

**TEST PAPER-2018**

**CODE OF CIVIL PROCEDURE**

**Negative Marking: 0.25 marks per question**

**Total questions: 150**

**Duration: 2 hours**

**Date: 18/03/2018**

1. The Code of Civil Procedure came into force with effect from\_\_\_\_
  - (a) 1 January 1908
  - (b) 1 September, 1908
  - (c) 1 January 1909
  - (d) 1 September 1909
2. The Code extends to the–
  - (a) Whole of India
  - (b) Whole of India except the State of Jammu and Kashmir
  - (c) Whole of India except the State of Nagaland and the tribal areas
  - (d) Both (b) and (c)
3. Among the following in which Section the term “decree” is define–
  - (a) Section 2(1)
  - (b) Section 2(2)
  - (c) Section 2(a)
  - (d) Section 2(b)
4. Decree includes–
  - (a) The rejection of a plaint
  - (b) Any adjudication from which an appeal lies as an appeal from an order
  - (c) Any order of dismissal for default.
  - (d) None of the above
5. Decree includes–
  - (a) Any order of dismissal for default
  - (b) The rejection of a plaint
  - (c) The determination of any question within section 144
  - (d) Both (b) and (c) above
6. Order of dismissal for default is–
  - (a) Preliminary decree
  - (b) Final decree
  - (c) Partly preliminary partly final decree
  - (d) None of the above
7. Legal representative means/includes
  - (a) Person who is law represents the estate of a deceased person
  - (b) Any person who intermeddles with the estate of the deceased
  - (c) The person on whom the estate devolves on the death of the party
  - (d) All of the above

8. "Order" means the formal expression of any decision of a Civil Court which is not a decree—  
 (a) Section 2(2)  
 (b) Section 2(12)  
 (c) Section 2(14)  
 (d) Section 2(16)
9. The term 'public officer' means—  
 (a) Every officer in the service remunerated by fees or commission for the performance of any public duty.  
 (b) Every person who holds any office by virtue of which the is empowered to place or keep any person in confinement  
 (c) Both (a) and (b) above  
 (d) Neither (a) nor (b)
10. Foreign judgment means the judgment of a foreign Court. The term foreign judgment is defined under Section—  
 (a) 2  
 (b) 3  
 (c) 6  
 (d) 13
11. Match the following—

**List-1**

**List-2**

- |                           |                   |
|---------------------------|-------------------|
| (i) Mesne profits         | (a) Section 2(11) |
| (ii) Legal representative | (b) Section 2(13) |
| (iii) Decree holder       | (c) Section 2(10) |
| (iv) Judgment-debtor      | (d) Section 2(12) |

**Code:**

- |        |      |       |      |
|--------|------|-------|------|
| (i)    | (ii) | (iii) | (iv) |
| a) (d) | (a)  | (b)   | (c)  |
| b) (d) | (b)  | (a)   | (c)  |
| c) (a) | (d)  | (c)   | (b)  |
| d) (a) | (b)  | (c)   | (d)  |

12. Every \_\_\_\_\_ is appealable—  
 (a) Decree  
 (b) Order  
 (c) Both (a) and (b)  
 (d) Either (a) or (b)
13. Cause of action may be described as—  
 (a) A bundle of essential facts necessary for the plaintiff to prove  
 (b) An important subject of litigation  
 (c) A point in question  
 (d) All of the above
14. Which one of the following court has original as well as appellate jurisdiction—  
 (a) Revenue Court  
 (b) District Court

- (c) Munsiffs Court  
(d) None of the above
15. No suit would lie to set aside a decree on objection as to—  
(a) Subject matter jurisdiction of a court  
(b) Territorial jurisdiction of a court  
(c) Pecuniary jurisdiction of a court  
(d) Both (b) and (c) above
16. A defendant to a suit against whom no relief is claimed is called  
(a) Co defendant  
(b) Pro-forma defendant  
(c) Interveners  
(d) None of the above
17. Section 9 of the Code confers jurisdiction in—  
(a) Civil matter  
(b) Political matter  
(c) Religion matter  
(d) Either (a) or (b) or (c)
18. Among the following which are suits of a Civil nature—  
(a) Suit relating to rights to worship  
(b) Suit relating to right to shares in offerings  
(c) Suits for upholding mere dignity or honour  
(d) Both (a) and (b) above
19. Among the following which are suits of civil nature—  
(a) Suits for recovery of voluntary payments or offerings  
(b) Suits involving principally caste questions  
(c) Suits relating to taking out of religious processions  
(d) None of the above
20. A Civil Court has jurisdiction to try a civil suit unless its cognizance is barred—  
(a) Expressly  
(b) Impliedly  
(c) Either (a) or (b)  
(d) Only (a) not (b)
21. Mark the incorrect statement \_\_\_\_\_  
(a) A statute ousting jurisdiction of a Court must be strictly construed  
(b) Every Court has inherent power to decide the question of its own jurisdiction  
(c) Consent can neither confer nor take away jurisdiction of a Court  
(d) None of the above
22. Mark the Correct statement—  
(a) There is no distinction between want of jurisdiction and irregular exercise thereof.  
(b) Every presumption should be made in favour of jurisdiction of a Civil Court  
(c) Both (a) and (b) above  
(d) Neither (a) nor (b)
23. Jurisdiction of a Court depends upon the\_\_\_\_  
(a) Averments made in a plaint  
(b) Defence in the written statement  
(c) Both (a) and (b) above  
(d) None of the above

