

DELHI HIGHER JUDICIAL

SERVICE 2019 PRE

1. While sentencing the accused in an offence under the Prevention of Corruption Act, 1988, the relevant criteria is

- (1) Reformation
- (2) Deterrence & denunciation
- (3) Both (1) & (2)
- (4) None of the above

2. The Special Judge is trying a case for offences under the Prevention of Corruption Act, 1988 as well as non Prevention of Corruption Act, 1988. The sole public servant dies after the Spl. Judge has exercised his powers under Section 4(3) of The Prevention of Corruption Act, 1988.

- (1) The proceedings before the Spl. Judge vitiate
- (2) The Spl. Judge is divested of his power
- (3) The proceedings before the Spl. Judge will continue
- (4) Both (1) & (2)

3. Previous sanction is necessary for taking cognizance of offences punishable under which of the following Sections of Prevention of Corruption Act, 1988?

- (1) Section 7 & 11
- (2) Section 13 & 15
- (3) Section 8 & 9
- (4) Both (1) & (2)

4. Presumption under Section 20 of the Prevention of Corruption Act, 1988 is applicable for offences punishable under which of the following Sections of the Act?

- (1) Section 7 or 11
- (2) Section 7, 11 or 13
- (3) Section 7, 8, 11 or 13
- (4) All the offences under the Prevention of Corruption Act, 1988

From Student to Lawyer to Judge

5. Which of the following is a public servant within the meaning of the Prevention of Corruption Act, 1988?

- (1) Chairman of a private bank receiving financial aid from Central Government.
- (2) Arbitrator appointed by a public authority.
- (3) A Commissioner appointed by a Court.
- (4) All of the above

6. Which of the following Sections under the Protection of Children from Sexual Offences Act, 2012 provides that if an act of the offender constitutes an offence of rape under Indian Penal Code as well as under the Protection of Children from Sexual Offences Act, 2012 then he is liable for punishment in either the Protection of Children from Sexual Offences Act, 2012 or Indian Penal Code, whichever is higher?

- (1) Section 42A
- (2) Section 10
- (3) Section 8
- (4) Section 42

7. Presumption of culpable mental state on the part of the accused is provided for under which of the following offences in the Protection of Children from Sexual Offences Act, 2012?

- (1) Offences punishable under Sections 4 & 6 only.
- (2) Offences punishable under Sections 14 & 15 only.
- (3) Offences punishable under Sections 8 & 10 only.
- (4) All of the above

8. 'A' makes a child aged 10 years to touch the penis of other person:

- (1) A is guilty of only sexual assault
- (2) A is guilty of only penetrative sexual assault
- (3) A is guilty of aggravated sexual assault
- (4) All of the above

9. While recording of statement of a child under Section 164 of Code of Criminal Procedure, 1973 with regard to an offence under the Protection of Children from Sexual Offences Act, 2012,

- (1) The presence of the Advocate of the accused is mandatory.
- (2) The presence of the IO is mandatory.

(3) The presence of parent of the child or such other person in whom the child has trust, is mandatory.

(4) All of the above

10. Non explanation of injuries on the person of the accused by the prosecution witnesses

(1) Is always fatal to the prosecution case

(2) Is never fatal to the prosecution

(3) May affect the prosecution case provided serious injuries are suffered in same occurrences.

(4) None of the above

11. For an offence punishable under Section 498A of Indian Penal Code, the

(1) Court where offence was partially committed will have jurisdiction.

(2) Court where matrimonial home is situated will have jurisdiction.

(3) Court where wife has taken shelter will also have jurisdiction.

(4) All of the above

12. Section 303 of Indian Penal Code was struck down by the Supreme Court in which of the following judgments?

(1) Gayatri vs. State of UP

(2) Mithu vs. State of Punjab

(3) Virsa Singh vs. State of Punjab

(4) Raghunath vs. State of Haryana

13. 'A' is married and is having one child. A's husband 'B' does not live with her. 'C' on false promise to marry 'A' makes physical relationship with her and later refused to marry.

(1) 'C' has committed the offence of rape.

(2) 'C' has not committed the offence of rape.

(3) 'C' has committed the offence of sexual assault.

(4) 'C' has committed the offence under Section 494 of Indian Penal Code.

