

CODE OF CIVIL PROCEDURE, 1908

Class Test

Total Questions: 200

Maximum Marks: 200

Duration: 3 Hours

Negative marking: 0.25 marks per question

1. By what report/reports, the Law Commission of India had recommended that the express provisions on Counter-Claim should be inserted in the Code of Civil Procedure, 1908?
 - (a) 27th report
 - (b) 57th report
 - (c) Both A and B
 - (d) Neither A nor B
2. By what amendment, Order VIII **Rule 6A** of the Code of Civil Procedure, 1908 was introduced?
 - (a) By Act 104 of 1976
 - (b) By Act 22 of 2002
 - (c) By Act 46 of 1999
 - (d) By Act 66 of 1956
3. What is or are the modes of pleading or setting up a counter-claim in a civil suit?
 - (a) A defendant in a suit may set-up by way of counter-claim against the claim of the plaintiff, any right/claim in respect of a cause of action accruing to the defendant against the plaintiff under Order VIII Rule 6A(1) CPC either before or after the filing of suit but before the defendant has delivered his defence.
 - (b) A counter-claim may be preferred by way of an amendment incorporated under Order VI Rule 17 CPC, subject to the leave of the Court in a written statement already filed.
 - (c) A counter-claim may be filed by way of a subsequent pleading under Order VIII Rule 9 CPC.
 - (d) All of the above
4. According to Section 113 of the CPC, a reference may be made by subordinate Court to the High Court, on a question which arises —
 - (a) In a suit in which the decree is not subject to a second appeal to the High Court, or in the execution of such decree.
 - (b) If it is a question of law or usage having the force of law, on which the court trying the suit or appeal entertains reasonable doubts.
 - (c) Either A or B
 - (d) In a suit in which the decree is subject to a second appeal to the High Court.

5. An appeal —
- (a) May be filed by a party or the person aggrieved.
 - (b) It may be to any Superior Court which may not necessarily be the High Court.
 - (c) It can be preferred only after the decree is passed or an order made which is appealable.
 - (d) All of the above
6. Point out the wrong Answer -
- (a) Revisional Jurisdiction under Section 115 CPC can be exercised only by the Hon'ble High Court.
 - (b) Revision is available when no appeal lies.
 - (c) Revisional jurisdiction can be exercised *suo-moto* also.
 - (d) Order passed in revisional jurisdiction is appealable.
7. Point out the wrong Answer -
- (a) Review under Section 114 CPC is available irrespective of whether an appeal lies from the decree or order.
 - (b) Review powers can be exercised by the Court *suo-moto* or upon application of the aggrieved party.
 - (c) Order granting review is not appealable
 - (d) Both b and c
8. Under Section 104 of the CPC, an appeal shall not lie from the following orders —
- (a) An order under Section 35A CPC
 - (b) Order under Section 91 CPC or Section 92 CPC refusing leave to institute a suit of the nature referred to in Section 91 CPC or Section 92 CPC, as the case may be.
 - (c) Order under Section 91 CPC and Section 92 CPC allowing leave to institute a suit of the nature referred to in Section 91 CPC or Section 92 CPC, as the case may be.
 - (d) An order under Section 95 CPC.
9. Under Section 96 of the CPC, an appeal —
- (a) May lie from every decree passed by any Court exercising original jurisdiction to the Court authorised to hear appeals from the decision of such Court.
 - (b) Shall lie from an original decree passed ex-parte.
 - (c) May lie from an original decree passed ex-parte.
 - (d) Shall lie from the decree passed by the Court with the consent of parties.

10. Arrange the following clauses of Section 94 CPC in a correct sequence -

In order to prevent the ends of justice from being defeated, the Court may -

- (i) Direct the defendant to furnish security to produce any property belonging to him.
- (ii) Grant a temporary injunction and in case of disobedience commit the person guilty thereof to the civil prison.
- (iii) Issue a warrant of arrest of the defendant and bring him before the Court to show cause why he should not give security for his appearance.
- (iv) Appoint a receiver of any property and enforce the performance of his duties by attaching and selling his property.

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

11. In which of the following case it was held that the "*Jurisdiction means the extent of power of a Court to entertain suits and applications. It signifies the power, authority and competency of the Court to adjudicate disputes presented before it. It refers to the right of administering Justice by means of law*" -

- (a) Official Trustee, West Bengal vs. Sachindra Nath Chatterjee (AIR 1969 SC 823)
- (b) Patel Roadways Ltd. Bombay vs. Prasad Trading Co. (AIR 1992 SC 1514)
- (c) Hira Lal Patni vs. Kali Nath (AIR 1962 SC 199)
- (d) Kiran Singh vs. Chaman Paswan (AIR 1954 SC 340)

12. Relying on the maxim *ex dolo malo non oritur action*, in which case the Hon'ble Supreme Court held that "by an agreement which absolutely ousted the jurisdiction of a court having Jurisdiction to decide the matter, would be unlawful and void, being contrary to public policy under Section 28 of the Indian Contract Act, 1872"?

- (a) ABC Laminart vs. A P Agencies, AIR 1989 SC 1239
- (b) P Dasa Muni Reddy vs. P Appa Rao AIR 1974 SC 2089
- (c) Globe Transport Corp. vs. Triveni Engineering Works (1983) 4 SSC 707
- (d) Abdulla Bin Ali vs. Galappa, AIR 1985 SC 577.

13. Under Order II Rule 4 of the CPC, in a suit for the recovery of immovable property, a plaintiff is not entitled, without the leave of the Court, to join any claim except -

- (a) Claims for *mesne profit* or arrears of rent.
- (b) Claims for damages for breach of any contract under which the property is held.
- (c) Claims in which the relief sought is based on the same cause of action.
- (d) All of the above

14. Under Section 2(2) of the CPC, '**Decree**' means -

- (a) The formal expression of an adjudication which, so far as regards the court expressing it, conclusively determines the rights of the parties with regard to all or any of the matter in controversy in the suit.
- (b) The formal expression of an adjudication which, so far as regards the court expressing it, finally determines the rights of the parties which regard to all or any of the mater in controversy in the suit.
- (c) The formal expression of an adjudication which, so far as regards the court expressing it, absolutely determines the rights of the parties with regard to all or any of the matter in controversy in the suit.
- (d) The formal expression of an adjudication which, so far as regards the court expressing it, clearly determines the right of the parties with regard to all or any of the matters in the controversy in the suit.

15. Under Section 2(12) of the CPC, '*mesne profit*' of property means -

- (a) Those profits which the person in wrongful possession of such property admittedly received or might with ordinary diligence have received therefrom together with interest on such profits but shall not include profits due to improvements made by the person in wrongful possession.
- (b) Those profits which the person in wrongful possession of such property actually received or might with ordinary diligence have received therefrom together with interest on such profits but shall include profits due to improvements made by the person in wrongful possession.
- (c) Those profits which the person in wrongful possession of such property actually received or might with ordinary diligence have received therefrom together with interest on such profit but shall not include profit due to improvements made by the person in wrongful possession.
- (d) Those profits which the person in wrongful possession of such property absolutely received or might with ordinary diligence have received therefrom together with interest on such profits, but shall not include profits due to improvements made by the person in wrongful possession.

16. Find out the correct statement.

Section 3 of the CPC deals with the subordination of Courts and for that purpose -

- (a) The High Court is subordinate to the Supreme Court.
- (b) The District Court is subordinate to the High Court.
- (c) The District Court is subordinate to the Supreme Court.
- (d) Every Court of small causes is subordinate to the High Court only and not to the District Court.

17. In which of the following case, it was said by the Hon'ble Supreme Court with regards to Section 92 CPC that *"as regards to any charitable or religious institution, any devotee could move the jurisdictional District Judge throughout India with any grievance and the court could give appropriate directions for sound management and if need be send a report to the High Court which will consider issues of Public Interest with reference to these institutions and supplement or supplant the directions as may become necessary"*.

- (a) Mrinalini Padhi vs. UOI 2018 SCC online 667
- (b) Krishnaveni Nagam vs. Harish Nagam AIR 2017 SC 1345
- (c) Swapnil Tripathi vs. Supreme Court of India (2018) 10 SCC 639
- (d) Salem Advocate Bar association, Tamil Nadu vs. UOI 2005 SC

18. Under Section 10 of the CPC, No court shall —

- (a) Proceed with the trial of any suit in which the matter in issue is also directly or substantially in issue in a previously instituted suit between the same parties, or between parties under whom they or any of them claim litigating under the same title where the suit is pending in the same or any other court in India having Jurisdiction to grant the relief claimed, or in any Court beyond the limits of India established or continued by the central govt., or before Supreme Court.
- (b) Proceed with the trial of any suit in which the matter in issue is also directly and substantially in issue in a previously instituted suit between the same parties, or between parties under whom they or any of them claim litigating under the same title where the suit is pending in the same or any other Court in India established or continued by the central govt., or before Supreme Court.
- (c) Proceed with the trial of any suit in which the matter in issue is also directly and substantially in issue in a previously instituted suit between the same parties, or between parties under whom they or any of them claim litigating under the same title where the suit is pending in the same or any other Court in India established or continued by the any State govt. or the central govt., or before the Supreme Court.
- (d) Proceed with the trial or issue of any suit in which the matter in issue is also directly and substantially in issue in a previously instituted suit between the same parties, or between parties under whom they or any of them claim litigating under the same title where the suit is pending in the same or any other Court in India established or continued by the central govt., or before the Supreme Court.

19. Point out the correct sequence of the “Explanations” given in section 11 of the CPC —
- (i) Any relief claimed in the plaint which is not expressly granted by the decree, shall for the purpose of section 11 CPC, be deemed to have been refused.
 - (ii) Where persons litigate *bonafide* in respect of a public right or of a private right claimed in common for themselves and others, all persons interested in such right shall, for the purpose of section 11 CPC, be deemed to claim under the person litigating.
 - (iii) For the purpose of Section 11 CPC, the competence of court shall be determined irrespective of any provisions as to a right of appeal from the decision of such court.
 - (iv) The matter referred must in the former suit have been alleged by one party and either denied or admitted, expressly or impliedly, by the other.
- (a) (i) - Explanation V, (ii) - Explanation VI, (iii) - Explanation II, (iv) - Explanation III
(b) (i) - Explanation VI, (ii) - Explanation I, (iii) - Explanation VII, (iv) - Explanation II
(c) (i) - Explanation III, (ii) - Explanation IV, (iii) - Explanation VI, (iv) - Explanation II
(d) (i) - Explanation III, (ii) - Explanation V, (iii) - Explanation VI, (iv) - Explanation II
20. As per Section 13 of the CPC, A foreign judgement shall be conclusive as to any matter thereby directly adjudicated upon between the same parties litigating under the same title –
- (a) When it has been pronounced by the court of competent Jurisdiction
 - (b) When it has not given on the merits of the case.
 - (c) Where the proceedings in which the Judgment was obtained are opposed to the natural justice.
 - (d) Where it has been obtained by fraud.
21. Under Section 14 of the CPC, the court -
- (a) May presume, upon the production of any document purporting to be certified copy of a foreign Judgment, that such judgment was pronounced by a court of competent Jurisdiction.
 - (b) Shall presume upon the production of any document purporting to be certified copy of a foreign judgment, that such Judgment was pronounced by a court of competent Jurisdiction.
 - (c) May not presume upon the production of any document purporting to be certified copy of a foreign judgment, that such Judgment was pronounced by a court of competent Jurisdiction.
 - (d) Shall conclusively presume upon the production of any document purporting to be certified copy of a foreign judgment, that such Judgment was pronounced by a court of competent Jurisdiction.