24. Doctrine of *res sub judice* is provided under Section—  
(a) 9  
(b) 10  
(c) 11  
(d) 12
25. Section 10 of the Code deals with—  
(a) Stay of civil suits  
(b) Puts a bar upon the institution of a civil suits  
(c) (A) and (b) both above  
(d) Neither (a) nor (b)
26. Which of the following is based upon equity—  
(a) Res judicata  
(b) Res subjudice  
(c) Estoppels  
(d) None of the above
27. The Code of Civil Procedure was enacted on—  
(a) 21/03/1908  
(b) 21/06/1908  
(c) 31/12/1908  
(d) 21/09/1909
28. Among the following \_\_\_\_\_ conclusively determines the rights of the parties—  
(a) Decree  
(b) Order  
(c) Judgment  
(d) Application
29. A statement given by Judge on the ground of decree or order is called \_\_\_\_  
(a) Plain  
(b) Written statement  
(c) Judgment  
(d) Summons
30. The term 'Resjudicata' means—  
(a) Stay of proceeding  
(b) Further proceeding  
(c) A matter already adjudicated  
(d) None of the above
31. Which of the following amendments was introduced by the Code of Civil Procedure (Amendment) Acts 1999 and 2002—  
(a) Number of adjournments has been restricted  
(b) Provision for out of Court settlement has been introduced  
(c) Scope of appeals curtailed  
(d) All of the above
32. The Code of Civil Procedure (Amendment) Act, 2002 came into force on—  
(a) 1<sup>st</sup> April 2002  
(b) 1<sup>st</sup> July 2002  
(c) 1<sup>st</sup> September 2002  
(d) 31<sup>st</sup> December 2002
33. A decree becomes final—  
(a) When no appeal has been preferred against the decree

- (b) When it conclusively determines the right of the parties
  - (c) Both (a) and (b) above
  - (d) Neither (a) nor (b)
34. A decree, when an adjudication completely disposes of the suit, is—
- (a) A preliminary decree
  - (b) A final decree
  - (c) Partly preliminary and partly final decree
  - (d) None of the above
35. An order rejecting the plaint for non-payment of the court fees is—
- (a) Decree
  - (b) Not a decree
  - (c) Judgment
  - (d) None of the above
36. An ex parte decree can be set aside on the ground that—
- (a) An ex parte decree cannot be set aside under any circumstances
  - (b) Summons were not duly served
  - (c) Defendant refused to receive the summons and thereafter no fresh summons were issued to him
  - (d) Non-appearance of defendant as copies of documents filed with plaint were not provided to defendant
37. If a plaint is rejected for non-payment of Court fee, the remedy is
- (a) Appeal
  - (b) Writ
  - (c) Revision
  - (d) None of the above
38. Among the following which section put a bar to further suit—
- (a) Section 9
  - (b) Section 12
  - (c) Section 15
  - (d) Section 16
39. A foreign judgment not pronounced by Court of competent jurisdiction will—
- (a) Be not conclusive
  - (b) Be conclusive
  - (c) Based upon fraud
  - (d) None of the above
40. According to section 21 of the Code, objection at jurisdiction of Court can be raised on—
- (a) Trial
  - (b) Appeal
  - (c) Revision
  - (d) Either (a) or (b) or (c)
41. Suits for the recovery of movable property actually under distraint or attachment shall be instituted in the Court within the local limit of whose jurisdiction the—
- (a) Defendant is resides
  - (b) The plaintiff is resides
  - (c) Property is situate
  - (d) Any of the above