14. Section 497 of Indian Penal Code was struck down by Supreme Court in which of the following judgments?

(1) Joseph Shine vs. UOI, AIR 2018 SC 4898

(2) Navtej Singh Johar vs. UOI, (2018) 10 SCC 1

(3) Sowmithri Vishnu vs. UOI, AIR 1985 SC 1618

(4) V. Revathy vs. UOI, AIR 1988 SC 835

15. When a complaint is filed, the relevant date for computing the period of limitation under Section 468 of Code of Criminal Procedure, 1973 is the

(1) Date of filing of complaint.

(2) Date of taking cognizance.

(3) Date of framing of charge.

(4) Both (2) & (3)

16. In which of the following decisions, Supreme Court held that the informant and the IO cannot be the same person?

(1) Mohan Lal vs. State of Punjab, (2018) 17 SCC 627

(2) P. Chidambaram vs. Directorate of Enforcement, (2019) 9 SCC 24

(3) Yashwant Sinha vs. CBI, (2019) 6 SCC 1

(4) D.K. Basu vs. State of West Bengal, (1997) 1 SCC 416

17. In an appeal, the Court has the power to direct concurrent running of

(A) Substantive sentences for different offences

(B) Default sentence in lieu of fine for different offences

(1) Both (A) & (B)

(2) Only (A)

(3) Only (B)

(4) Neither (A) nor (B)

18. As per Criminal Law Amendment Act, 2018 (22 of 2018), the presence of informant or any person authorized by him shall be obligatory at the time of hearing of bail application in respect of offence/offences under which of the following Sections of Indian Penal Code?

(1) Sections 354, 354B, 354C

(2) Sections 376(3), 376AB, 376DA, 376DB

(3) Sections 376A, 376B, 376C

(4) Both (1) & (3)

From Student to Lawyer to Judge

19. In 'Age determination inquiry' under Section 94 of Juvenile Justice (Care & Protection of Children) Act, 2015, which of the following will have precedence over other?

- (1) A birth certificate given by the corporation.
- (2) A date of birth certificate given by school/matriculation or equivalent certificate.
- (3) Ossification test or any other latest medical age determination test.
- (4) All of the above

20. A juvenile in conflict with law is tried for an offence which is punishable with maximum sentence of not more than 7 years but there is no minimum sentence; the offence will be tried as

- (1) Petty Offence.
- (2) Serious Offence.
- (3) Heinous Offence.
- (4) None of the above

21. 'Age determination inquiry', in terms of Rule 12 of Juvenile Justice (Care & Protection of Children) Rules, 2007 is applicable to

- (1) Juvenile in conflict with law.
- (2) Child.
- (3) Child victim.
- (4) All of the above

22. A foreigner who has habitual residence in India, wishes to adopt a child from India. The requirement of obtaining a No Objection Certificate from the diplomatic mission in India, of his country, in view of Section 59(12) of Juvenile Justice (Care & Protection of Children) Act, 2015

- (1) Can be waived by the concerned diplomatic mission.
- (2) Is mandatory.
- (3) Is directory.
- (4) Is not required.

23. Under the Juvenile Justice (Care & Protection of Children) Act, 2015, the 'child' under Section 2(12) means a person

- (1) Who has not completed eighteen years of age.
- (2) A boy or a girl who has not attained the age of 21 years.

(3) A boy who has not attained the age of 21 years and a girl who has not attained the age of 20 years

(4) None of the above

24. A 'child in conflict with law' who is between the age of 16 years to 18 years and is convicted of committing a heinous offence is to be kept as per Section 49 of the Juvenile Justice (Care & Protection of Children) Act, 2015 in a/an

(1) Observation home.

(2) Children home.

(3) Place of safety.

(4) Special home.

25. The court may dispense with the examination of accused under Section 313(1)(b) of Code of Criminal Procedure, 1973 in a

(1) Dowry death case.

(2) Summons case where his personal attendance is dispensed with.

(3) Case of culpable homicide.

(4) Case of kidnapping and abduction.

26. Any omission or error in framing of charge either stating the offence or particulars required to be stated therein

(1) Is fatal to the trial.

(2) Is always material.

(3) Is material only if occasions in failure of justice.

(4) Cannot be altered during trial.

27. The Govt. of India, in 1992 has acceded to the convention on the Rights of the Child as adopted by the

(1) Parliament.

(2) European Council.

(3) General Assembly of United Nations.

(4) Security Council of United Nations.

