of Rs. 1,000 | | | | |
| Q.69 | The pr | ovision of Specific denial is provided | | | | |
| | (a) | In Rule 2 & 4 of Order 8 of CPC | (b) | In Rule 1 & 6 of Order 8 of CPC | | |
| | (c) | In Rule 3 & 5 of Order 8 of CPC | (d) | In Rule 7 & 9 of Order 8 of CPC | | |

| Q.70 | Where the suit is dismissed under rule 2 or 3 of order 9 C.P.C., the plaintiff? | | | | | |
|---|---|---|--------------------------------------|--------------------------------------|--|--|
| | (a) | May bring a fresh suit subject to Law of Limitation | | | | |
| | (b) | Cannot bring a fresh suit | | | | |
| | (c) | May bring a fresh suit with the leave | e of Hig | th Court | | |
| | (d) | May bring a fresh suit with the leave | e of Dis | trict Judge | | |
| Q.71 | | riginal documents to be produced at or following in the Code of Civil Proced | | the settlement of issues under which | | |
| | (a) | Order 13, Rule 1 | (b) | Order 4, Rule 13 | | |
| | (c) | Order 6, Rule 10 | (d) | Order 9, Rule 22 | | |
| Q.72 | Issues | are framed under: | | | | |
| | (a) | Order 14 | (b) | Order 41 | | |
| | (c) | Order 21 | (d) | All of them | | |
| Q.73 The parties to suit must submit the list of their witnesses within the tithe court but not later than: | | | nesses within the time prescribed by | | | |
| | (a) | 15 days after the issues are settled | (b) | 30 days after the issues are settled | | |
| | (c) | 45 days after the issues are settled | (d) | 90 days after the issues are settled | | |
| Q.74 | | proviso to sub-rule (1) of Order 17 of Code of Civil Procedure, the maximum ments can be granted, are | | | | |
| | (a) | five | (b) | four | | |
| | (c) | three | (d) | two | | |
| Q.75 | Order 20, Rule 12 of the Code of Civil Procedure provides for passing of preliminary decree in a suit for | | | | | |
| | (a) | Dissolution of partnership | | | | |
| | (b) | Pre-emption | | | | |
| | (c) | Possession and mesne profits | | | | |
| | (d) | Accounts between principal and age | nt | | | |
| Q.76 | On ab | atement of suit, under Order 22, Rule | 9 of CI | PC: | | |
| | (a) | A fresh suit on the same cause of ac | tion car | be brought as a matter of right | | |
| | (b) | A fresh suit on the same cause of acti | ion can | be brought only with the permission | | |

of the Court

| | (c) A fresh suit on the same cause of action is barred | | | |
|---|--|---|-------------|--------------------------------|
| | (d) | None of the above | | |
| Q.77 | A compromise which is voidable under Indian Contract Act, 1872 shall not be de to be within the meaning of Order XXIII Rule 3 of Code of Procedure, 1908. | | | |
| | (a) | void | (b) | voidable |
| | (c) | illegal | (d) | lawful |
| Q.78 | The maxim " <i>Invito beneficium non datur</i> " (The law confers upon a man no rig benefits which he does not desire) relates to which of the provision under the Co Civil Procedure, 1908? | | | _ |
| | (a) | Section 26 | (b) | Order 6, Rule 1 |
| | (c) | Section 148A | (d) | Order 23, Rule 1 |
| Q.79 | 79 Under Order 40, rule 1 of CPC, a receiver can be appointed | | | ppointed |
| | (a) | Only before Decree | (b) | Only after Decree |
| | (c) | Both before and after Decree (d) | Before | e presentation of plaint |
| Q.80 | Which | of the following order is not appeala | ble und | er the Code of Civil Procedure |
| | (a) | An order under Section 95 | | |
| | (b) | An order under Order XL Rule 1 | | |
| | (c) | An order under Order XL Rule 21 | | |
| | (d) | An order under Section 24 | | |
| | | <u>LIMITA</u> | ΓΙΟΝ A | ACT |
| Q.81 | Sectio | n 5 of limitation act applies to? | | |
| | (a) | Suits | | |
| | (b) | Application for execution of Decree | | |
| (c) Appeal and application other than execution of decree | | | n of decree | |
| | (d) | All of the above | | |
| Q.82 | Suit a | gainst which of the following is not ba | arred by | limitation? |
| | (a) | Trustee | (b) | Tenant |
| | (c) | Debtor | (d) | Partner |