22. Where a suit to obtain relief respecting, or compensation for wrong to immovable property held by or on behalf of the defendant may, where the relief sought can be entirely obtained through his personal obedience, be instituted in the court within -
- (a) The local limits of whose jurisdiction the property is situated only.
 - (b) The local limits of whose Jurisdiction the defendant actually and voluntarily resides, or carries on business, or personally works for gains.
 - (c) The local limits of whose Jurisdiction the plaintiff actually and voluntarily resides, or carries on business, or personally works for gains.
 - (d) Either A or B
23. Under what Section of the Code, the provisions relating to a suit for compensation for wrongs to person or movables may be instituted at the options of the plaintiff, is provided?
- (a) 17
 - (b) 18
 - (c) 19
 - (d) 20
24. Arrange the following below given statements in correct sequence as given under Section 21 of the code —
- I. No objection as to the competence of a Court with reference to the pecuniary limits of its Jurisdiction shall be allowed by any Appellate or Revisional Court unless such objection was taken in the court of first instance at the earliest possible opportunity, and, in all the cases where issues are settled, at or before such settlement, and unless there has been a consequent failure of Justice.
 - II. No objection as to the place of suing shall be allowed by any Appellate or Revisional Court unless such objection was taken in the court of first instance at the earliest possible opportunity and in all cases where issues are settled at or before such settlement, and unless there has been consequent failure of Justice.
 - III. No objection as to the competence of the executing Court with reference to the local limits of its Jurisdiction shall be allowed by any Appellate or Revisional Court unless such objection was taken in the executing court at the earliest possible opportunity, and unless there has been a consequent failure of Justice.
- (a) I – II - III
 - (b) II – I - III
 - (c) I – III - II
 - (d) II – III - I

25. Under the explanation given to Section 21A CPC, the expression 'former suit' means—
- (a) A suit which has been decided prior to the decision in the suit in which the validity of the decree is questioned, whether or not the previously decided suit was instituted prior to the suit in which the validity of such decree is questioned.
 - (b) A former suit is a suit which has been decided first.
 - (c) A suit which has been decided prior to the decision of the suit in which the validity of the decree is questioned and it must also be instituted prior to the suit in which the validity of such decree is questioned.
 - (d) Either A or B or C.
26. Under Section 24(5) of the CPC, a suit or proceedings —
- (a) May be transferred from a court which has the jurisdictions to try it only.
 - (b) May also be transferred from a court which has even no jurisdictions to try it.
 - (c) Shall be transferred from a court which has no jurisdictions to try it.
 - (d) Shall not be transferred from a court which has jurisdictions to try it.
27. Under Section 25 of the CPC, the Hon'ble Supreme Court may, at any stage, if satisfied that an order is expedient for the ends of Justice, direct that any suit, appeal or other proceeding be transferred from a High Court or other Civil Court in one state to a High Court or other civil Court in any other state —
- (a) On the application of the party only.
 - (b) On the application of any court below to the Supreme court.
 - (c) *Suo-moto* by the court.
 - (d) Either *suo-moto* or on the application of the party.
28. By what amendment, clause (2) to Section 26 of the CPC was inserted /substituted?
- (a) Inserted by Act 46 of 1999
 - (b) Substituted by Act 46 of 1999
 - (c) Inserted by Act 22 of 2002
 - (d) Substituted by Act 22 of 2002
29. Where a suit has been duly instituted, then the summon —
- (a) May be issued to the defendant to appear or answer the claim and may be served in the manner prescribed on such day not beyond thirty days from the date of the institution of the suit.
 - (b) May be issued to the defendant to appear and answer the claim and may be served in the manner prescribed on such day not beyond thirty days from the date of the institution of the suit.
 - (c) May be issued to the defendant to appear and answer the claim and may be served in the manner prescribed on such day not beyond ninety days from the date of the institution of the suit.
 - (d) Either A or C.

30. Under what Section, the provision relating to the 'Summons to witnesses' is given?
- (a) 27
 - (b) 29
 - (c) 31
 - (d) 32
31. Find out the incorrect answer —
- Under Section 32 of the CPC, the Court may compel the attendance of any person to whom a summon has been issued under Section 30 CPC and for that purpose the Court may -
- (a) Issue a summon for his personnel appearance
 - (b) Issue a warrant for his arrest
 - (c) Attach and sell his property
 - (d) Order him to furnish security for his appearance and in default commit him to the civil prison.
32. Under Section 34 (2) of the CPC, where a decree is silent with respect to the payment of *further interest* [on such principal sum] from the date of the decree to the date of the payment or other earlier date, the court shall be deemed to have refused such interests and a separate suit —
- (a) May not lie.
 - (b) May lie.
 - (c) Shall not lie.
 - (d) The court may allow the party to file a suit for such interest because the procedure is the handmaid of justice and not its mistress.
33. Where the Court directs that any costs shall not follow the event, the court —
- (a) May state its reason.
 - (b) May or may not state its reasons because it depends upon the discretion of the court either to pass an order for cost or not.
 - (c) Shall state its reasons.
 - (d) No need to state its reasons.
34. Under Section 35A of the CPC, *compensatory costs* in respect of false or vexatious claims or defences may be ordered by the court —
- (a) In any suit or other proceedings, including the execution proceedings but excluding an appeal or a revision.
 - (b) In any suit or other proceedings, excluding the execution proceedings but including an appeal or a revision.
 - (c) In any suit or other proceedings, including an execution proceedings, appeal or revision.
 - (d) In any suit or other proceedings, excluding an execution proceedings, appeal or revision.

35. If, on any date fixed for the hearing of a suit or for taking any step therein, a party to the suit either fails to take the step which he was required to take on that date or obtains an adjournment, the Court may make an order requiring such party to pay to the other party-
- (a) Not exceeding 3000/- or the limits of its pecuniary Jurisdiction.
 - (b) Not exceeding 5000/- or the limits of its pecuniary Jurisdiction.
 - (c) Such cost as would, in the opinion of the Court, be reasonably sufficient to reimburse the other party.
 - (d) Not exceeding 2,000/- or the limits of its pecuniary Jurisdiction
36. The Court which passed a decree may on the application of the decree holder, sent it for execution to another Court of the competent Jurisdiction -
- (a) If the decree directs the sale or delivery of immovable property situate outside the local limits of the Jurisdiction of the Court which passed it.
 - (b) If the decree directs the sale or delivery of movable property situate outside the local limits of the Jurisdiction of the Court which passed it.
 - (c) If the decree directs the sale or delivery of immovable/movable property situate outside the local limits of the Jurisdiction of the Court which passed it.
 - (d) Either A or B
37. The court to which a decree is sent for execution —
- (a) Shall certify to the Court which passed it the fact of such execution, or where the former Courts fails to execute the same circumstances attending such failure.
 - (b) May certify to the court which passed it the fact of such execution, or where the former Courts fails to execute the circumstances attending such failure.
 - (c) May or may not certify to the Court which passed it the fact of such execution, and where the former Courts fails to execute the circumstances attending such failure.
 - (d) Shall certify to the Court which passed it the fact of such execution, and where the former Courts fails to execute the same circumstances attending such failure.
38. The Court which passed the decree may issue a precept to any other court which would be competent to execute such decree to attach any property belonging to the Judgement debtor —
- (a) Upon the application of the decree holder.
 - (b) *Suo-moto* by the Court.
 - (c) Either upon the application of the decree-holder, or *suo-moto* by the court.
 - (d) Either upon the application of decree holder or judgement debtor.
39. Under Section 57 of the CPC, who may fix the subsistence allowance —
- (a) The state Government.
 - (b) The Central Government.
 - (c) Either the State or the Central Government.
 - (d) The Court shall fix the subsistence allowance.

40. A Judgment debtor released on the grounds of his serious illness -
- (a) May be re-arrested.
 - (b) May not re-arrested.
 - (c) Shall not re- arrested.
 - (d) Shall be re- arrested.
41. The following properties shall not liable to be attached —
- (a) Salary to the extent of the first one thousand rupees and two-thirds of the remainder in execution of decree for maintenance.
 - (b) Salary to the extent of the first one thousand rupees and two-thirds of the remainder in execution of any decree other than a decree for maintenance.
 - (c) One-thirds of the salary in execution of any decree other than maintenance.
 - (d) One-fourth of the salary in execution of decree for maintenance.
42. Under Section 60 of the CPC, an agreement by which a person agrees with his free consent to waive the benefit of any exemption -
- (a) Shall be voidable at the option of the party who has waived the benefit
 - (b) Shall be valid because the person himself has waived the benefit with his own free consent
 - (c) Shall be void even if waived the benefit with his free consent
 - (d) Shall not be void rather legally valid
43. Where an immovable property is sold in execution of a decree and such sale has become absolute, the property shall be deemed to have been vested in the purchaser —
- (a) Form the time when the property is sold and not from the time when sale become absolute
 - (b) Not from the time when the property is sold but from the time when sale become absolute
 - (c) Either from the time when the property is sold or from the time when sale become absolute
 - (d) As per the discretion of the court before whom the proceedings were going on.
44. Under what provision, a commission may be issued by the foreign Courts?
- (a) 76
 - (b) 77
 - (c) 78
 - (d) 79
45. The purpose of discovery, inspection and production of documents is —
- (a) To enable a party to a suit to obtain necessary information regarding the material facts constituting the case of the opposite party.
 - (b) To support their own case either directly by obtaining admission of the opposite party or indirectly impeaching the case of the opponent.
 - (c) Either (a) or (b)
 - (d) Both A and B

46. The following conditions/conditions must be satisfied for the execution of cross-decrees -
- (a) To cross-decrees have been passed in separate suits.
 - (b) To cross-decrees are capable of execution.
 - (c) There are two existing final decrees, one in favour of decree holder and other in favour of Judgement debtor.
 - (d) All the above.
47. Under Section 51 of the CPC, how many modes are given for the execution of decree -
- (a) V
 - (b) VI
 - (c) VII
 - (d) VIII
48. In case of public nuisance or other wrongful act affecting, or likely to affect the public, a suit for a declaration and injunction or for such other relief may be instituted -
- (a) By the Advocate-General or with the leave of the Court a person even though no special damage has been caused to such person.
 - (b) By the Advocate-General or with the leave of the Court by one or more persons even though no special damage has been caused to such person.
 - (c) By the Advocate-General or with the leave of the Court by two or more persons even though no special damage has been caused to such persons.
 - (d) May only be instituted by the two or more persons with the leave of the Court even though no special damage has been caused to such persons.
49. Where, in any suit in which an arrest or an attachment has been affected or a temporary injunction granted under Section 94 of the CPC either on insufficient grounds or there was no reasonable grounds to institute the suit by the plaintiff, the defendant may apply to the court and the court may award against the plaintiff such amount not exceeding —
- (a) 5, 000/-
 - (b) 15, 000/-
 - (c) 50,000/-
 - (d) 5,00,000/-
50. Point out the correct answer —
- Any person considering himself aggrieved may apply for the review of the judgement of the court which passed the decree or made the order —
- (a) By a decree or order from which no appeal is allowed by the Code.
 - (b) By a decree or order from which an appeal is allowed and appeal has been preferred.
 - (c) By a decision on a reference from a court of small causes.
 - (d) Either A or C.