28. A 'Child in need of care and protection' within the meaning of Juvenile Justice (Care & Protection of Children) Act, 2015, means a child

(1) Who is found begging.

From Student to Lawyer to Judge

- (2) Who is found working in contravention of labour laws for the time being in force.
- (3) Who is without any home.
- (4) All of the above

29. Which one of the following statements is correct?

- (1) Undue advantage under Section 2(d) of The Prevention of Corruption Act, 1988 is legal remuneration only.
- (2) 'Gratification' under The Prevention of Corruption Act, 1988 means pecuniary remuneration only.
- (3) Legal remuneration is restricted only to remuneration paid to public servant.
- (4) None of the above

30. Sanction under Section 19 of The Prevention of Corruption Act, 1988 is

- (1) A mere formality.
- (2) To protect a public servant against malafide prosecution.
- (3) Exactly similar to sanction u/s 197 of Code of Criminal Procedure, 1973.
- (4) Only required if public servant has retired.

31. A public servant has property disproportionate to his known source of income within the meaning of the Prevention of Corruption Act, 1988, when he

- (1) Has more amount lying in his bank account than his monthly salary.
- (2) Has more than five immovable properties.
- (3) Fails to satisfactorily account for property.
- (4) Has more than 10 vehicles.

32. 'Gratification', within the meaning of the Prevention of Corruption Act, 1988 means

- (1) Pecuniary gratification.
- (2) Anything estimable in money.
- (3) Acceptance of anything to the pleasure or satisfaction of the recipient.
- (4) All of the above

From Student to Lawyer to Judge

33. 'Commercial Organization' under Section 9 of the Prevention of Corruption Act, 1988 does not include

- (1) Domestic companies.
- (2) Foreign companies.
- (3) Charitable or non-business organisations.
- (4) Subsidiary companies.

34. The Protection of Children from Sexual Offences Act, 2012, as amended, derives power from which of the provisions of the Constitution?

- (1) Article 12(1)
- (2) Article 15(3)
- (3) Article 18
- (4) None of the above

35. The Protection of Children from Sexual Offences Act, 2012 is applicable when the victim is a child below the age of

- (1) 18 years.
- (2) 19 years.
- (3) 21 years.
- (4) None of the above

36. The Protection of Children from Sexual Offences Act, 2012 provides protection from sexual abuse

- (1) Only to girls.
- (2) Only to boys.
- (3) Is gender neutral.
- (4) Even to women above 18 years and below 21 years.

37. Punishment for commission of an offence of sexual assault (Section 8) of the Protection of Children from Sexual Offences Act, 2012 is not less than

- (1) 3 years but may extend to 5 years and fine.
- (2) 5 years but may extend to 7 years and fine.
- (3) 7 years but may extend to 10 years and fine.
- (4) 10 years but may extend to 12 years and fine.

From Student to Lawyer to Judge

38. The 'Child friendly' procedure under the Protection of Children from Sexual Offences Act, 2012 is applicable

- (1) Only during investigation of an offence under the Act.
- (2) Only during recording of evidence for an offence under the Act.
- (3) Only during inquiring into an offence under the Act.
- (4) All of the above

39. The salient feature required to be considered to assess the defence of grave provocation within the meaning of Indian Penal Code is

- (1) It can only be by words spoken and not otherwise.
- (2) The mental background created by previous act of the victim cannot be seen/considered in any circumstance.
- (3) Whether a reasonable man, belonging to same class of society as the accused, placed in same situation would be so provoked to loose his self control need to be considered.
- (4) Applicable only if accused has a scope for premeditation and calculation.

40. The word 'person' under Section 11 of the Indian Penal Code denotes

- (1) Only male human being.
- (2) Includes a company or association of or body of persons, whether incorporated or not.
- (3) Only female human being.
- (4) Only Government companies.

41. The presumption under Section 113-B of the India Evidence Act, 1872

- (1) Can be raised only if essential ingredients of Section 304 B IPC are proved.
- (2) Is not rebuttable.
- (3) Is always to be raised in death cases of a married woman, if she dies even for normal/medical reasons, within 7 years of her marriage.
- (4) None of the above

42. A salient feature of plea bargaining

- (1) Is the statement of fact stated by the accused in his application for plea bargaining can be used against the accused for any other purposes.

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(2) Is the judgment delivered by court in case of plea bargaining is not final and can be challenged in appeal.

(3) Is applicable in respect of offences punishable with imprisonment up to a period of 7 years.

