



**YOUR LORDSHIPS**  
*A Step towards Dais...*

# **Multiple Choice Questions**

**The Code of Civil Procedure, 1908**

**Along with Answer Key**

## The Code of Civil Procedure, 1908

1. Principle of Res-Judicata applies:-
  - (a) To suits only
  - (b) To executing proceedings
  - (c) To arbitration proceedings
  - (d) To Suits as well as execution proceedings
2. The rule of Constructive Res Judicata is:-
  - (a) A product of Judicial interpretation
  - (b) A rule of equity
  - (c) Contained expressly in CPC
  - (d) Apart of Supreme Court rules
3. In which of the following writs, the doctrine of res judicata is not applicable?
  - (a) Certiorari
  - (b) Mandamus
  - (c) Quo Warranto
  - (d) Habeas Corpus
4. The provision of Res Judicata also apply to the execution proceeding of decree:-
  - (a) True
  - (b) False
  - (c) Res judicata only applies to the suit
  - (d) Not apply if objection is raised by JDr
5. Whether an issue heard finally decided by a competent court of limited jurisdiction, shall operate as res judicata in subsequent suit that the aforesaid court was not competent to try?
  - (a) No.
  - (b) Yes
  - (c) Answer would depend upon the nature of the issue
  - (d) None of these
6. Which of the following cases is related to the principle of rejuducata?
  - (a) Satyacharan V. Devrajan

- (b) M.S Cooperative marketing Federation Ltd. V. Indian Bank Bombay
  - (c) P.C. Jairath V. Amrit Jairath
  - (d) All the above
7. Under which explanation of Section-11 of Civil Procedure Code Constructive Resjudicata has been explained?
- (a) Explanation – I
  - (b) Explanation – II
  - (c) Explanation – III
  - (d) Explanation – IV
8. Doctrine of Res judicata as contained in section 11 C.P.C. is based on the maxim
- (a) Interest republicae at sit finis litium
  - (b) Nemo debet bis vexari pro una eadem causa
  - (c) Both (a) or (b)
  - (d) Either (a) or (b)
9. Which one of the following is not essential condition for application of Res Judicata?
- (a) Previous suit was finally heard and decided by the Court of Competent Jurisdiction
  - (b) Previous suit must be pending before a court
  - (c) Parties in previous and the subsequent suit must be the same
  - (d) Subject matter of previous and the subsequent suits must be the same
10. A alleging that he is the adopted son of X, sues B to recover certain property granted to him by X, under a deed and forming part of X's estate. The court finds that A is not the adopted son of X, but he is entitled to the property under the deed and a decree is passed for A. The finding that A is not the adopted son of X:-
- (a) Will not operate as res judicata in a subsequent suit between A and B in which the question of adoption is again put in issue.
  - (b) Will operate as res judicata in a subsequent suit between A and B.
  - (c) Depends on the court's discretion
  - (d) None of the above
11. In which of the following the cases, the doctrine of Constructive res judicata is not applicable:-

- (a) A sues B on contract and obtains decree. B afterwards sues for rescission of the contract on the ground that it did not fully represent the agreement between the parties,
  - (b) A sues B for possession of certain property alleging that it comes to his share on Partition of Joint Family Property. B's contention is that the partition has not taken place is upheld and the suit is dismissed. A subsequent suit was filed by A against B for partition of Joint Family Property.
  - (c) A files a suit against B to recover money on a pro-note. B contends that the promissory note was obtained from him by undue influence. The objection is overruled and the suit is decreed. B challenges the promissory note on the ground of coercion and fraud in the subsequent suit.
  - (d) All of the above
12. A decision in a suit may operate as res judicata against persons not expressly named as parties to the suit by virtue of explanation:-
- (a) III to Section 11 of CPC
  - (b) V to Section 11 of CPC
  - (c) VI to Section 11 of CPC
  - (d) IV to Section 11 of CPC
13. A decision or finding given by a court or a Tribunal without jurisdiction:-
- (a) Can operate as res judicata under all circumstances
  - (b) Cannot operate as res judicata
  - (c) Cannot operate as res judicata under certain circumstances only
  - (d) May operate as res judicata or may not operate as res judicata
14. Section 11 of the Code of Civil Procedure contains:-
- (a) Six Explanations
  - (b) Seven Explanations
  - (c) Eight Explanations
  - (d) Nine Explanations
15. A sues B for rent. B contends that C and not A is the landlord. A fails to prove his title and the suit is dismissed. A then sues B and C for a declaration of his title to the property. Whether the suit is barred?