42. Suits for foreclosure, sale or redemption in the case of a mortgage of or charge upon immovable property shall be instituted in the Court within the local limits of whose jurisdiction the property is situate—
- (a) Section 6(b)
  - (b) Section 6(c)
  - (c) Section 6(d)
  - (d) Section 6(e)
43. Section 18 of the Code provides for—
- (a) Place of institution of suits in respect of immovable property where the local limits of jurisdiction of Courts are uncertain
  - (b) Place of institution of suit in respect of immovable property where the property is situated in the jurisdiction of one Court
  - (c) Place of institution of suit in respect of immovable property where the property is situated in the jurisdiction of different courts
  - (d) None of the above
44. The Code of Civil Procedure (Amendment) Act, 1999 as well as the Amendment Act, 2002 were held constitutionally valid in the case of—
- (a) State of Punjab v. Sivaram
  - (b) State of U.P. v. Chandra Bhushan
  - (c) Anil Rai v. State of Bihar
  - (d) Salem Advocate Bar Association v. UOI
45. Which of the following sections of the Code defines “suit” \_\_\_\_\_
- (a) Section 2
  - (b) Section 9
  - (c) Section 2(9)
  - (d) Not defined
46. The words ‘rights’ in the definition of decree as given under Section 2(2) of the Code, means—
- (a) Substantive rights
  - (b) Procedural rights
  - (c) Both (a) and (b)
  - (d) None of the above
47. Once a Preliminary decree is passed in a suit
- (a) The suit will come to an end
  - (b) The suit will continue
  - (c) Either (a) or (b)
  - (d) None of the above
48. A judgment contemplates a stage \_\_\_\_\_ the passing of a decree—
- (a) Simultaneous
  - (b) Prior to
  - (c) After
  - (d) Any of the above
49. Mesne profit \_\_\_\_\_ include profits due to improvements made by the person in wrongful possession of property \_\_\_\_\_
- (a) Shall not
  - (b) Shall
  - (c) May
  - (d) May not

50. Mesne profit can be claimed with respect to
- (a) Immovable property only
  - (b) Movable property only
  - (c) Both (a) and (b) above
  - (d) None of the above
51. The interest on mesne profit shall not exceed \_\_\_\_\_ per annum–
- (a) 10%
  - (b) 6%
  - (c) 4%
  - (d) 1%
52. The official request that a Court should not take a particular action without issuing notice to the applicant party is called–
- (a) Stay of suit
  - (b) Injunction
  - (c) Caveat
  - (d) Letter of request
53. The jurisdiction of the Civil Court is based on–
- (a) Pecuniary jurisdiction
  - (b) Territorial jurisdiction
  - (c) Subject matter jurisdiction
  - (d) All of the above
54. A written statement–
- (a) May contain new facts in favour of defendant
  - (b) May contain legal objections to the claim of the plaintiff
  - (c) Must be confined to the reply of the plaintiff
  - (d) Both (a) and (b) above
55. Provision regarding Res subjudice are–
- (a) Mandatory
  - (b) Discretionary
  - (c) Not Mandatory
  - (d) Directory
56. Which of the following sections of the Code is intended to prevent two parallel proceedings in respect of same cause of action–
- (a) Section 13
  - (b) Section 11
  - (c) Section 10
  - (d) Section 9
57. A decree may be executed by
- (a) Court which passed it
  - (b) Court to which sent for execution
  - (c) Appellate Court
  - (d) Both (a) and (b) above
58. A judgment debtor can be imprisoned for a term not exceeding–
- (a) Six month
  - (b) One year
  - (c) Five year
  - (d) Six year
59. Among the following who cannot be arrested during execution of money decree–

- (a) Women
  - (b) Any person
  - (c) Partner
  - (d) None of the above
60. Under the Code the provision of notice before instituting a suit against the Government is given in—
- (a) Section 82
  - (b) Section 80
  - (c) Section 79
  - (d) Section 78
61. Inherent powers of the Court can be exercised under the Code—
- (a) To help the plaintiff
  - (b) To help the defendant
  - (c) For the ends of justice or to prevent abuse of the process of the Court
  - (d) To grant interim relief
62. A residing in Dehradun, beats B in Delhi. B may sue A under the Code—
- (a) Delhi
  - (b) Dehradun
  - (c) Either (a) or (b)
  - (d) Only (a) not (b)
63. A person may sue a foreign State—
- (a) Only with the consent of the Central Government
  - (b) With the consent of the President of India
  - (c) With the consent of the State Government
  - (d) Both (a) and (c) above
64. Objection as to place of suing shall be allowed in the Court of first instance is the essence of—
- (a) Section 22
  - (b) Section 21A
  - (c) Section 21
  - (d) Section 20
65. Where it appears to the Court that there exist element of a settlement the Court shall
- (a) Leave the matter undecided
  - (b) Decide the matter itself
  - (c) Refer the same for arbitration, conciliation or mediation
  - (d) None of the above
66. A decree for execution cannot be sent to a—
- (a) Foreign Court
  - (b) Court outside India established by the authority of Central Government
  - (c) Both (a) and (b) above
  - (d) Neither (a) nor (b)
67. Which of the following must be stated in the pleadings—
- (a) Facta Probanda
  - (b) Facta Probandia
  - (c) Both (a) and (b) above
  - (d) Neither (a) nor (b)