(4) Applies to offences committed against a woman or a child below the age of 14 years.

43. Which of the following is correct for an inquest report under Code of Criminal Procedure, 1973?

(1) It cannot be used under Section 145 of Indian Evidence Act, 1872, for cross-examination.

(2) It is a report of an expert.

(3) It is not a substantive evidence.

(4) In case of omission of an injury will be fatal to prosecution case.

44. Which one of the following is correct for an inquiry under Section 2(g) of Code of Criminal Procedure, 1973?

(1) It is a trial under the Code by a Magistrate or Court.

(2) It is other than a trial under the Code by a Magistrate or a Court.

(3) It always relates to an offence and not otherwise.

(4) It always culminates in conviction or acquittal.

45. The provisions of The Payment of Gratuity Act, 1972 are applicable to

(1) Regular employees.

(2) Casual employees.

(3) Temporary employees.

(4) All of the above

46. Under the provisions of The Payment of Gratuity Act 1972, gratuity payable to an employee cannot be forfeited

(1) In a case where a riotous/disorderly or violent act is committed by an employee.

(2) In a case where an employee commits an offence involving moral turpitude.

(3) In a case where the employment is terminated on account of any act, wilful omission or negligence on his part and the same causes damage/loss to the employer.

(4) In a case where the employee is discharged on account of his/her service not being found up to the mark.

47. The term 'wages', for the purpose of The Payment of Gratuity Act, 1972, includes

- (1) Dearness allowance.
- (2) House Rent Allowance.
- (3) Bonus.
- (4) Overtime Allowance.

48. An order passed by the appropriate government granting or refusing to grant permission for closure of an establishment under Section 25-O of the Industrial Disputes Act, 1947, remains in force for the period of

- (1) 6 months
- (2) 1 year
- (3) 2 years
- (4) 3 months

49. 'Wages', as defined under the Industrial Disputes Act, 1947, does not include

- (1) Value of housing accommodation.
- (2) Value of free electricity supply.
- (3) Travelling concession.
- (4) Gratuity.

50. What is the minimum time for which a workman must wait after approaching the Conciliation Officer, before raising an individual direct industrial dispute under the Industrial Disputes Act, 1947?

- (1) 30 days
- (2) 45 days
- (3) 15 days
- (4) 60 days

51. If the Management/Employer, after retrenching a daily wager regularises another serving daily wager, the employer's action would be violative of which of the following provisions?

- (1) Section 25 E of the Industrial Disputes Act, 1947
- (2) Section 25 F of the Industrial Disputes Act, 1947

(3) Section 25 H of the Industrial Disputes Act, 1947

(4) None of the above

52. Under the Payment of Wages Act, 1936, in a factory or establishment wherein more than 1000 employees are working, the monthly wages must be released on or before

(1) The 5th day of the next month.

(2) The 7th day of the next month.

(3) The 10th day of the next month.

(4) The 15th day of the next month.

53. A claim by an employee, under the Payment of Wages Act, 1936, has to be preferred within which of the following periods, from the date it is due or from the date on which any unauthorised deduction has been made?

(1) 3 months

(2) 6 months

(3) 1 year

(4) 3 years

54. Under the Minimum Wages Act, 1948, the maximum compensation which the competent authority is empowered to grant to an employee while allowing his claim arising out of payment of less than the minimum rate of wages, is

(1) Double the differential amount.

(2) Four times the differential amount.

(3) Ten times the differential amount.

(4) Equivalent to the differential amount.

55. A person aggrieved by an order passed by the Commissioner under The Employee's Compensation Act, 1923 awarding a lump sum compensation/interest or penalty, can avail which of the following remedies?

(1) Raise an industrial dispute before the Labour Court.

(2) Appeal before High Court.

(3) Appeal before District Judge.

(4) Appeal before the Central Government.

From Student to Lawyer to Judge

56. The employer is liable to pay compensation to an employee under Section-3 of the Employees Compensation Act, 1923 if a personal injury sustained by the employee during the course of his employment results in his total or partial disablement exceeding_____

- (1) 2 days
- (2) 3 days
- (3) 1 week
- (4) 10 days

57. As per the Factories Act, 1948 an employer must provide a canteen for the use of its employees, if the number of workmen employed in the factory is more than_____

- (1) 100
- (2) 250
- (3) 500
- (4) 1000

58. As per the Factories Act, 1948, every adult who has worked for a period of 240 days or more in a factory during a calendar year is entitled to leave with wages for the following number of days in the subsequent calendar year, that is.