51. 'A' Claiming himself to be the owner of the property files a suit for eviction against the tenant 'B' and the sub-tenant 'C', which was decreed ex-parte by the Small Cause Court. Thereafter, the sub-tenant 'C' files a suit in the Civil Court on the basis of title. 'A' pleaded that the subsequent suit is barred by the res-judicata

Find out the correct answer -

- (a) The doctrine of Res-Judicata will apply
- (b) The doctrine of Res-Judicata will not apply
- (c) The finding regarding the ownership of 'A' will not operate res-judicata inasmuch as the title to the property was not directly and substantially in issue in the former suit.
- (d) The finding regarding the ownership of 'A' will operate res-judicata inasmuch as the title to the property was directly and substantially in issue in the former suit.

52. 'L' sues 'T' for rent for the year 2015-16 alleging that 'T' was liable to pay it.

'T' applied for time to file the written statement, which was refused. The suit was decreed and the only issue raised by the court was regarding the amount of rent. Thereafter, 'L' files another suit against 'T' for the rent for the year 2017-18. 'T' contended that suit is barred by Res-Judicata.

Find out the correct answer -

- (a) The matter was directly and substantially in issue in the previous suit.
- (b) The matter was not directly and substantially in issue in the previous suit.
- (c) The matter was directly and substantially in issue and, therefore, defence is barred by res-judicata.
- (d) The matter was not directly and substantially in issue and, therefore, defence is not barred by res-judicata.

53. Where a plaintiff is precluded by rules from instituting a further suit in respect of any particular cause of action, he shall not be entitled to institute a suit in respect of such cause of action in any court to which this code applies. In which of the following cases, the Code precludes a plaintiff from instituting a suit -

- (i) Section 47(1) CPC, Section 95(2) CPC, Section-144(2) CPC
- (ii) Order XI Rule 21(2) CPC, Order XXIII Rule 3-A CPC, Order XXIII Rule 1(1) CPC
- (iii) Order XI Rule 21(1) CPC, Order XXIII Rule 3 CPC, Order XXIII Rule 1(2) CPC
- (iv) Order II Rule 2 CPC, Order XXII Rule 9 CPC
- (v) Order IX Rule 9 CPC, Order XXIII Rule 1(3) CPC, Section 21-A CPC

Choose the correct statement/statements –

- (a) I,II,III,IV,V
- (b) I,III,IV,V
- (c) I,II,IV,V
- (d) III,IV,V

54. Distinction between the Res-judicata and stare decisis –

- (i) Res-judicata is based upon conclusiveness of judgment and adjudication of prior findings whereas stare decisis rests on legal principles.
- (ii) Res-Judicata binds the parties and privies while stare decisis operates between strangers also but does not bind courts from taking a contrary view on the point of law already decided.
- (iii) Res-Judicata binds the parties and privies while stare decisis operates between strangers also and binds courts from taking a contrary view on the point of law already decided.
- (iv) Res-judicata touches legal principles, stare decisis relate to a specific controversy.
- (v) Stare decisis applies to the same principles of law to all parties, Res-judicata presupposes judicial finding upon the same facts as involved in subsequent litigation between the same parties.
- (vi) Res-judicata relates to a specific controversy but Stare decisis touches the legal principles

Select the wrong statements -

- (a) (i), (ii), (iv), (v)
- (b) (i), (iii), (v), (vi)
- (c) (i), (ii), (iv)
- (d) (ii), (iv)

55. A caveat may be lodged by -

- (a) A stranger to the proceedings
- (b) A stranger to the proceedings and a person supporting the application for interim relief made by the applicant.
- (c) Only by the necessary party and not by the stranger or proper party.
- (d) Not only by a necessary party and also may be by a proper party but not by the stranger to the proceedings or a person supporting the application for interim relief made by the applicant.

56. Which of the followings given statements amounts to 'Decree' –

- (i) An order passed by the appellate court deciding some issues and remitting other issues to the trial court for determination under Order XLI Rule 23 CPC.
 - (ii) An order may determine conclusively the rights of the parties although it may not dispose of the suit.
 - (iii) An order dismissing an appeal summarily under Order XLI CPC or holding it to be not maintainable.
 - (iv) A decision dismissing a suit for want of evidence or proof.
- (a) (i), (ii), (iii)
 - (b) (i), (iii), (iv)
 - (c) (ii), (iii), (iv)
 - (d) (i), (ii), (iv)

57. In a suit for title and possession where the Land is in the occupation of a tenant, the *mesne* profit to the plaintiff to be awarded on the basis of the –

- (a) Value of the property
- (b) Standard rent
- (c) The maximum rent that a landlord could have received if premises were let out afresh
- (d) Rent

58. Where the jurisdiction of Civil Court is excluded, then also the civil court have the jurisdiction -

- (a) To examine into cases where the provision of the Act have not been complied with
- (b) To examine into cases where the statutory tribunal has not acted in conformity with the fundamental principles of Judicial procedure
- (c) Neither to examine into cases even where the provision of the Act have not been complied nor to examine into cases where the statutory tribunal has not acted in conformity with the fundamental principles of Judicial procedure
- (d) Either (a) or (b)

59. Section 10 of the Code of Civil Procedure, 1908 –

- (i) Does not take away power of the court to examine the merits of the matter.
- (ii) If the court is satisfied that subsequent suit can be decided purely on legal point, it is open to the court to decide such suit.
- (iii) A decree passed in contravention of section 10 CPC, can be disregarded in execution proceedings.
- (iv) A decree passed in contravention of above provision is not a null and void, and therefore, cannot be disregarded in execution proceedings.
- (v) Section 10 CPC lays down a rule of procedure, which can be waived by a party.
- (vi) The provisions contained in section 10 CPC are mandatory and no discretion is left with the court. Therefore, it lays down a rule of procedure, which cannot be waived by the party.

Select the correct statements -

- (a) (i), (ii), (iv), (v)
- (b) (iii), (v)
- (c) (iv), (vi)
- (d) (iii), (vi)

60. The doctrine of res judicata being a fundamental concept based on public policy and private interest. It, therefore, applies to –
- (a) Civil Suits, execution proceedings and writ petitions and not to the taxation matters, industrial adjudication and interim orders
 - (b) Civil Suits, execution proceedings, writ petitions, arbitration proceedings, industrial adjudication and not to the interim orders and criminal proceedings.
 - (c) Civil Suits, execution proceedings, writ petitions, taxation matters, industrial adjudication and not to the arbitration proceedings, administrative orders and criminal proceedings.
 - (d) Civil suits, execution proceedings, writ petitions, taxation matters, industrial adjudication including arbitration proceedings, administrative orders, interim orders and criminal proceedings.
61. Find out the correct statement regarding the plea of res judicata –
- (a) The party may not waive the plea of res judicata because the provisions given under section 11 CPC are mandatory.
 - (b) The provisions of section 11 CPC are mandatory and it is well established that the doctrine of res-judicata codified in section 11 CPC is exhaustive and the party may not waive the plea of res judicata.
 - (c) The doctrine of res-judicata belongs to the domain of procedure and the party may waive the plea of res-judicata. The court may also decline to go into the question of res-judicata on the ground that it has not been properly raised in the proceeding or in issue.
 - (d) The doctrine of res-judicata belongs to the domain of procedure and therefore, the party may waive the plea of res-judicata but the court shall not decline to go into the question of res-judicata on the ground that it has not been properly raised in the proceedings or in issue.
62. The 'Matter in issue' means the rights litigated between the parties. These are the facts on which right is claimed and the law applicable to the determination of that issue.
- (a) Such issues are issue of fact only.
 - (b) Such issues are issue of law only.
 - (c) Such issues may be mixed issue of law and fact.
 - (d) Such issues are issue of law only and not of fact.
63. 'P' sues 'D' for a declaration that he is entitled to certain property as an heir of 'H'. The suit is dismissed. 'P' files another suit for injunction on the ground that he had become an owner of the property by the adverse possession.
- The subsequent suit is -
- (a) Barred by the doctrine of direct Res-judicata
 - (b) Not barred by the doctrine direct Res-judicata
 - (c) Barred by the doctrine of constructive Res-judicata
 - (d) Not barred by the doctrine of constructive Res-judicata

64. The term 'Suit' is a generic term of comprehensive signification referring to any proceeding by one person or persons against another or others in a court of law wherein the plaintiff pursues the remedy which the law affords him for the redress of any injury or the enforcement of a right. The term 'Suit' includes all the proceedings of a –
- (a) Judicial nature in which the dispute of aggrieved parties are adjudicated before an impartial forum.
 - (b) Quasi-judicial nature in which the dispute of aggrieved parties are adjudicated before an impartial forum.
 - (c) Judicial nature including the quasi-judicial nature in which dispute of aggrieved parties are adjudicated before an impartial forum.
 - (d) Judicial nature excluding the quasi-judicial nature in which dispute of aggrieved parties are adjudicated before an impartial forum.
65. Find out the correct statements –
- (i) In a suit for partition, all sharers are the necessary parties.
 - (ii) A purchaser of property in a public-auction is a necessary party to the suit for a declaration to set aside the said public auction.
 - (iii) A sub-tenant is necessary party in a suit for possession by the landlord against the tenant.
 - (iv) Grandsons are the necessary parties to a suit for partition by sons against their father.
 - (v) A local authority for whose benefit land is sought to be acquired by the govt. is a proper party in land acquisition proceedings.
 - (vi) In complaint against a seniority list prepared by an employer, even if no relief is sought against a particular individual, the persons shown as senior to the petitioner are necessary parties.
 - (vii) In an action against selection and appointment by an authority, candidates who are selected and appointed are directly affected are necessary parties
- (a) (i), (ii), (iv), (vi), (vii)
 - (b) (i), (ii), (iii), (iv), (vii)
 - (c) (i), (ii), (iv), (v), (vii)
 - (d) (i), (ii), (vii)
66. While dealing with an application for adding, deleting, substituting or transposing a party, a court –
- (a) Must have the Jurisdiction to try the suit
 - (b) Need not to have the jurisdiction to try the suit
 - (c) May or may not have the Jurisdiction to try the suit
 - (d) Need not to have the jurisdiction to try the suit and in the interest of justice may add delete, substitute or transpose and, thereafter, may return the plaint to the court which has the jurisdiction to try the suit

67. Where the plaintiff appears and the defendant does not appear when the suit is called out for hearing and if the defendant is duly served, the court may hear the suit ex-parte and pass a decree against him. Such a decree is –
- (a) Null and void
 - (b) Inoperative
 - (c) Valid
 - (d) Merely voidable and unless and until it is annulled on legal and valid ground, and enforceable like a bi-parte and has all the force of a valid decree.
68. The defendant, against whom an ex-parte decree has been passed, has given the following remedies –
- (i) To apply to the court to set it aside under Order IX Rule 13 CPC.
 - (ii) To prefer an appeal against such decree under Section 96(2) CPC.
 - (iii) To file a revision petition under Section-115 CPC, where no appeal lies.
 - (iv) To apply for review under Order XLVII Rule 1 CPC
 - (v) To file a suit on the ground of fraud.
- (a) (i), (ii), (iv)
 - (b) (i), (iii), (iv)
 - (c) (i), (ii), (iii) (iv) and not (v)
 - (d) (i), (ii), (iii), (iv), (v)
69. The provisions of Order II Rule 2 CPC applies to the -
- (a) Suits
 - (b) Suits, including execution proceedings
 - (c) Suits, appeals, execution proceedings
 - (d) Suits, appeals, execution proceedings, arbitration proceedings or to petitions under Article 226 of the Constitution of India.
70. The provisions of Order VI Rule 17 of the Code are –
- (a) Exhaustive
 - (b) Not exhaustive of the power of Court in a matter of amendment of pleadings.
 - (c) The power of amendment is not inherent in the court
 - (d) Not exhaustive of the power of a Court in a matter of amendment of pleadings. The power of amendment is inherent and where order VI Rule 17 CPC does not apply, resort can be had to Section 151 of the Code.
71. *"In construing the provision of Order VIII Rule 1 and Rule 10 CPC, the doctrine of harmonious construction is required to be applied. The effect would be that under Rule 10 of Order VIII CPC, the court in its discretion would have power to allow the defendant to file written statement even after the expiry of period of 90 days provided in Order VIII Rule, 1 CPC. There is no restriction in Order VIII Rule 10 CPC that after expiry of Ninety days, further time cannot be granted. The Court has wide power to 'make such order in relation to the suit as it thinks fit'. The provision of Order VIII Rule 1 CPC providing upper limit of Ninety days to file written statement is directory",* was held in which of the following below given case/cases -
- (a) Salem Advocate Bar Association vs. UOI (2005) 6 SCC 344
 - (b) Sumitibai vs. Paras Finance Co., (2007) 10 SCC 82
 - (c) Sandeep Thapar vs. SME Technologies (P) Ltd. (2014) 2 SCC 302
 - (d) All the above