68. Agreement between the parties to institute the suit relating to disputes in a particular Court—
- (a) Does not oust the jurisdiction of other Courts
  - (b) May operate as estoppels between the parties
  - (c) Both (a) and (b) above
  - (d) None of the above
69. The Doctrine of res judicata applies to—
- (a) Changing circumstances
  - (b) Static situations
  - (c) Both (a) and (b) above
  - (d) None of the above
70. A judgment delivered by a Foreign Court of competent jurisdiction can be enforced by an Indian Court and will operate as res judicata between the parties thereto except in the cases mentioned—
- (a) Section 14
  - (b) Section 13
  - (c) Section 12
  - (d) Section 11
71. Explanation\_\_\_\_ of Section 11 states that where a representative suit has been decided such a decision would operate as res judicata
- (a) VI
  - (b) V
  - (c) IV
  - (d) II
72. An order allowing or disallowing an application for amendment is—
- (a) Appealable
  - (b) A decree
  - (c) An appealable order
  - (d) None of the above
73. The defendant against whom an ex parte decree has been passed can prefer an appeal under
- (a) Order 9 Rule 13
  - (b) Order 47 Rule 1
  - (c) Section 96(2)
  - (d) None of the above
74. Where the relief claimed by the plaintiff is undervalued and the valuation is not corrected within the time fixed or extended by the Court—
- (a) The plaint may be rejected
  - (b) The plaint will be rejected
  - (c) The plaint will be returned
  - (d) Either (a) or (c)
75. Which of the following does not deal with final determination of contested questions and have the binding effect in future litigation
- (a) Res subjudice
  - (b) Res Judicata
  - (c) Stare decisis
  - (d) Both (a) and (b)

76. Among the following cases in which the test of res judicata between co-defendants has been laid down by the Supreme Court—
- (a) Sobhag Singh v. Jai Singh
  - (b) Jai Narain v. Kedar Nath
  - (c) Mahboob Shab v. Syed Ismail
  - (d) Sheodan Singh v. Daryao Kanwar
77. Which of the following operate as res judicata—
- (a) A withdrawal of suit
  - (b) An ex parte decree
  - (c) A compromise decree
  - (d) None of the above
78. The provisions relating to abatement do not apply to—
- (a) Appeals
  - (b) Execution proceedings
  - (c) Both (a) and (b) above
  - (d) None of the above
79. Interrogatories shall be answered by affidavit to be filed within\_\_\_\_\_ after the service of it—
- (a) 30 days
  - (b) 21 days
  - (c) 10 days
  - (d) 7 days
80. Section 34 of the Code does not deal with—
- (a) Interest from the date of decree
  - (b) Interest prior to suit
  - (c) Interest pendent lite
  - (d) None of the above
81. After rejection of plaint, whether the plaintiff can institute fresh suit on the same cause of action—
- (a) Can institute another suit
  - (b) Can institute another suit with the permission of the High Court
  - (c) Cannot institute another suit
  - (d) Both (a) and (b) above
82. At the first hearing of the suit, the Court must—
- (a) Frame and record the issues
  - (b) Ascertain upon what material propositions of fact or of law the parties are at variance
  - (c) Record the evidence
  - (d) None of the above
83. The Court may frame the issues from—
- (a) Allegations made on oath by the parties, or by any persons present on their behalf, or made by the pleaders of such parties
  - (b) Allegations made in the pleadings or in answers to interrogatories delivered in the suit
  - (c) The contents of documents produced by either party
  - (d) All of the above
84. Under order 7 Rule 11 of the Code. The plaint shall not be rejected—
- (a) Where it is not filed in duplicate

- (b) Where the suit appears from the statement in the plaint to be barred by any law
- (c) Where the plaintiff fails to comply with the provision of Rule 9
- (d) Where it discloses cause of action
85. Application under Order 9 Rule 7 of the Code to set aside the order of ex-parte proceeding may be filed—
- (a) At or before the date of fixed for hearing
- (b) Within 90 days
- (c) Within 45 days
- (d) Within 30 days
86. Which section of the Code provide enforcement of decree against legal representative—
- (a) Section 51
- (b) Section 52
- (c) Section 56
- (d) Section 58
87. Among the following in which section property liable to attachment and sale in execution of decree is provided—
- (a) Section 60
- (b) Section 62
- (c) Section 63
- (d) Section 65
88. A judgment debtor has been arrested, may not release among the following ground—
- (a) Suffering from any serious illness
- (b) Suffering from any infectious or contagious disease
- (c) He is not in a fit state of health to be detained in the civil prison
- (d) None of the above
89. Among the following properties, which shall not be liable for attachment under the Code—
- (a) Government securities
- (b) Bank notes
- (c) A mere right to sue for damages
- (d) All of the above
90. Among the following which section deals with the proceeds of execution-sale to be rateably distributed among decree-holders—
- (a) Section 60
- (b) Section 67
- (c) Section 73
- (d) Section 75
91. Section which deals with the interpleader suit—
- (a) 38
- (b) 79
- (c) 84
- (d) 88
92. Mark the incorrect option

List-I  
(a) Purchaser's title

List-II section  
65

- (b) Subsistence allowance 57
- (c) Letter of request 77
- (d) Resistance to execution 84

93. A decree is passed against the Union of India or a State, execution shall not be issued on any such decree unless it remains unsatisfied for the period of—