- (1) 1 day for every 20 days of work performed during the previous calendar year.
- (2) 1 day for every 15 days of work performed during the previous calendar year.
- (3) 1 day for every 30 days of work performed during the previous calendar year.
- (4) 1 day for every 90 days of work performed during the previous calendar year.

59. As per the Factories Act, 1948, in every factory, a creche by way of a suitable room/rooms for children under the age of six must be provided in case the number of women employed is more than_____

- (1) 20
- (2) 25
- (3) 30
- (4) 50

From Student to Lawyer to Judge

60. The maximum number of weekly hours for which an adult worker can be required to work in a factory as per the Factories Act, 1948 is _____

- (1) 48 hours
- (2) 50 hours
- (3) 52 hours
- (4) 54 hours

61. The provident fund amount which an employee can withdraw within one year of his retirement, in accordance with the provisions of the Employees Provident Fund and Miscellaneous Provisions Act, 1952, provided he has attained the age of 54 years, is

- (1) 25 % of the amount standing to his credit.
- (2) 50 % of the amount standing to his credit.
- (3) 90 % of the amount standing to his credit.
- (4) 100 % of the amount standing to his credit.

62. Damages recoverable under Section 14 B of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 from an employer, for default in payment of the contribution in the fund, can be up to

- (1) 25% of the amount of arrears.
- (2) 10% of the amount of arrears.
- (3) 50% of the amount of arrears.
- (4) 100% of the amount of arrears.

63. As per the Employees' Pension Scheme, 1995, the Central Government is required to contribute to the Employees' Pension Fund at which of the following rates?

- (1) 50% of the contribution payable by the employer under The Employees' Provident Fund and Miscellaneous Provisions Act, 1952.
- (2) 8.33% of the employee's pay of every member of the Employees' Pension Scheme.
- (3) 1.16% of the employee's pay of every member of the Employees' Pension Scheme.
- (4) None of the above

From Student to Lawyer to Judge

64. Which of the following documents would need to be compulsorily proved by an attesting witness regardless of whether its execution has been denied?

- (1) A registered General Power of Attorney
- (2) A registered Sale Deed
- (3) A registered Will
- (4) All of the above

65. Under which of the following circumstances will the evidence given by a witness in a judicial proceeding be relevant in subsequent proceedings under Section 33 of the Indian Evidence Act, 1872?

- (1) When the witness cannot be found.
- (2) When the presence of the witness cannot be obtained without undue delay or unreasonable expense
- (3) When the witness is dead.
- (4) All of the above

66. 'X' sues 'Y' for Rs. 1 Lakh and relies on entries in his account books showing 'Y' to be indebted to him in this amount. To prove the debt

- (1) The mere entries are sufficient.
- (2) The entries are not admissible and independent evidence has to be adduced.
- (3) The entries are relevant but are not alone sufficient to establish the liability of 'Y'.
- (4) The entries cannot be relied upon.

67. Any party to a suit may show that any judgment, decree or order which is relevant for a dispute under Sections 40, 41 and 42 of the Indian Evidence Act, 1872 and which has been proved by the adverse party, is

- (1) Delivered by a Court not competent to deliver it.
- (2) In a suit or proceeding to which he/she/it was not a party.
- (3) A result of gross negligence.
- (4) Stale, i.e., more than twelve years old.

From Student to Lawyer to Judge

68. The Indian representative who addressed the Parliament of World Religions in Chicago in 1893 was _____

- (1) Swami Dayanand Saraswati
- (2) Dr. B.R. Ambedkar
- (3) Swami Vivekanand
- (4) Ishwar Chandra Vidyasagar

69. Eliud Kipchoge is:

- (1) A Kenyan long distance runner.
- (2) S member of US National soccer team.
- (3) Associated with the civil war in Somalia.
- (4) A leader of the African National Congress.

70. The Boer wars were fought between:

- (1) The British and South African states.
- (2) The British and the French led by napolean.
- (3) The Duke of Normandy and the British.
- (4) Egypt and Israel.

71. The book "The Motorcycle Diaries" is an account of the life of

- (1) Martin Luther King Jr.
- (2) Fidel Castro
- (3) Bob Dylan
- (4) Che Guevara

72. International IP index released by the US Chamber of Commerce measures

- (1) Intellectual property environment.
- (2) Industrial productivity.
- (3) Innovative publications.
- (4) Internet Protocol.