72. A, B and C are coparceners of Joint Hindu family. They jointly execute a mortgage in favour of X. X files a suit against all of them. Summons are served to C but not to A and B. None of them appears and an ex-parte decree is passed against all. A and B apply to set aside the ex-parte decree –
- (a) It ought to be set-aside against C also.
 - (b) It may not to be set-aside against C
 - (c) It depends upon the discretion of the court, either to set aside against all or against 'C' alone
 - (d) Not to be set-aside against 'C' in any circumstances.
73. 'A' files a suit against B, C and D on a mortgage bond and gets an ex-parte decree against all of them. B alone applies to set it aside. Neither in the mortgage bond nor in the plaint nor in the decree there is any specification of shares and liabilities of the respective defendants. Therefore, the decree -
- (a) The decree must be set-aside against B alone
 - (b) The decree must be set-aside as a whole.
 - (c) It is upon the discretion of the Court either to set it aside against B alone or against all as a whole.
 - (d) The decree must be set-aside B alone because B only applies to set it aside.
74. An order setting aside an ex-part decree is –
- (a) A 'case decided' within the meaning of section 115 of the code and is, therefore, revisable
 - (b) Not a 'case decided' within the meaning of section 115 of the Code and is therefore, not revisable.
 - (c) A 'case decided' but not revisable under the provision of Section 115 of the Code
 - (d) Not a 'case decided' but it is revisable under the provision of Section 115 of the Code.
75. Point out the right statement –
- The date of first hearing of a suit given under Order X Rule 1 of the CPC –
- (a) Can be earlier than the date fixed for preliminary examination of the parties and settlement of issues.
 - (b) Can never be earlier than the date fixed for preliminary examination of the parties and settlement of issues.
 - (c) It may or may not be earlier than the date fixed for the preliminary examination of the parties and settlement of issues because it depends upon the judicial discretion of the court.
 - (d) The date on which the court proposes to apply its judicial mind to the contention in the pleadings of the parties to the suit and in the document filed by them for the purpose of framing the issues to be decided in the suit and it can never be earlier than the date fixed for preliminary examination of parties and settlement of issues.

76. Select the correct statements –

- (i) Non-framing of proper issues is fatal to the suit
 - (ii) Non-framing of proper issues is not fatal to the suit
 - (iii) Issues can be amended at any stage of the trial.
 - (iv) Issues can also be amended by the appellate court or revisional court.
 - (v) Issues can be amended by the trial Court only and not by the appellate court or revisional court.
 - (vi) A trial gets vitiated on wrong, improper or defective issues.
 - (vii) A trial does not get vitiated on wrong, improper or defective issues.
- (a) (i), (iii), (v), (vi)
- (b) (i), (iv), (vii)
- (c) (ii), (iii), (iv), (vii)
- (d) (ii), (iii), (iv), (vi)

77. A temporary injunction may be granted against –

- (a) A party including a stranger
- (b) A party including a stranger or a third party
- (c) A party including a stranger or a third party or a non-party.
- (d) A party only and not against a stranger or a third party or a non-party.

78. The provisions of Order XXIII of the CPC –

- (i) Applies to the execution proceedings also
- (ii) Do not apply to the execution proceedings
- (iii) The court has power to allow an application for execution to be withdrawn with liberty to file a fresh application
- (iv) The court has no power to allow an application for execution to be withdrawn with liberty to file a fresh application
- (v) Withdrawal of an application without the permission of the court to bring a fresh application, hence is bar to a fresh application for execution within the period of limitation.
- (vi) Withdrawal of an application without the permission of the court to bring a fresh application, hence is no bar to a fresh application for the execution within the period of limitation.

Select the correct statements:-

- (a) (ii), (iv), (vi)
- (b) (ii), (iv), (v)
- (c) (i), (iii), (v)
- (d) (i), (iii), (vi)

79. Choose the correct statements:-

- (i) Section 34 CPC has application to interest prior to the institution of the suit.
 - (ii) Section 34 CPC has no application to interest prior to the institution of the suit since it is a matter of substantive law.
 - (iii) It can also be awarded when there is no agreement express or implied between the parties.
 - (iv) It can be awarded only when there is an agreement, express or implied between the parties.
 - (v) The award of interest from the date of the suit to the date of the decree is not at the discretion of the court but the award of interest from the date of decree to the date to payment is at the discretion of the court.
 - (vi) The award of interest from the date of the suit to the date of the decree is at the discretion of the court but award of interest from the date of decree to the date of payment is not at the discretion of the court.
 - (vii) As a general rule, the court should award interest at the contractual rate except where it would be inequitable to do so.
 - (viii) The award of interest from the date of decree to the date of payment is also at the discretion of the court.
- (a) (i), (ii), (v), (vi)
 - (b) (ii), (iv), (vii), (viii)
 - (c) (ii), (iv), (v), (vii)
 - (d) (i), (iv), (vii), (viii)

80. Which of the following statements may be said to be a substantial question of law –

- (i) A question of law on which there is conflict of judicial opinion.
 - (ii) Inference from or legal effect of proved or admitted facts.
 - (iii) Misconstruction of evidence or documents.
 - (iv) Interpretation or constructive of material documents
 - (v) A question of admissibility of evidence
 - (vi) Concurrent findings of facts recorded by courts of below.
 - (vii) Where inference as to finding of fact has been drawn on the basis of evidence and material on record.
 - (viii) Where two views are possible.
 - (ix) Where new case is sought to be made out in second appeal.
 - (x) Where a finding of fact has been attacked on the ground that it is erroneous (as against perverse).
- (a) (i), (ii), (iii), (vii), (ix), (x)
 - (b) (iv), (v), (vi), (vii), (viii)
 - (c) (ii), (iii), (iv), (vii), (viii), (ix), (x)
 - (d) (i), (ii), (iii), (iv), (v)

81. An appeal shall lie from the following orders –

- (i) An order rejecting an application to set aside orders passed ex-parte in execution proceedings under Order XXI Rule 106(1) CPC.
 - (ii) An order giving or refusing to give leave to continue a suit by or against an assignee under Order XXII Rule 10 CPC.
 - (iii) An order in an interpleader suit for costs of the plaintiff where the defendant in interpleader suit sues the plaintiff in another Court under Order XXXV Rule 3 CPC.
 - (iv) An order granting or refusing to grant interim injunction under Order XXXIX Rule 1 or Rule 2 CPC
 - (v) An order for attachment of property or detention of a person disobeying an order of injunction under Order XXXIX Rule 2-A CPC
 - (vi) An order for appointment of receiver under Order XL Rule 1 CPC.
 - (vii) An order refusing to restore an appeal dismissed for default for appearance by appellant.
 - (viii) An order refusing to re-hear an appeal heard ex-parte under Order XLI Rule 21 CPC.
 - (ix) An order of remand (in appealable cases) under Order XLI Rule 23 or Rule 23-A CPC.
 - (x) An order to deposit money or other property, or to furnish security, or fresh security for appearance of the defendant under Order XXXVIII Rule 2 or Rule 3 CPC or for attachment of property before Judgment under Order XXXVIII Rule 6 CPC.
- (a) (ii), (iii), (iv), (vi), (ix)
 - (b) (i), (iv), (v), (vii), (viii)
 - (c) (ii), (v), (vi), (viii), (ix)
 - (d) All the above

82. The following assets are available for the rateable distribution under Section 73 of the Code –

- (i) Sale proceeds realised from auction-sale.
 - (ii) Deposit made by a defaulting purchaser.
 - (iii) Money paid as security.
 - (iv) Money deposited by surety to release attachment.
 - (v) Money paid to decree-holder by surety.
 - (vi) Money deposited to set-aside sale.
 - (vii) Money realised under attachment before judgment.
 - (viii) Money realised in execution of decree.
 - (ix) Money paid in execution proceedings.
 - (x) Money paid in garnishee proceedings.
- (a) (i), (ii), (iii), (v), (vii), (viii), (ix)
 - (b) (i), (ii), (iv), (vi), (viii), (ix)
 - (c) (i), (ii), (iv), (viii), (ix), (x)
 - (d) (i), (ii), (iii), (v), (vi), (vii), (viii), (ix)

83. Select the correct statements –

- (i) Temporary injunction granted by the court pendente lite comes to an end when the suit is finally decided.
 - (ii) If the suit is dismissed, temporary injunction is vacated. But if the suit is decreed, temporary injunction comes to an end.
 - (iii) If the suit is dismissed, the temporary injunction comes to an end but if suit is decreed, the temporary injunction is vacated.
 - (iv) If the suit is for permanent injunction, temporary injunction granted by the court is made perpetual or permanent as part of decree passed by the Court.
 - (v) If the suit is for permanent injunction, temporary injunction granted by the Court is not made perpetual or permanent as a part of decree passed by the court.
 - (vi) Mandatory injunction at an interlocutory stage can be granted in rarest of rare cases.
 - (vii) An order granting or refusing to grant injunction is subject to appeal.
 - (viii) Where ex-parte relief is granted by the court and the application is not decided within thirty days, the aggrieved may prefer an appeal against such an order.
 - (ix) An order granting or refusing an injunction is 'not a case decided' within Section 115 of the code and therefore, no revision lies against-such an order.
 - (x) In case where no appeal or revision lies against an order granting or refusing temporary injunction, a writ petition under Article 226 or 277 of the Constitution of India is not maintainable.
- (a) (i), (ii), (v), (vi), (ix), (x)
 - (b) (i), (iii), (iv), (vi), (vii), (viii), (ix)
 - (c) (iii), (iv), (vi), (viii), (ix), (x)
 - (d) (i), (ii), (iv), (vi), (vii), (viii)

84. The 'Restitution' may be granted to the –

- (a) Party to the litigation and his legal representatives.
- (b) Parties or their representatives, the sureties, transferee pendente lite, attaching decree holder.
- (c) Parties, their representatives, sureties, transferee pendente lite, attaching decree holder and bona fide auction purchaser.
- (d) Parties or their representatives, transferee pendente lite, attaching decree holder but does not apply to the sureties and a bonafide auction-purchaser.