- (a) Two months
- (b) Three months
- (c) One months
- (d) Six months

94. Match the following—

**List-1**

**List-2 (Sections)**

- |       |                      |     |    |
|-------|----------------------|-----|----|
| (i)   | Institution of suits | (a) | 33 |
| (ii)  | Summons to witness   | (b) | 46 |
| (iii) | Judgment and decree  | (c) | 26 |
| (iv)  | Precepts             | (d) | 31 |

**Code:**

- |    |            |             |              |             |
|----|------------|-------------|--------------|-------------|
|    | <b>(i)</b> | <b>(ii)</b> | <b>(iii)</b> | <b>(iv)</b> |
| a) | (c)        | (d)         | (a)          | (b)         |
| b) | (d)        | (a)         | (c)          | (b)         |
| c) | (c)        | (a)         | (b)          | (d)         |
| d) | (a)        | (b)         | (c)          | (d)         |

95. Mark the correct match—

**List-1**

**List-2**

- |     |                              |    |
|-----|------------------------------|----|
| (a) | Letter of request            | 78 |
| (b) | Release on ground of illness | 58 |
| (c) | Arrest and detention         | 56 |
| (d) | None of the above            |    |

96. Match the following—

**List-1**

**List-2 (Sections)**

- |       |                       |     |    |
|-------|-----------------------|-----|----|
| (i)   | Legal representative  | (a) | 57 |
| (ii)  | Transfer of decree    | (b) | 35 |
| (iii) | Subsistence allowance | (c) | 50 |
| (iv)  | Costs                 | (d) | 39 |

**Code:**

- |    |            |             |              |             |
|----|------------|-------------|--------------|-------------|
|    | <b>(i)</b> | <b>(ii)</b> | <b>(iii)</b> | <b>(iv)</b> |
| a) | (d)        | (c)         | (a)          | (b)         |
| b) | (c)        | (d)         | (a)          | (b)         |
| c) | (c)        | (a)         | (d)          | (b)         |

- d) (d) (a) (b) (c)
97. No order for detention of the judgement debtor in civil prison in execution of a decree for the payment of money shall be made, where the total amount of the decree not exceed—
- (a) One Thousand
  - (b) Two Thousand
  - (c) Five Thousand
  - (d) Ten Thousand
98. In which of the following cases, the Court may not issue a commission—
- (a) To examine any person
  - (b) To make a partition
  - (c) To hold a scientific, technical or expert investigation
  - (d) For execution of a decree
99. Under which of the following circumstances, review of judgment may not lie—
- (a) Appeal dismissed
  - (b) By a decision on a reference from a Court a small causes
  - (c) By a decree or order from which an appeal is allowed by this code, but from which no appeal has been preferred
  - (d) By a decree or order from which no appeal is allowed by this code
100. Appellant Court shall not have power—
- (a) To remand a case
  - (b) To determine a case finally
  - (c) To take additional evidence
  - (d) None of the above
101. Where an appeal from any order is allowed and such order is made by a Court in the exercise of appellate jurisdiction, than appeal shall lie to—
- (a) The Court to which an appeal would lie from the decree in the suit in which such order was made
  - (b) High Court
  - (c) Supreme Court
  - (d) District Court
102. Order 1 Rule 10 of the Code deals with—
- (a) Substitution of parties
  - (b) Addition of parties
  - (c) Striking out of parties
  - (d) All of the above
103. Which of the following lies in the High Court only—
- (a) Second appeal
  - (b) Revision
  - (c) Review
  - (d) Both (a) and (b)
104. A judgment once signed cannot afterwards be amended or altered except—
- (a) On review
  - (b) To correct a clerical or mathematical error
  - (c) Either (a) or (b), at discretion of the Court
  - (d) None of the above
105. A suit to set aside a decree on the ground of lack of territorial jurisdiction is barred under—

- (a) Section 22
  - (b) Section 21A
  - (c) Section 21
  - (d) Section 20
106. The doctrine which place emphasis on the plaintiff's duty to exhaust all available grounds in support of his claim–
- (a) Estoppels
  - (b) Res judicata
  - (c) Principle underlying Order 2 Rule 2 (splitting of claim)
  - (d) None of the above
107. Remedy available against rejection of plaint is–
- (a) Plaintiff may prefer an appeal
  - (b) Plaintiff may present a fresh plaint in respect of the same cause of action
  - (c) Either (a) or (b)
  - (d) None of the above
108. A claim by way of \_\_\_\_ may be allowed even if it is time barred when there is a fiduciary relationship between the parties–
- (a) An equitable set-off
  - (b) A legal set off
  - (c) A counter claim
  - (d) All of the above
109. A counter claim may be set up by a defendant against a plaintiff in respect of cause of action accruing
- (a) After filing of the suit
  - (b) Before filing of the suit
  - (c) Either (a) or (b)
  - (d) None of the above
110. Which of the following is an interim order–
- (a) Arrest before judgment
  - (b) Payment in Court
  - (c) Attachment before judgment
  - (d) All of the above
111. The Court may at once pronounce a judgment
- (a) Where after the issues have been framed, the Court is satisfied that no further argument or evidence is required
  - (b) Where the parties are not at issue on any question of law or of fact
  - (c) Where a party or his pleader makes certain admissions of facts which are sufficient to dispose of the case
  - (d) Any of the above
112. Discovery of document may be ordered by a Court–
- (a) For saving costs
  - (b) If it is necessary for fair disposal of suit
  - (c) Either (a) or (b)
  - (d) None of the above
113. Match of the following