- (a) The suit is not barred as the parties in both the suits are not the same
  - (b) The suit is barred as the relief claimed is almost same
  - (c) The suit is barred as the parties in both the suits are the same
  - (d) The suit is not barred as relief claimed is different
16. A sues for possession of Math property as an heir of Mahant. The suit is dismissed on his failure to produce the succession suit as manager of the Math. Is the suit barred?
- (a) The second suit will be barred by res judicata
  - (b) The second suit will not be barred by res judicata
  - (c) The second suit is barred by res sub judice
  - (d) None of the above
17. Res judicata does not operate:-
- (a) Between co-defendants
  - (b) Between co-plaintiffs
  - (c) Against a per-forma defendant
  - (d) None of the above
18. Res judicata is:-
- (a) a question of law
  - (b) a fact which should be pleaded
  - (c) a fact which need not be pleaded
  - (d) a matter which can be taken judicial notice of
19. In a suit filed by 'A' against 'B' the suit was dismissed. 'A' instituted a second suit with regard to the same subject matter. The Munsiff rejected the contention of the defendant that the second suit is barred by the principle of res judicata on the ground that the nature of the interest of the defendant changed after the dismissal of the first suit. The finding of the Munsiff is:-
- (a) Legal
  - (b) Illegal
  - (c) A Nullity
  - (d) Only irregular
20. Decision on question of limitation:-
- (a) Operates as re judicata

- (b) Does not operate as re judicata
  - (c) Operates as re judicata, if not erroneous
  - (d) None of the above
21. "Any relief claimed in the plaint, which is not expressly granted by the decree, shall, for the purpose of this section, be deemed to have been refused". This provision is incorporated in:-
- (a) Section 11, Explanation II
  - (b) Section 11, Explanation III
  - (c) Section 11, Explanation IV
  - (d) Section 11, Explanation V
22. An order passed without jurisdiction, attains finality in favour of some parties. Whether principle of re judicata, under C.P.C., would apply to such an order, between same parties?
- (a) Yes
  - (b) No
  - (c) Depends upon the nature of suit
  - (d) It is discretion of Court
23. The expression 'former suit' in the context of rule of res judicata means a suit which has been:-
- (a) Instituted prior to the suit in question
  - (b) Decided prior to the suit in question
  - (c) Both (a) & (b)
  - (d) Neither (a) nor (b)
24. A decision in a suit may operate as re-judicata against persons not expressly named as parties to the suit by virtue of 'Explanation' :-
- (a) II Section 11 of C.P.C.
  - (b) IV Section 11, of C.P.C.
  - (c) VI Section 11, of C.P.C.
  - (d) VII Section 11, of C.P.C.
25. Principle of Res judicata is:-
- (a) Mandatory

- (b) Directory
- (c) Discretionary
- (d) All the above

Your Lordships

Answer Key

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Q.1. (d)	Q.6. (a)	Q.11.(b)	Q.16. (b)	Q.21. (d)
Q.2. (c)	Q.7. (d)	Q.12. (c)	Q.17. (c)	Q.22. (b)
Q.3. (d)	Q.8. (c)	Q.13. (b)	Q. 18. (b)	Q.23. (b)
Q.4. (a)	Q.9. (b)	Q.14. (c)	Q.19. (a)	Q.24. (c)
Q.5. (b)	Q.10. (b)	Q.15. (a)	Q.20. (a)	Q.25. (a)