85. Find out the right statements -

- (i) A revision under section 115 of the Code and a petition under Article 227 of the constitution are same and identical proceedings.
- (ii) A revision application lies only on the ground of Jurisdictional error whereas an appeal lies on a question of fact or of law or of fact and law.
- (iii) While exercising the revisional Jurisdiction the High Court cannot interfere with an order passed by the subordinate court, if it is within its jurisdiction even if it is legally wrong. The High Court, on the other hand, can interfere with a decree passed by the lower appellate court if it is contrary to law.
- (iv) While exercising the revisional jurisdiction, the High Court can interfere with an order passed by the subordinate court, if it is within its jurisdiction if it is legally wrong. In case of 2nd appeal, court can interfere with a decree passed by the lower appellate court if it is contrary to law.
- (v) The High Court cannot decide a question of fact in the exercise of its revisional jurisdiction, while it can decide a question of fact in the second appeal in certain circumstances.
- (vi) The High Court may decline to interfere in revision if it is satisfied that substantial justice has been done. In the second appeal, however, the High Court has no discretionary power and it cannot refuse to grant relief merely on equitable grounds.

- (a) (i), (ii), (iv), (vi)
- (b) (i), (ii), (iii), (v)
- (c) (ii), (iii), (v), (vi)
- (d) (ii), (iv), (v), (vi)

86. The inherent powers under section 151 CPC can be exercised to prevent the abuse of the process of the court. Such abuse may be committed by –

- (a) The party
- (b) The Court
- (c) The Court or the party
- (d) The party only and not by the court.

87. A files a suit against B for Rupees 1, 00,000/- and for the interest also. The court passed a decree for Rupees 50,000 only and nothing more. A applied to amend the decree by adding a prayer for payment of interest under Section 152 of the CPC –

- (a) The decree can be amended under Section 152 CPC because accidental slip or omission may at any time be corrected by the court either of its own motion or on the application of any of the parties.
- (b) The decree cannot be amended under Section 152 of the Code.
- (c) A may file an appeal or application for review.
- (d) Both (b) and (c)

88. 'A' files a petition in Delhi High Court under Article 226 of the Constitution for re-instatement in service and consequential benefits contending that an order of dismissal passed against him was illegal. The petition filed by 'A' was dismissed by Delhi High Court. Whether, 'A' -
- (a) Can thereafter file a fresh petition in the Supreme Court under Article 32 of the Constitution of India.
 - (b) Cannot file a fresh petition in the Supreme Court under Article 32 of the Constitution of India but can institute a suit in a civil court because such suit would not be barred by the Res-Judicata.
 - (c) Can file either a fresh petition in the Supreme Court under Article 32 of the Constitution of India or can also institute a suit in Civil Suit as such petition under Article 32 or suit is not barred by the doctrine of Res-Judicata.
 - (d) Cannot file a fresh petition in the Supreme Court under Article 32 of the Constitution nor can institute a suit in civil court as such petition or suit is barred by the Doctrine of Res-Judicata.
89. 'A' sues 'B' for a declaration that he is the owner of certain property. The Suit is dismissed holding that he is not the owner. At the time of the suit, 'A' is in adverse possession of the property but has not perfected title. After the statutory period, 'A' files another suit on the basis of his title by adverse possession –
- (a) The suit is barred
 - (b) The suit is not barred
 - (c) The suit is barred but court may exercise its inherent power to do complete justice
 - (d) The suit is barred and court cannot exercise its inherent power
90. For the application of Res-judicata –
- (i) The identity of the subject-matter involved in the two cases and not the identity of title in the two litigations.
 - (ii) The identity of title in the two litigations and not the identity of the subject-matter involved in the two cases.
 - (iii) The term 'same title' has nothing to do either with the cause of action or with the subject matter of two suits.
 - (iv) Where the right claimed in both the suits is the same, the subsequent suit will be barred even though the right in the subsequent suit is sought to be established on a ground different from the one in the former suit.
 - (v) Where the right claimed in both the suits is the same, the subsequent suit will not be barred if the right in the subsequent suit is sought to be established on a ground different from the one in the former suit.
- (a) (i), (iii), (v)
 - (b) (ii), (iii), (v)
 - (c) (ii), (iii), (iv)
 - (d) (i), (ii), (v)

91. The word 'might' given under Explanation IV to Section 11 CPC, pre-supposes the party affected had knowledge of the ground of attack or defence at the time of the previous suit. Whereas, 'ought' compels the party to take such ground. The word between the above two terms must be read as –
- (a) Conjunctive (and)
 - (b) Disjunctive (or)
 - (c) Conjunctive (and) only and not Disjunctive
 - (d) Disjunctive (or) only and not Conjunctive
92. Whether a matter was directly and substantially in issue or merely collaterally or incidentally in issue has to be determined with reference to the –
- (a) Complaint and written statement
 - (b) Complaint, written statement and issues.
 - (c) Complaint, written statement, issues and judgments
 - (d) All the above
93. In order that a decision in a former suit may operate as res-judicata, the court which decided that suit must have been a court of –
- (a) Exclusive jurisdiction
 - (b) Limited jurisdiction
 - (c) Concurrent jurisdiction
 - (d) Either of the above
94. In order that a matter may be said to have been heard and finally decided, the decision in the former suit must have been on merits. Which of the following decisions are not on merits and res-judicata not operate in subsequent suit? Where the –
- (a) Former suit was dismissed by a court for want of jurisdiction.
 - (b) For the default of plaintiff's appearance.
 - (c) On the ground of non-joinder or misjoinder of parties.
 - (d) All of the above
95. Select the right statements –
- (i) The doctrine of res-judicata applies whether the point involved in the earlier decision is one of fact, or of law, or mixed of fact and law.
 - (ii) An incorrect decision is not the same as without the jurisdiction.
 - (iii) A wrong decision by a court having jurisdiction is as much binding between the parties as a right one and may be set aside only in appeals or revisions to higher courts or tribunal if the law provides such remedy.
 - (iv) A pure question of law does operate as res-judicata.
 - (v) A pure question of jurisdiction does operate as res-judicata.
 - (vi) A Pure question of law or of jurisdiction does not operate as res-judicata.
- (a) (i), (ii), (iii), (iv)
 - (b) (i), (ii), (iii), (v)
 - (c) (ii), (iv), (v)
 - (d) (i), (ii), (iii), (vi)

96. The provision of Order II Rule 2 CPC is based on the cardinal principle of law that a defendant should not be vexed twice for the same cause. The principle contained in this provision is designated to counteract evil or evils namely –
- (a) Splitting up to claim
 - (b) Splitting up of remedies
 - (c) Either splitting up to claim or splitting up of remedies.
 - (d) Splitting up of claim and splitting up of remedies.
97. An arrest before judgment is not allowed –
- (a) In any suit for land or immovable property specified in clauses (a) to (d) of section 16 of the Code.
 - (b) To convert unsecured debt into a secured debt or to ensure easy execution.
 - (c) Only in case of (a) and not in (b)
 - (d) Neither (a) nor (b)
98. A right of appeal –
- (a) Natural right
 - (b) Inherent right
 - (c) A substantive right and not merely a matter of procedure
 - (d) All the above
99. Select the correct statements –
- (i) The proceedings for restitution are not proceedings in execution
 - (ii) The proceedings for restitution are proceedings in execution
 - (iii) Doctrine of restitution does not confer any new substantive right to the party not available under the general law.
 - (iv) Section 144 of the code is exhaustive.
 - (v) Section 144 of the code not exhaustive and there is always an inherent jurisdiction to order restitution.
 - (vi) The period of limitation is 3 years.
 - (vii) The period of limitation is 12 years.
- (a) (i), (iii), (iv), (vii)
 - (b) (i), (iii), (v), (vi)
 - (c) (ii), (iii), (v), (vii)
 - (d) (ii), (v), (vi)

100. The following questions are held to be questions relating to the execution, discharge or satisfaction of decree –

- (i) Whether the execution of the decree was postponed
- (ii) Whether the sale in execution is warranted by the terms of the decree
- (iii) Whether a party is or is not entitled to restitution of property
- (iv) Whether the decree has become inexecutable by a compromise subsequent to the passing of the decree in the previous suit.
- (v) A claim by auction-purchases for actual possession.
- (vi) Whether the decree-holder is entitled to mould relief in accordance with the change of circumstances
- (vii) A question relating to the amount of mesne profit.
- (viii) Whether the decree has been adjusted outside the court.
- (ix) A question regarding contribution amongst Judgment debtor etc.
- (x) The question regarding identity of property.
- (a) (i), (ii), (iv), (v), (vi), (vii), (ix), (x)
- (b) (ii), (iii), (v), (vii), (viii), (x)
- (c) (i), (ii), (iii), (vi), (viii), (x)
- (d) (i), (iv), (v), (vii), (ix), (x)

101. Select the correct statement.

Under Section 115 of the CPC –

- (a) A revision shall operate as a stay of suit or other proceedings.
- (b) A revision shall not operate as stay of suit or other proceeding before the Court except where such suit or other proceeding is stayed by the High Court.
- (c) A revision may operate as a stay of suit or other proceedings before the court except where such suit or other proceedings is stayed by the High Court.
- (d) A revision may not operate as a stay of suit or other proceedings before the court except where such suit or other proceedings is stayed by the High Court.

102. In the case of any alleged breach of any express or constructive trust created for the purposes of charitable or religious nature or where the directions of the Court is deemed necessary for the administration of any such trust –

- (a) The advocate general or two or more persons having an interest in the trust and having obtained the leave of the Court may institute a suit.
- (b) The advocate general or two or more persons not having an interest in the trust but after having obtained the leave of the Court may institute a suit.
- (c) The advocate general or two or more persons having an interest in the trust but without obtaining the leave of the Court also may institute a suit.
- (d) The advocate general or two or more persons neither having an interest in the trust nor having obtained the leave of the Court also may institute a suit for the general welfare of the people.

103. An appeal lie to the Supreme Court under Section 109 of the CPC, if the High Court certifies that –
- (a) The case involves a substantial question of law of general importance
 - (b) In the opinion of the High Court, the said question needs to be decided by the Supreme Court.
 - (c) Either a or b
 - (d) Both a and b
104. Point out the incorrect statement —
- Under Section 107 of the CPC, an appellate court shall have the power –
- (a) To determine a case finally.
 - (b) To call a case from lower court.
 - (c) To take additional evidences or to require such evidence to be taken.
 - (d) To frame issues and refer them for trial.
105. Which of the following person is not entitled an exemption from the personal appearance in court –
- (a) Chairman of State Legislative Councils.
 - (b) District Magistrate
 - (c) Speaker of State legislative Assemblies
 - (d) The Ministers of State
106. No person shall be liable to arrest or detention in prison under civil process if he is a member of either House of Parliament, or the Legislative Assembly or Legislative Council of a State, or a Legislative Assembly of a Union Territory during the continuances of any meeting, sitting or conference and during the _____ days before and after such meeting, sitting or conference.
- (a) fourteen days
 - (b) forty days
 - (c) forty one days
 - (d) sixty days
107. Under Section 148 of the CPC, the court may, in its discretion, from time to time enlarge such period not exceeding thirty days is total, even though the period originally fixed or granted may have expired —
- (a) Where any period is fixed or granted by the Court for doing any of the acts prescribed or allowed by the code.
 - (b) Where any period is fixed or granted by the Code for doing any of the acts prescribed or allowed by the Court.
 - (c) Where any period is fixed or granted by the Court for doing any of the acts prescribed or allowed by the Court.
 - (d) Where any period is fixed or granted by the Code for doing any of the acts prescribed or allowed by the Code.