	<b>List-1</b>	<b>List-2 Sections</b>
(i)	Resistance to execution	(a) 92
(ii)	Settlement of disputes outside the Court	(b) 94

- |       |                          |        |
|-------|--------------------------|--------|
| (iii) | Public charities         | (c) 74 |
| (iv)  | Supplemental proceedings | (d) 89 |

**Code:**

- |    |            |             |              |             |
|----|------------|-------------|--------------|-------------|
|    | <b>(i)</b> | <b>(ii)</b> | <b>(iii)</b> | <b>(iv)</b> |
| a) | (d)        | (c)         | (b)          | (a)         |
| b) | (d)        | (b)         | (a)          | (c)         |
| c) | (c)        | (d)         | (a)          | (b)         |
| d) | (d)        | (c)         | (b)          | (a)         |

114. Mark the correct match–

- |                                   |             |
|-----------------------------------|-------------|
| List-1                            | List-2      |
| (a) Appeal from original decree   | Section 96  |
| (b) Second appeal                 | Section 100 |
| (c) Orders from which appeal lies | Section 104 |
| (d) All of the above              |             |

115. Match of the following

- |       |   |                        |
|-------|---|------------------------|
|       | <b>List-1</b>   | <b>List-2 Sections</b> |
| (i)   | Review  | (a) 95                 |
| (ii)  | Application of code to High Court                         | (b) 117                |
| (iii) | Compensation for obtaining arrest on insufficient grounds | (c) 114                |
| (iv)  | When appeal lies to Supreme Court                         | (d) 109                |

**Code:**

- |    |            |             |              |             |
|----|------------|-------------|--------------|-------------|
|    | <b>(i)</b> | <b>(ii)</b> | <b>(iii)</b> | <b>(iv)</b> |
| a) | (c)        | (b)         | (d)          | (a)         |
| b) | (c)        | (b)         | (a)          | (d)         |
| c) | (b)        | (a)         | (c)          | (d)         |
| d) | (b)        | (c)         | (d)          | (a)         |

116. The term "Review" means–

- (a) Re-examination of any matter
- (b) Judicial re-examination of a case in certain prescribed and specified circumstances
- (c) Both (a) and (b)
- (d) None of the above

117. Match of the following

- |       |  |                        |
|-------|--|------------------------|
|       | <b>List-1</b>                                | <b>List-2 Sections</b> |
| (i)   | Oath on affidavit by whom to be administered | (a) 143                |
| (ii)  | Postage                                      | (b) 148A               |
| (iii) | Enlargement of time                          | (c) 139                |
| (iv)  | Right to lodge a caveat                      | (d) 148                |

**Code:**

- |            |             |              |             |
|------------|-------------|--------------|-------------|
| <b>(i)</b> | <b>(ii)</b> | <b>(iii)</b> | <b>(iv)</b> |
|------------|-------------|--------------|-------------|

- a) (a) (c) (d) (b)
- b) (c) (a) (b) (d)
- c) (a) (b) (c) (d)
- d) (c) (a) (d) (b)

118. Compensatory costs in respect of false or vexatious claim or defence can be awarded upto—

- (a) 500/-
- (b) 1000/-
- (c) 3000/-
- (d) 5000/-

119. No one shall be ordered to attend the Court in person to give evidence—

- (a) Unless he resides within 300 miles from the Court
- (b) Unless he resides within 150 miles from the Court
- (c) Unless he resides within 100 miles from the Court
- (d) Unless he resides within 50 miles from the Court

120. The expression “Each party shall bear his own costs” implies that—

- (a) Both the parties are to be deprived of costs
- (b) Both the parties are not to be deprived of costs
- (c) Both the parties are entitled to cost from each other
- (d) Both the parties are not entitled to cost from each other

121. Order XVIII, Rule 4(1) of the Code, the examination in chief of a witness shall be recorded—

- (a) On affidavit
- (b) By the Commissioner appointed by the Court
- (c) By the Judge
- (d) All of the above

122. Which of the following is not a sufficient cause for granting adjournment—

- (a) Non-service of Summons
- (b) Sickness of a party, his witness or his counsel
- (c) Reasonable time for preparation of a case
- (d) Non-examination of a witness present in the Court