| peaceful access for a period of: | | | n, one must have enjoyed open and | | | |
|---|--|--|-----------------------------------|-------------------|--|--|
| | (a) | 15 Years | (b) | 20 Years | | |
| | (c) | 10 Years | (d) | 30 Years | | |
| Q.84 | Which Section of Limitation Act, 1963 provides that on lapse of time not only the remedy is barred but the right to property is also extinguished? | | | | | |
| | (a) | Section 27 | (b) | Section 26 | | |
| | (c) | Section 23 | (d) | Section 24 | | |
| Q.85 | Q.85 During period of legal disability the period of limitation shall: | | | | | |
| | (a) | Remain suspended | (b) | Continue to run | | |
| | (c) | Extended to limited period | (d) | Increase | | |
| Q.86 After expiry of period of limitation 'A' has acknowledged in writing to a debt from 'B' and has promised to pay. What is the effect of acknowledged in writing to a debt from 'B' and has promised to pay. | | | | | | |
| | (a) | No effect on period of limitation | | | | |
| | (b) |) Fresh period of limitation will start from the date of such an acknowledgement | | | | |
| | (c) | Period of limitation will be extended for 6 months | | | | |
| | (d) | Period of limitation will not be applicable | | | | |
| Q.87 | A suit for compensation for malicious prosecution shall be filed within 1 year from the time of- | | | | | |
| | (a) | Commission of malicious prosecution | on | | | |
| | (b) | When the plaintiff is acquitted | | | | |
| | (c) | The prosecution is otherwise terminated | | | | |
| | (d) | Both (b) and (c) are Correct | | | | |
| Q.88 | Under Limitation Act, 1963 in computing the period of limitation for any suit, appeal or application, the day from which such period is reckoned- | | | | | |
| | (a) | May be included | (b) | Shall be included | | |
| | (c) | Shall be excluded | (d) | May be excluded | | |
| Q.89 | Section 7 of Limitation Act, 1963 does not apply to- | | | | | |
| | (a) | (a) Liability in respect of immovable property | | | | |
| | (b) | Liability in respect of movable property | | | | |

| | (c) | Contractual liability | | | | |
|------|--|--|----------|-----------------|--|--|
| | (d) | None of the above | | | | |
| Q.90 | Under Section 15 of Limitation Act, 1963 which of the following is not excluded in computing the limitation period- | | | | | |
| | (a) | The duration of stay order | | | | |
| | (b) | The day on which the stay order was issued | | | | |
| | (c) | The day on which stay order was withdrawn | | | | |
| | (d) | None of the above | | | | |
| Q.91 | For the purpose of Limitation Act, 1963 a suit in the case of a pauper, is instituted- | | | | | |
| | (a) | When the plant is presented to proper officer | | | | |
| | (b) | When the application for leave to sue as pauper is made | | | | |
| | (c) | When application seeking leave to pauper is granted | | | | |
| | (d) | None of the above | | | | |
| Q.92 | _ | eriod of limitation for filing suit to an of a ward, by ward's legal repres | | | | |
| | (a) | 3 years from the date when ward wo | ould hav | ve became major | | |
| | (b) | 3 years from the date when such facts came to notice of the legal representative | | | | |
| | (c) | 3 years from the date of death of ward | | | | |
| | (d) | 12 years from the date of transfer | | | | |
| Q.93 | Which Section of Limitation Act, 1963 is based on the principle of "lex non cogit aci impossbilia" | | | | | |
| | (a) | Section 3 | (b) | Section 4 | | |
| | (c) | Section 5 | (d) | Section 10 | | |
| Q.94 | Under Section 21 of Limitation Act, 1963, when the suit shall be deemed to have been instituted against newly impleaded defendant- | | | | | |
| | (a) | From the date of filing of suit | | | | |
| | (b) | From the date of filing of a application to implead him as defendant | | | | |
| | (c) | The date on which he was impleaded | | | | |
| | (d) | None of the above | | | | |
| | | | | | | |

| Q.95 | The time period for filing an application for setting aside an order of abatement is- | | | | | |
|-------|---|--|-----|--------------------------------|--|--|
| | (a) | 30 Days | (b) | 60 Days | | |
| | (c) | 90 Days | (d) | 120 Days | | |
| Q.96 | The period of limitation for filing an application for enforcement of mandatory injunction is- | | | | | |
| | (a) | 2 years | (b) | 3 years | | |
| | (c) | 12 years | (d) | 30 years | | |
| Q.97 | In which case Hon'ble Supreme Court has held that 'adverse possession can be claimed as shield as well as sword'? | | | | | |
| | (a) | Gurudwara Sahab v. Gram Panchayat Village Sirthala | | | | |
| | (b) | Ravinder Kaur Grewal and Ors. V. Manjeet Kaur and Ors. | | | | |
| | (c) | Both (a) and (b) | | | | |
| | (d) | None of the above | | | | |
| Q.98 | Which Section of Limitation Act, 1963 deals with effect of fraud or mistake? | | | | | |
| | (a) | Section 17 | (b) | Section 18 | | |
| | (c) | Section 19 | (d) | Section 20 | | |
| Q.99 | Limita | tion Act, 1963 was enforced on | | | | |
| | (a) | 1st April, 1964 | (b) | 1st March, 1964 | | |
| | (c) | 1st January, 1964 | (d) | 1st October, 1964 | | |
| Q.100 | The te | rm Tort is defined under Section | | _ of Limitation Act, 1963- | | |
| | (a) | Section 2(l) of Limitation Act | (b) | Section 2(m) of Limitation Act | | |
| | (c) | Section 2(n) of Limitation Act | (d) | Section 2(h) of Limitation Act | | |