108. The Court may strike out or add parties under -
- (a) Order I Rule 10(1) CPC
 - (b) Order I Rule 10(2) CPC
 - (c) Order I Rule 10(2A) CPC
 - (d) Order I Rule 10(3) CPC
109. The objections as the 'Misjoinder of Causes of action' is given under -
- (a) Order I Rule 12 CPC
 - (b) Order I Rule 13 CPC
 - (c) Order II Rule 6 CPC
 - (d) Order II Rule 7 CPC
110. The court give 'Summons to the plaintiff for service' is provided under —
- (a) Order V Rule 9 CPC
 - (b) Order VI Rule 9A CPC
 - (c) Order V Rule 9A CPC
 - (d) Order VI Rule 9 CPC
111. Where in any suit the defendant is absent from his residence at the time when the service of summon is sought to be effected on him at his residence and there is no likelihood of his being found at the residence within a reasonable time and he has no agent empowered to accept then service of summon not be valid if it made -
- (a) On any adult male member of the family residing with him.
 - (b) On any adult female member of the family residing with him.
 - (c) A servant of the family.
 - (d) On any adult member of the family whether male or female residing with him.
112. Where the serving officer delivers or tenders a copy of the summons to the defendant personally, or to an agent or other person on his behalf, he shall be required the signature of the person to the whom the copy is so delivered or tendered to an acknowledgement of service endorsed —
- (a) On the duplicate summons.
 - (b) On the original summons.
 - (c) On the certified copy of summons.
 - (d) Only on duplicate summon as the original is given to the defendant.
113. The Court may record such remarks as it thinks material respecting the demeanour of any witness while under examination —
- (a) Order XVI Rule 9 CPC
 - (b) Order XVI Rule 10 CPC
 - (c) Order XVIII Rule 11 CPC
 - (d) Order XVIII Rule 12 CPC

114. No witness to be ordered to attend in person unless he resides —

- (a) Without such limit but a place less than fifteen or (where there is railway or steamer communication or other established public conveyance for five-sixth of the distance between the place where he resides and the place where the Court situate) less than two hundred miles distance from the Court house.
- (b) Without such limit but a place less than fifty or (where there is railway or steamer communication or other established public conveyance for five-sixth of the distance between the place where he resides and the place where the Court situate) less than one hundred miles distance from the Court house.
- (c) Without such limit but a place less than one hundred or (where there is railway or steamer communication or other established public conveyance for five-sixth of the distance between the place where he reside and the place where the Court situate) less than five hundred kilometres distance from the Court house.
- (d) Without such limit but a place less than two hundred or (where there is railway or steamer communication or other established public conveyance for five-sixth of the distance between the place where he reside and the place where the Court situate) less than five hundred km distance from the Court house.

115. Under Order XVIII rule (4) (1) of the CPC, in every case -

- (a) The *examination-in chief* of a witness shall be on the affidavit and copies thereof shall be supplied to the opposite party by the party who calls him for evidence.
- (b) The *Cross-examination* of a witness shall be on the affidavit and copies thereof shall be supplied to the opposite party by the party who calls him for evidence.
- (c) The *re-examination* of witness shall be on the affidavit and copies thereof shall be supplied to the party by the party who calls him for evidence.
- (d) All the above

116. The Court may at any stage of a suit re-call any witness who has been examined and may put such questions to him as the court thinks fit —

- (a) Order XVIII Rule 15 CPC
- (b) Order XVIII Rule 17 CPC
- (c) Order XVII Rule 17 CPC
- (d) Order XVI Rule 17 CPC

117. Every endeavour shall be made to ensure that the decree is drawn up as expeditiously as possible and, in any case, within _____ days from the date on which the Judgement is pronounced.

- (a) fifteen days
- (b) thirty days
- (c) sixty days
- (d) Maxi. 90 days

118. Where a party against whom a decree for the restitution of conjugal rights has been passed and had an opportunity of obeying the decree but has wilfully failed to obey it. The decree may be enforced —

- (a) By the attachment of his property.
- (b) By the detention in the civil prison only.
- (c) Both by the attachment of his property and detention in the civil prison.
- (d) Either by the attachment of his property or detention in the civil prison.

119. Match the following —

- | | |
|---------------------------------------------------------------------------|---------------------|
| I. Suit by or against corporation | 1. Order XXVII CPC |
| II. Suit by or against the govt./Public Officer in their officer capacity | 2. Order XXVIII CPC |
| III. Suit by or against military/Naval men or airmen | 3. Order XXIX CPC |
| IV. Suit by or against trustee, executors and administrators | 4. Order XXXI CPC |

- (a) I-3, II-1, III-2, IV-4
- (b) I-1, II-2, III-3, IV-4
- (c) I-2, II-3, III-4, IV-1
- (d) I-1, II-4, III-1, IV-2

120. When a substantial question of law can be said to have arisen?

- (a) When material or relevant evidence is not considered which, if considered would have led to an opposite conclusion.
- (b) When a finding has been arrived at by the appellate court by placing reliance on inadmissible evidence which if it was omitted, an opposite conclusion was possible.
- (c) Either A or B
- (d) Both A and B

121. Match the following —

- | | |
|-------------------------------------------------------|--------------------------|
| I. Decree for possession and Mesne Profits | (1) Order XX Rule 12 CPC |
| II. Decree in the Administration suit | (2) Order XX Rule 13 CPC |
| III. Decree in Pre-emption suit | (3) Order XX Rule 14 CPC |
| IV. Decree in suit for the Dissolution of partnership | (4) Order XX Rule 15 CPC |

- (a) I-1, II-2, III-3, IV-4
- (b) I-2, II-1, III-4, IV-3
- (c) I-2, II-3, III-4, IV-1
- (d) I-4, II-3, III-2, IV-1

122. In the case of disobedience of any injunction granted or other order made under Rule 1 or Rule 2 Order XXXIX CPC or breach of any of the terms on which the injunction was granted or the order made, the Court granting the injunction or making the order, or any court to which the suit or proceeding is transferred, may order the property of the person guilty of such disobedience or breach to be attached, and may also order such person to be detained in the civil prison for a term not exceeding _____ unless in the meantime the court directs his release.
- (a) Thirty days
 - (b) Sixty days
 - (c) Three months
 - (d) Six months
123. Where it appears to the Court to be just and convenient, the court may appoint a receiver of any property —
- (a) Before passing the decree
 - (b) After passing the decree
 - (c) Before or after decree
 - (d) Only before decree and not after decree
124. When the parties to an appeal may be allowed by the appellate Court to produce additional evidences under Order XLI Rule 27 of CPC —
- (a) The court from whose decree the appeal is preferred has refused to admit evidence which ought to have been admitted, or
 - (b) The party seeking to produce additional evidence, establishes that notwithstanding the exercise of due diligence, such evidences, was not within his knowledge or could not, after the exercise of due diligence, be produced by him at the time when the decree appealed against was passed.
 - (c) The appellate court requires any document to be produced or any witness to be examined to enable it to pronounce Judgment, or for any other substantial Cause.
 - (d) Either A or B or C
125. The Appeal by Indigent person is given under —
- (a) Order XXXIII CPC
 - (b) Order XLIV CPC
 - (c) Order XLV CPC
 - (d) Order XLVI CPC
126. An application for the condonation of delay in presenting an appeal after the expiry of the period of limitation, is provided under —
- (a) Order XLI Rule 2 CPC
 - (b) Order XLI Rule 3 CPC
 - (c) Order XLI Rule 3A CPC
 - (d) Order XLI Rule 4 CPC
127. Find out the correct statement —

- (a) The provision of Order VI rule 17 CPC are equally applicable to other proceedings such as execution proceedings, insolvency proceedings, arbitration proceedings, election matters, proceedings under the Land Acquisition Act, claim petitions.
 - (b) The provision of Order VI rule 17 CPC are not applicable to other proceedings such as execution proceedings, insolvency proceedings, arbitration proceedings, election matters, proceedings under the Land Acquisition Act, claim petitions.
 - (c) The provisions of Order VI rule 17 CPC are only applicable to execution proceedings and arbitration proceedings, and not to the insolvency proceedings, election matters, proceedings under the Land Acquisition Act, claim petition.
 - (d) The provisions of Order VI rule 17 CPC are only applicable to the insolvency proceedings, election matters, proceedings under the Land Acquisition and claim petition and not to the execution and arbitration proceedings.
128. Point out the correct statement —
- (a) Before the amendments of the year 2002 in the Code, leave to amend the pleading could be granted at any stage of the proceedings, before or after the trial and even at the appellate stage
 - (b) Before the amendments of the year 2002 in the Code, leave to amend the pleadings could be granted at any stage of the proceedings, before or after the trial but not at the appellate stage.
 - (c) Before the amendment of the year 2002 in the Code, leave to amend the pleadings could be granted only before commencement of trial.
 - (d) Before the amendment of the year 2002 in the Code, the leave to amend the pleadings could be granted only before the commencement of trial but in case of exceptional circumstances even after the commencement of trial.
129. Select the correct statement —
- (a) The plea of bar under Order II Rule 2 is a highly technical plea and must be taken specifically and if not taken, the court shall not entertain and decide the Plea *suo-moto*.
 - (b) The plea of bar under Order II Rule 2 CPC is technical plea but need not to be taken specifically and the same if not taken by the party, the court may still entertain and decide the plea *suo-moto*.
 - (c) The plea of bar under Order II Rule 2 CPC is a highly technical plea and therefore, must be taken specifically either by the court *suo-moto* or by the party.
 - (d) The plea of bar under Order II Rule 2 CPC is not technical plea and may be even taken by the Court *suo-moto* also.
130. In which of the following case, the plaint shall not be rejected -
- (a) Where plaint does not disclose a cause of action.
 - (b) Where the suit appears to be barred by the law of limitation.
 - (c) Where the relief claims is undervalued, and the valuation is corrected by the plaintiff within the time fixed by the Court.
 - (d) Where the relief claimed is properly valued, but the plaint is written upon paper which is insufficiently stamped, and the requisite stamp-paper is not supplied by the plaintiff within the time fixed by the Court.

131. In case of legal and equitable set-off -

- (a) It is not necessary that claim for set off should have arisen out the same transaction but the claim for equitable set-off must have arisen out of the same transaction and it cannot be allowed if the cross-demand relates to different transaction
- (b) It is necessary that claim for set-off should have arisen out the same transaction but the claim for equitable set-off need not to be arisen out of the same transaction
- (c) In both set-off and equitable set-off, it is necessary that both kinds of set-off should have arisen out of the same transaction.
- (d) In both set-off and equitable set-off, it is not necessary that the set-off should have arisen out of the same transaction.

132. Where a party from whom a written statement is required under Rule 1 or Rule 9 of Order VIII CPC , fails to present it within the time fixed by the Court, the Court –

- (a) Shall pronounce a Judgment against him; or,
- (b) Make such order in relation to the suit as it thinks fit.
- (c) Either A or B
- (d) Shall pronounce Judgment only and not to pass any other order in relation to the suit because the time prescribed by the above provisions is already expired.

133. Where a suit is dismissed under Order IX Rule 2 CPC or Order IX Rule 3 CPC, the plaintiff —

- (a) May bring a fresh suit,
- (b) May apply to set aside the dismissal order
- (c) Precluded from filing a fresh suit and have an option to apply for the setting aside only.
- (d) Either A or B

134. The procedure where defendant only appears, is given under—

- (a) Order IX Rule 6 CPC
- (b) Order IX Rule 7 CPC
- (c) Order VIII Rule 7 CPC
- (d) Order IX Rule 8 CPC

135. Under Order X Rule 2 CPC, at the first hearing of the suit, the Court —

- (a) May, with a view to elucidating matters in controversy in the suit, examine orally such of the parties to the suit appearing in person or present in Court, as it deems fit.
- (b) Shall, orally examine any person, able to answer any material question relating to the suit, by whom any party appearing in person or present in Court or his pleader is accompanied.
- (c) Both A and B
- (d) Shall, with a view to elucidating matters in controversy in the suit, examine orally such of the parties to the suit appearing in person or present in court, as it deems fit.