123. No evidence is required to be pleaded in—

- (a) Counter affidavit
- (b) Written statement
- (c) Writ petition
- (d) All of the above

124. The Code provides for—

- (a) Mandatory injunction
- (b) Temporary injunction
- (c) Permanent injunction
- (d) All of the above

125. A person is an indigent person within the meaning of order 33, Rule 1 of the Code, if he is not possessed of—

- (a) Any means to pay the fee payable on the plaint
- (b) Sufficient means for his livelihood
- (c) Sufficient means to enable him to pay the fees prescribed by law for the plaint
- (d) Any of the above

126. An ex-parte decree can be set aside on the ground of—  
(a) Being prevented by any sufficient cause from appearance  
(b) Summons not duly served  
(c) Both (a) and (b) above  
(d) Neither (a) nor (b)
127. A caveat shall not remain in force after the expiry of—  
(a) 60 days  
(b) 90 days  
(c) 120 days  
(d) 3 months
128. In a suit against the State Government, who may sign the plaint on behalf of the Government—  
(a) Chief Minister of the State  
(b) Chief Secretary of the State  
(c) Governor of the State  
(d) A person who by a general or special order appointed in this behalf by the Government
129. A suit may be defeated due to—  
(a) Non joinder of a necessary party  
(b) Mis joinder of a necessary party  
(c) Mis joinder of a proper party  
(d) Non joinder of a proper party
130. Interpleader suit cannot be instituted—  
(a) For determining the relation between a property and the persons claiming it  
(b) Where a suit is pending in which the rights of all parties can properly be decided  
(c) For any property which relates to two persons but which is being held by a third person for the time being  
(d) For getting himself absolved from the liability to keep the property which is not being held by him
131. In a suit, the list of witnesses has to be filed by the parties—  
(a) At any time  
(b) Before settlement of issues  
(c) After settlement of issues  
(d) Any of the above
132. A suit filed on behalf of a minor  
(a) Cannot be withdrawn  
(b) Can be withdrawn as a matter of right  
(c) Can be withdrawn only with the leave of the Court  
(d) None of the above
133. A witness who has already been examined can be recalled under Order 18, Rule 17 of the Code—  
(a) By the Court  
(b) By the opposite party  
(c) By the party calling the witness  
(d) Any of the above
134. A party filing affidavit in reply to interrogatories—

- (a) Can be cross-examined upon it  
 (b) The other party can adduce evidence to contradict it  
 (c) Neither (a) nor (b)  
 (d) Both (a) and (b) above
135. Which provision of the Code deals with the consequences of disobedience of an injunction granted by the Court—  
 (a) Order 39 Rule 2A  
 (b) Order 39 Rule 2  
 (c) Order 39 Rule 3  
 (d) Order 39 Rule 3A
136. Where it appears to the Court to be just and convenient, the Court may be order appoint a receiver of any property under—  
 (a) Order XL, Rule 1  
 (b) Order XL, Rule 2  
 (c) Order XL, Rule 3  
 (d) Order XL, Rule 4
137. Where the judgment is not pronounced at once, every endeavour shall be made by the Court to pronounce the judgment within \_\_\_\_\_ from the date on which the hearing of the case was concluded—  
 (a) 90 days  
 (b) 60 days  
 (c) 45 days  
 (d) 30 days
138. Among the following which rule talks about the decree for specific performance for restitution of conjugal rights or for an injunction—  
 (a) Order XXI, Rule 32  
 (b) Order XXI, Rule 30  
 (c) Order XXI, Rule 26  
 (d) Order XXI, Rule 22
139. The consequences of non-compliance with the order to answer interrogation or for discovery or inspection of documents have been dealt with under—  
 (a) Order XII Rule 12  
 (b) Order XI Rule 12  
 (c) Order XII Rule 21  
 (d) Order XI Rule 21
140. Prison as defined in order 16A of the Code includes—  
 (a) Any place which has been declared by the Government, by General or Special-Order, to be subsidiary jail  
 (b) Any reformatory, borstal institution or other institution of a like nature  
 (c) Both (a) and (b) above  
 (d) None of the above
141. Match of the following
- | <b>List-I</b>                 | <b>List-II (Order)</b> |
|-------------------------------|------------------------|
| (i) Pleading Generally        | (a) I                  |
| (ii) Plaintiff                | (b) VI                 |
| (iii) Parties to suit         | (c) XI                 |
| (iv) Discovery and inspection | (d) VII                |

**Code:**

- |    | <b>(i)</b> | <b>(ii)</b> | <b>(iii)</b> | <b>(iv)</b> |
|----|------------|-------------|--------------|-------------|
| a) | (a)        | (b)         | (c)          | (d)         |
| b) | (c)        | (a)         | (d)          | (b)         |
| c) | (a)        | (d)         | (b)          | (c)         |
| d) | (a)        | (c)         | (b)          | (d)         |