136. In any suit, _____ may deliver interrogatories in writing for the examination of the opposite party or any one or more of such parties.
- (a) The court
 - (b) The plaintiff by the leave of the Court.
 - (c) The defendant by the leave of the Court.
 - (d) The plaintiff or defendant as the case may be, by the leave of the Court.
137. Any interrogatories may be set-aside on the ground that they have been exhibited unreasonably or vexatiously or struck out on the ground that they are prolix, oppressive, unnecessary or scandalous and any application for this purpose may be made within _____ days after service of the interrogatories.
- (a) Thirty days
 - (b) Seven days
 - (c) Nine days
 - (d) Ten days
138. The provisions relating to the non-compliance with order for discovery is given under —
- (a) Order XI Rule 20 CPC
 - (b) Order XI Rule 21 CPC
 - (c) Order XI Rule 22 CPC
 - (d) Order XI Rule 23 CPC
139. The provision relating to the power to amend and strike out issues, are given under—
- (a) Order XIV Rule 4 CPC
 - (b) Order VI Rule 16 CPC
 - (c) Order XIV Rule 5 CPC
 - (d) Order XIV Rule 6 CPC
140. Under Order XXI Rule 22 CPC, in which of the following circumstance, the notice is not required to be issued before the issue of process —
- (a) Where the application for execution is made before the two years after the decree.
 - (b) Where such an application is made against the legal representative of a party to the decree.
 - (c) Where the execution is sought against the surety of the judgement debtor.
 - (d) Where the execution is sought by the transferee or assignee of the decree-holder.
141. Under Section 51 of the CPC, the decree cannot be executed by -
- (a) By delivery of any property specially decreed
 - (b) By issue summons to the Judgment debtor
 - (c) By arrest and detention in prison
 - (d) By appointing a receiver.

142. Order XXXVIII Rules 1 to 4 CPC deals with —

- (a) Arrest before Judgement
- (b) Arrest after judgement
- (c) Attachment before judgement
- (d) Attachment after judgement

143. A temporary injunction may be granted in which of the following case -

- (a) Where any property in dispute in the suit is in danger of being wasted, damage or alienated by any party to the suit, or wrongfully sold in execution of a decree.
- (b) Where the plaintiff threatens to dispose of his property with a view to defrauding his creditors.
- (c) Where the plaintiff threatens to dispossess the defendant.
- (d) Where the plaintiff is about to commit a breach of contract, or other injury of any kind.

144. A person is an indigent person, when —

- (a) He does not possess the sufficient means which enables him to pay the fee prescribed by law for the plaint in the suit proposed to be instituted by him or when no fees is prescribed, he is not entitled to the property worth of rupees one hundred other than the property exempted from an attachment in execution of a decree and the subject-matter of the suit.
- (b) He does not possess the sufficient means which enables him to pay the fees prescribed by law for the plaint in the suit proposed to be instituted by him or when no fee is prescribed, he is not entitled to the property worth of rupees five hundred other than the property exempted from an attachment in execution of a decree and the subject-matter of the suit.
- (c) He does not possess the sufficient means which enables him to pay the fees prescribed by law for the plaint in the suit proposed to be instituted by him or when no fee is prescribed, he is not entitled to the property worth of rupees one thousand other than the property exempted from an attachment in execution of a decree and the subject-matter of the suit.
- (d) He does not possess the sufficient means which enables him to pay the fees prescribed by law for the plaint in the suit proposed to be instituted by him or when no fee is prescribed, he is not entitled to the property worth of rupees two thousand other than the property exempted from an attachment in execution of a decree and the subject-matter of the suit.

145. Point out the incorrect answer.

Under Order XXXIII Rule 5 CPC, the court shall reject an application for the permission to sue as an indigent person -

- (a) Where the applicant is an indigent person.
- (b) Where his allegations do show a cause of action.
- (c) Where he has not entered into any agreement with reference to the subject-matter of the proposed suit under which any other person has obtained an interest in such subject-matter.
- (d) Where he has, within two months next before the presentation of the application disposed of any property frequently or in order to be able to apply for permission to sue as an indigent person.

146. The 'Summary Suit' applies to the suits relating to the -
- (a) Bill of exchange only
 - (b) Both Hundies and Promissory notes
 - (c) Both Bill of exchange and Hundies
 - (d) All of the above
147. 'No suit shall lie to set-aside a decree on the ground that the compromise on which the decree is based was not lawful' is given under -
- (a) Order XXIII Rule 2 CPC
 - (b) Order XXIII Rule 2A CPC
 - (c) Order XXIII Rule 3 CPC
 - (d) Order XXIII Rule 3A CPC
148. An agreement or compromise in a representative suit -
- (a) May be entered into by the parties without the leave of the Court and the same shall be valid because the parties have right to enter into an agreement or compromise as the case may be.
 - (b) May be entered into without the leave of the Court but the same shall be voidable at the option of the parties.
 - (c) No agreement or compromise in a representative suit shall be entered into without the leave of the court but if any such agreement or compromise entered into without the leave of the court, the same shall be legal and valid because the parties have right to enter into an agreement or compromise as the case may be.
 - (d) No agreement or compromise in a representative suit may be entered into without the leave of the court and if any such agreement or compromise entered into without the leave of the court, the same shall be void.
149. Point out the incorrect answer -
- (a) A Civil Court can issue commission for examining the accounts.
 - (b) A Civil Court can issue commission to perform any ministerial act.
 - (c) A Civil Court issue commission to execute a decree.
 - (d) A Civil Court can issue commission to make a partition.
150. Under Section 77 of the CPC, the Court may in lieu of issuing a commission, issue a letter of request to examine a witness -
- (a) A witness residing at any place within India
 - (b) A witness residing at any place not within India
 - (c) A witness residing at any place either within or not within India
 - (d) Either of the above
151. Where a dispute has been referred to a person under Section 89 (2) (C) CPC, such person shall be deemed to be -
- (a) An arbitrator
 - (b) The Lok Adalat
 - (c) A Judge
 - (d) A counsellor

152. In cases where the amount or value of the subject matter of the suit does not exceed fifty rupees, the period of detention under Order XXXVIII Rule 4 of CPC cannot —
- (a) Exceed sixty days
 - (b) Exceed six weeks
 - (c) Exceed six months
 - (d) Exceed three months
153. A cross-objection under Order XLI Rule 22 of the CPC, may be raise by the respondent in the appellate court -
- (a) Within one month from the date of service of notice of day fixed for hearing the appeal, or within such further time
 - (b) Up to first date of hearing
 - (c) At any time before final hearing.
 - (d) Within sixty days from the date of service of notice of day fixed for hearing the appeal
154. What is/are the effect/effects of non-joinder of necessary party —
- (a) The suit may be liable to be rejected
 - (b) The suit will be liable to be rejected straight away
 - (c) The suit may be dismissed
 - (d) The Court cannot straight away dismiss the suit and opportunity must be given to the plaintiff to amend the plaint by adding parties necessary for effective adjudication.
155. Select the correct statement —
- (a) Substituted service under Order V Rule 20 of the CPC, cannot be claimed as a matter of right
 - (b) Substituted service is as effectual as personal service.
 - (c) Substituted service is not a regular mode of service and hence, it should not normally be allowed and can be effected only as a last resort.
 - (d) All of the above
156. Order VI Rule 15 (1) of the CPC pertains to the verification of pleadings by —
- (a) The party or by one of the parties to the pleading.
 - (b) By some other person proved to the satisfaction of the Court to be acquainted with the facts of the case.
 - (c) By the party/parties to the pleading only and not by some other person even though acquainted with the facts of the case.
 - (d) Either A or B.
157. Order XXIII Rule (1) and (2) of the CPC applies to —
- (a) To the appeals only
 - (b) To the writ petitions only
 - (c) To the appeals, the writ petition and to the execution proceedings
 - (d) To appeals and writ petitions and not to the execution proceedings

158. When Res-Judicata will not apply between the co-defendants —
- (a) When there is no conflict of interest between the co-defendants
 - (b) When the conflict between co-defendants is not adjudicated on merits the decision.
 - (c) Either A or B
 - (d) When there is a conflict of interest between the co-defendants but the same has not been adjudicated on the merits.
159. The rules of Res-Judicata applies to —
- (a) Arbitration proceedings, Public interest litigation
 - (b) Arbitration proceedings, Public interest litigation and not to the criminal proceedings
 - (c) Arbitration proceedings, Public interest litigation, criminal proceedings, taxation proceedings, interlocutory orders and consent decrees.
 - (d) Arbitration proceedings, Public interest litigation, criminal proceedings, but does not apply to taxation proceedings, consent decrees and interlocutory orders.
160. Find out the Correct Statement -
- (a) Section 10 CPC is applicable to suits instituted in a Civil Court and can apply to proceedings of other nature instituted under any other statute.
 - (b) Section 10 CPC is applicable to suits instituted in a Civil Court and cannot apply to proceedings of other nature instituted under any other statute.
 - (c) Section 10 CPC will apply if one of the suits is pending in foreign Court.
 - (d) Section 10 CPC is exhaustive and the Court cannot exercise the inherent power to stay the trial of the suit even in appropriate cases.
161. Section 151 of the CPC –
- (a) Confers the inherent power upon Court.
 - (b) Does not confer any power, but merely indicates that the court possesses such inherent powers.
 - (c) It can be exercised in conflict with general scheme and intent of the Code.
 - (d) It can be used either to create or recognise rights, or to create liabilities and obligations not contemplated by any law.
162. Under Section 24 of the CPC, a suit, appeal or other proceedings can be transferred or withdrawn —
- (a) At any stage even after the commencement of hearing and not in the course of execution proceedings.
 - (b) At any stage even after the commencement of hearing and even in the course of execution proceeding.
 - (c) Before the commencement of hearing.
 - (d) Either of the above
163. Select the correct statement —
- An order passed on an application under Section 24 of the Code —
- (a) Not appealable under Section 104 of the Code
 - (b) Appealable under Section 104 of the Code but not under any provision of the Code.
 - (c) Appealable under Section 104 of the Code and under any provision of the Code.
 - (d) Neither appealable under Section 104 of the Code nor under any provision of the Code.

164. An application for restitution lies to the Court —
- (a) Which passed the decree including the Court to which the decree was transmitted for execution
 - (b) Which made the order including the Court to which the order was transmitted for execution
 - (c) Which passed the decree or made the order including the court to which the decree was transmitted for the execution
 - (d) Which passed the decree or made the order not including the court to which the decree was transmitted for the execution
165. 'Pro-forma defendant' is a person —
- (a) Who has no conflict of interest with the plaintiff but against whom the relief has been claimed.
 - (b) Who has conflict of interest with the plaintiff but against whom no relief has been claimed.
 - (c) Who has no conflict of interest with the plaintiff and against whom no relief has been claimed.
 - (d) Who has no conflict of interest with the plaintiff but against whom relief has also been claimed.
166. Choose the correct statement —
- (a) Res judicata is a question of fact and can be disposed of as a preliminary issue under Order XIV, Rule 2(2) (b) of the Code.
 - (b) Res judicata is a question of law and can be disposed of as a preliminary issue under Order XIV, Rule 2(2) (b) of the Code.
 - (c) Res judicata is a mixed question of fact and law can be disposed of as a preliminary issue under Order XIV, Rule 2(2) (b) of the Code.
 - (d) Res judicata is a mixed question of fact and law cannot be disposed of as a preliminary issue under Order XIV, Rule 2(2) (b) of the Code.
167. Where a decree is passed against the Union of India or a state, or against the public officer in respect of an act done by him in his official capacity, the decree shall not be executed, unless it remains unsatisfied for the period of —
- (a) Thirty days
 - (b) Sixty month
 - (c) Three months
 - (d) Six months
168. Select the incorrect statement —
- (a) An interpleader suit is one in which the real dispute is not between the plaintiff and the defendant but between the defendants who interplead against each other.
 - (b) The plaintiff is an interested party in the subject matter of the suit.
 - (c) The primary object of an interpleader suit is to have the claims of rival defendants adjudicated.
 - (d) The plaintiff in an interpleader suit must be in a real position of impartiality.