142. Match the following

**List-I**

- (i) Examination of parties by the Court
- (ii) Disposal of the Suit at the first hearing
- (iii) Admissions
- (iv) Judgment and Decree

**List-II Orders**

- (a) X
- (b) XV
- (c) XII
- (d) XX

**Code:**

- |    | <b>(i)</b> | <b>(ii)</b> | <b>(iii)</b> | <b>(iv)</b> |
|----|------------|-------------|--------------|-------------|
| a) | (a)        | (b)         | (c)          | (d)         |
| b) | (b)        | (a)         | (d)          | (c)         |
| c) | (b)        | (c)         | (a)          | (d)         |
| d) | (b)        | (d)         | (a)          | (c)         |

143. Match the following

**List-1**

- (i) Special Proceedings
- (ii) Execution
- (iii) Appeals
- (iv) Supplemental Proceedings

**List-2**

- (a) Part VII
- (b) Part VI
- (c) Part V
- (d) Part II

**Code:**

- |    | <b>(i)</b> | <b>(ii)</b> | <b>(iii)</b> | <b>(iv)</b> |
|----|------------|-------------|--------------|-------------|
| a) | (d)        | (c)         | (b)          | (a)         |
| b) | (c)        | (d)         | (a)          | (b)         |
| c) | (a)        | (d)         | (c)          | (b)         |
| d) | (c)        | (b)         | (a)          | (d)         |

144. The death of a plaintiff or defendant shall not cause the suit to abate if–

- (a) Right to sue services
- (b) Legal representative of either party is alive
- (c) Both (a) and (b) above
- (d) Either (a) or (b)

145. The power of the Court to setting aside decree as per Order XXXVII, Rule 4 is–

- (a) Mandatory
- (b) Discretionary
- (c) Directory
- (d) Both (a) and (c) above

146. Mark the incorrect statement–
- (a) Issues arise when a material proposition of fact or law is affirmed by the one party and denied by the other
  - (b) The Court shall frame issues only from the contents of documents produced by either party
  - (c) Where at the first hearing of a suit it appears that the parties are not at issue on any question of law or of fact, the Court may at once pronounce judgment
  - (d) None of the above
147. What the Court can do when neither party appears when it is called for hearing–
- (a) Refer for conciliation
  - (b) Exparte order
  - (c) Refer for arbitration
  - (d) Dismissal of suit
148. What is the maximum time granted to Court by the Code to draw up a decree after pronouncing judgment–
- (a) 60 days
  - (b) 45 days
  - (c) 15 days
  - (d) 30 days
149. Constructive res judicata is contained in–
- (a) Explanation IV to Section 11
  - (b) Explanation VI to Section 11
  - (c) Explanation III to Section 11
  - (d) Explanation II to Section 11
150. Order 42 of the Code deals with the
- (a) Appeal against orders
  - (b) Appeal to Supreme Court
  - (c) Appeal by indigent person
  - (d) Appeal from appellate decrees

**ANSWER KEY OF**

**Date:-18/03/2018**

**CODE OF CIVIL PROCEDURE (THE CODE)**

1.	C	31.	D	61.	C	91.	D	121.	A
2.	D	32.	B	62.	C	92.	D	122.	D
3.	B	33.	C	63.	A	93.	B	123.	D
4.	A	34.	B	64.	C	94.	A	124.	B
5.	D	35.	A	65.	C	95.	D	125.	C
6.	D	36.	B	66.	A	96.	B	126.	C
7.	D	37.	A	67.	A	97.	B	127.	B
8.	C	38.	B	68.	C	98.	D	128.	D
9.	C	39.	A	69.	B	99.	A	129.	A
10.	A	40.	A	70.	B	100.	D	130.	B
11.	A	41.	C	71.	A	101.	B	131.	C
12.	A	42.	BONUS	72.	D	102.	D	132.	C
13.	A	43.	A	73.	C	103.	D	133.	A
14.	B	44.	D	74.	B	104.	C	134.	C
15.	D	45.	D	75.	A	105.	B	135.	A
16.	B	46.	A	76.	C	106.	C	136.	A
17.	A	47.	B	77.	B	107.	C	137.	D
18.	D	48.	B	78.	B	108.	A	138.	A
19.	C	49.	A	79.	C	109.	C	139.	D
20.	C	50.	A	80.	B	110.	D	140.	C
21.	D	51.	B	81.	A	111.	D	141.	BONUS
22.	B	52.	C	82.	B	112.	C	142.	A
23.	A	53.	D	83.	D	113.	C	143.	B
24.	B	54.	D	84.	D	114.	D	144.	A
25.	A	55.	A	85.	A	115.	B	145.	B
26.	C	56.	C	86.	B	116.	B	146.	B
27.	A	57.	D	87.	A	117.	D	147.	D
28.	A	58.	BONUS	88.	D	118.	C	148.	C
29.	C	59.	A	89.	C	119.	D	149.	A
30.	C	60.	B	90.	C	120.	A	150.	D