169. Friendly suit is given under —
- (a) Section 90; Order XXVI CPC
 - (b) Section 90; Order XXXVI CPC
 - (c) Section 90; Order XXXVII CPC
 - (d) Section 90; Order XXXVIII CPC
170. Under Order XXV of the CPC -
- (a) A plaintiff may at any stage of a suit apply to the court for an order requiring the defendant to give security for the payment of costs incurred and likely to be incurred by the plaintiff in instituting the suit.
 - (b) A defendant may at any stage of a suit apply to the court for an order requiring the plaintiff to give security for the payment of costs incurred and likely to be incurred by the defendant in defending his suit.
 - (c) Either A or B
 - (d) The court may ask any party to give security.
171. Against an order of dismissal of suit consequent to the rejection of the plaint —
- (a) Revision petition under Section 115 CPC lies
 - (b) A petition Under Article 227 of the constitution of India lies.
 - (c) An appeal under Section 96 CPC lies
 - (d) An appeal under Order XLIII CPC lies
172. Which of the following below given statements are correct?
- An attachment order may come to an end by —
- I. Satisfaction of decree
 - II. Setting aside or reversal of decree.
 - III. Dismissal of execution application for decree holder's default
 - IV. Death of the decree holder
 - V. Agreement/compromise between the parties.
- (a) I, II, III and V
 - (b) II, IV, and V
 - (c) II, III, IV and V
 - (d) All of the these
173. Where the defendant resides in Pakistan, then the summon shall be sent by post to defendant together with a copy thereof for the service to —
- (a) Through Indian High Commission situated at Pakistan
 - (b) Through Pakistan High Commission situated in India
 - (c) Through concerning High Court in Pakistan having Jurisdiction in the place where defendant resides.
 - (d) Any court in Pakistan (not being the High Court) having Jurisdiction in the place where defendant resides.

174. The order of refusal to set-aside the abatement or dismissal of a suit is appealable, under?
- (a) Section 96 CPC
 - (b) Section 104 CPC
 - (c) Section 100 CPC
 - (d) Section 114 CPC
175. The expression 'Court which passed a decree' is defined under —
- (a) Section 2(2) of CPC
 - (b) Section 2(3) of CPC
 - (c) Section 37 of CPC
 - (d) Section 38 of CPC
176. The Court is required to appoint a *guardian ad litem* —
- (a) For a minor plaintiff only
 - (b) For a minor defendant only
 - (c) For plaintiff and defendant both
 - (d) Either for plaintiff or defendant
177. Where a party wishes to appear as a witness, then as a general rule, the party shall appear as a witness —
- (a) After all other witnesses are examined.
 - (b) Before any witness on his behalf has been examined.
 - (c) Discretion either to appear before or after the examination of other witnesses.
 - (d) As directed by the Court.
178. Under Order XX Rule 4 of the CPC, the Judgement of a Court of small causes should contain -
- (i) Concise statement of case and points for determination.
 - (ii) The points for determination
 - (iii) The decision thereon
 - (iv) The reasons for such decision
- (a) Only (iii)
 - (b) Only (i)
 - (c) Both (ii) and (iii)
 - (d) All (i) (ii) (iii) and (iv)
179. The attachment under a precept remains in force for a period of -
- (a) Thirty days
 - (b) Ninety days
 - (c) Two months
 - (d) Twelve months

180. If a suit is decreed or dismissed under Order XVII Rule 2 coupled with Order IX Rule 6 or Order IX Rule 8 of the CPC, the remedy is —
- (a) An application under Order IX, Rule 9 CPC
 - (b) An application under Order IX, Rule 13 CPC
 - (c) Either under Order IX Rule 9 CPC, or Order IX Rule 13 CPC as the case may be
 - (d) The remedy is an appeal or review as the decision is on the merits in the presence of the parties.
181. If the suit is decreed or dismissed by proceedings under the explanation to Order XVII Rule 2 CPC -
- (a) The decision will be on merits and the remedy will be an appeal only
 - (b) The decision will not on merits and therefore, no remedy of appeal is available
 - (c) The remedy under Order IX Rule 6 CPC
 - (d) The remedy under Order IX Rule 8 CPC
182. If the suit is decreed or dismissed under Order XVII Rule 3 CPC, the remedy is —
- (a) An appeal only
 - (b) The revision only
 - (c) An application under Order IX Rule 9 CPC or Order IX Rule 13 CPC as the case may be
 - (d) The remedy is an appeal or review because the decision is on the merits in the presence of the parties.
183. The power to give judgement under Order XX Rule 6 of CPC, is -
- (a) Discretionary and enabling in nature.
 - (b) Mandatory in nature and party can claim it as a matter of right.
 - (c) The Court cannot pass a Judgement on admission.
 - (d) Mandatory for a court to pass a Judgment on admission under Order XX Rule 6 CPC
184. Rule 1 of Order XVI CPC provides for presenting a list of witnesses proposed to be called by a party and obtaining summons to such persons on or day appointed by the Court, the same shall not be -
- (a) Later than five days after the date on which issues are settled
 - (b) Later than seven days after the date on which issues are settled
 - (c) Later than nine days after the date on which issues are settled
 - (d) Later than fifteen days after the date on which issues are settled
185. Select the incorrect statement.
- Where it appears to the Court that any joinder of defendants may embarrass or delay the trial of the suit, the court may -
- (a) Put the defendants to their elections
 - (b) Order separate trials
 - (c) Make such other order as may be expedient in the interest of justice.
 - (d) All of the above

186. The Court may order separate trials or make such other order as may be expedient in the interest of Justice, where —
- (a) The joinder of cause of action in one suit may embarrass the trial
 - (b) The joinder of cause of action in one suit may delay the trial
 - (c) Either A or B
 - (d) The joinder of causes of action in one suit may embarrass or delay the trial or is otherwise inconvenient.
187. Material propositions are those propositions of law or fact which a plaintiff must allege in order to show a right to sue or a defendant must allege in order to constitute his defence is given under -
- (a) Order XIV Rule 1(1) CPC
 - (b) Order XIV Rule 1(2) CPC
 - (c) Order XIV Rule 1(3) CPC
 - (d) Order XIV Rule 1(4) CPC
188. Under Order XV Rule 1 of the CPC, the court may at once pronounce the Judgement —
- (a) If at the first hearing of suit, it appears that the parties are not at issue on any question of law.
 - (b) If at the first hearing of suit, it appears that the parties are not at issue on any question of fact.
 - (c) If at the first hearing of suit, it appears that the parties are not at issue on any question of law or of fact.
 - (d) If at the first hearing of suit, it appears that the parties are at issue on question of law only and not of fact
189. The power of the Court to require attendance of prisoners to give evidence, is given under -
- (a) Order XVI Rule 1 CPC
 - (b) Order XVI Rule 2 CPC
 - (c) Order XVI A Rule 1 CPC
 - (d) Order XVI A Rule 2 CPC
190. The provision relating to suits by or against firms are contained in —
- (a) Order XXX CPC
 - (b) Order XXXI CPC
 - (c) Order XXIX CPC
 - (d) Order XXXII CPC

191. A caveat may be filed by any person who is going to be affected by an interim order likely to be passed on an application which is expected to be made in -
- (a) An instituted suit or proceedings
 - (b) A suit or proceedings about to be instituted
 - (c) A suit or proceedings either instituted or about to be instituted
 - (d) Only in an instituted suit or proceedings and not in those suit or proceedings which are yet about to be instituted.
192. Find out the incorrect statement.
- Where the plaintiff dies -
- (a) His legal representative can make an application to be joined in his place.
 - (b) The application can be made by the defendant also.
 - (c) The Court may add a legal representative *suo-moto*
 - (d) The court cannot add a legal representative *suo-moto*.
193. The provision related to the power of the Court to assign a pleader to an unrepresented indigent person, is given under -
- (a) Order XXXIII Rule 9 CPC
 - (b) Order XXXIII Rule 9 A CPC
 - (c) Order XXXIII Rule 10 CPC
 - (d) Order XXXIII Rule 10 A CPC
194. The provision related to the power of Govt. to provide for free legal services to the indigent persons, is given under -
- (a) Order XXXIII Rule 15 A CPC
 - (b) Order XXXIII Rule 16 CPC
 - (c) Order XXXIII Rule 17 CPC
 - (d) Order XXXIII Rule 18 CPC
195. According to Section 83 of the Code -
- (a) Alien enemies residing in India without the permission of the Central Govt. may sue in any court otherwise competent to try the suit, as if they are citizens of India
 - (b) Alien friends may not sue in any court otherwise competent to try the suit, as if they are citizens of India
 - (c) Alien enemies residing in India with the permission of the Central Govt. may sue in any court otherwise competent to try the suit, as if they are citizens of India
 - (d) Alien enemies residing in India either with or without the permission of the Central Govt. may sue in any court otherwise competent to try the suit, as if they are citizens of India

196. The provision relating to the evasive denial, is given under -
- (a) Order VIII Rule 3 CPC
 - (b) Order VIII Rule 3A CPC
 - (c) Order VIII Rule 4 CPC
 - (d) Order VIII Rule 5 CPC
197. A defendant against whom an ex-parte decree is passed has the remedies either to file an appeal under Section 96(2) CPC or to file an application under Order IX Rule 13 CPC. In what manner, the defendant can take recourse to the above given remedies —
- (a) Before filing an application under Order IX Rule 13 CPC, defendant has to file an appeal under Section 96 (2) CPC and if it is dismissed then has an option to file an application under Order IX Rule 13 CPC.
 - (b) Before taking recourse under Section 96 (2) CPC, it is mandatory for the defendant to file an application under Order IX Rule 13 CPC and then if the above is dismissed, then only an appeal can be filed Under Section 96 (2) CPC
 - (c) The defendant cannot take the benefit of both the remedies simultaneously
 - (d) The defendant can take recourse to both the proceedings simultaneously.
198. When an application under Order IX Rule 13 CPC is dismissed, the defendant has a remedy to file an appeal under Order XLIII Rule 1 CPC against the above dismissal order. However, once such an appeal is dismissed, the same contention —
- (a) Can be raised in a first appeal under Section 96 (2) CPC
 - (b) Cannot be raised in a first appeal under Section 96 (2) CPC
 - (c) May or may not be raised in a first appeal under Section 96 (2) CPC because it depends upon the discretion of the defendant only whether to raise the same or not.
 - (d) Once the defendant has already sought the remedy under Order XLIII Rule 1 CPC, again the question of filing an appeal under Section 96 (2) CPC does not arise.
199. An appeal against an ex-parte decree under Section 96(2) CPC can be filed when —
- (a) The material on record brought on record in the ex-parte proceedings in the suit by the plaintiff would not entail a decree in his favour.
 - (b) The suit could not have been posted for ex-parte hearing.
 - (c) Either A or B
 - (d) Both A and B
200. The definition of 'foreign state' and 'Ruler' given under —
- (a) Section 86 CPC
 - (b) Section 87 CPC
 - (c) Section 87A CPC
 - (d) Section 87 B CPC