73. In which country are the crew members of Gaganyaan being trained?

- (1) USA
- (2) Russia

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- (3) India
- (4) Japan

74. The BIMSTEC member states are

- (1) Bangladesh, India, Myanmar, Sri Lanka, Thailand, Nepal, Bhutan.
- (2) Bangladesh, India, Maldives, Nepal, Bhutan, Vietnam, North Korea.
- (3) India, Pakistan, Bangladesh, Bhutan, Myanmar, China, Thailand.
- (4) India, Bangladesh, Bhutan, Thailand, Cambodia, Sri Lanka, Nepal.

75. In December 2019, a 34 years old politician became the Prime Minister of Finland. Her name is

- (1) Katri Kulmuni
- (2) Maria Ohisalo
- (3) Sanna Marin
- (4) Li Andersson

- 76.** (a) His account of the theft at his house was quite _____
(b) Do not be so _____ that you believe in everything your leader says.
(c) Although a novice, his performance in the debate was quite _____

The blanks in the three sentences above can be filled most appropriately in the correct order as:

- (1) Credulous, credible, creditable
- (2) Credulous, creditable, credible
- (3) Credible, credulous, creditable
- (4) Credible, creditable, credulous

77. If the evidence _____ the charge, he will be indicted.

The above blank can be filled most appropriately with the phrase:

- (1) Bears up
- (2) Bears out
- (3) Bears with
- (4) Bears away

- 78.** (a) Neither of these answers are correct.
(b) Each of these girls have given a similar account.

From Student to Lawyer to Judge

The above sentences can be written correctly as:

- (1) With no change
- (2) Neither of these answers is correct. Each of these girls have given a similar account.
- (3) Neither of these answers is correct. Each of these girls has given a similar account.
- (4) Neither of these answers are correct. Each of these girls has given a similar account.

79. "Such sort of slavish discipline makes a slavish temper. The child submits and dissembles obedience, whilst the fear of the rod hangs over him; but when that is removed, and by being out of sight, he can promise himself impunity, he gives the greater scope to his natural inclination; which by this way is not at all altered, but, on the contrary, heightened and increased in him, and after such restraint, breaks out usually with the more violence." – John Locke

Which of the following best expresses the essence of the above passage?

- (1) Spare the rod and spoil the child.
- (2) Children dissemble obedience but are naturally given to disobedience.
- (3) Children have to be restrained, otherwise they become violent.
- (4) Excessive disciplining is harmful for children and makes them even more indisciplined.

80. The word "pulchritude" means

- (1) Beauty
- (2) Oddness
- (3) Complexity
- (4) Stubbornness

81. Which Constitutional Amendment Act relates to introduction of GST?

- (1) Constitution (100th Amendment) Act
- (2) Constitution (101st Amendment) Act
- (3) Constitution (102nd Amendment) Act
- (4) Constitution (103rd Amendment) Act

From Student to Lawyer to Judge

82. Which Article of the Constitution of India incorporates the "Doctrine of Pleasure" in connection with the tenure of office of a member of the civil service of the Union or a State or a person holding a civil post under the Union or a State:

- (1) Article 310
- (2) Article 312
- (3) Article 320
- (4) Article 323-A

83. The judgment of the Supreme Court of India in the matter of "Minerva Mills Ltd -vs- UOI" reported as (1980) 3 SCC 625 pertains to:

- (1) Constitutionality of the provisions of Constitution (25th Amendment) Act
- (2) Constitutionality of the provisions of Constitution (39th Amendment) Act
- (3) Constitutionality of the provisions of Constitution (42nd Amendment) Act
- (4) Constitutionality of the provisions of Constitution (44th Amendment) Act

84. The first woman Chief Minister was from which of the following Indian States?

- (1) West Bengal
- (2) Uttar Pradesh
- (3) Tamil Nadu
- (4) Kerala

85. The best motion picture award for the Oscars 2019 was awarded to

- (1) Black Panther.
- (2) Bohemian Rhapsody.
- (3) Green Book.
- (4) Roma.

86. The current President of the World Bank Group is

- (1) David R. Malpass.
- (2) Antonio Guterres.
- (3) Tom Wilkinson.
- (4) Mikhail Mishustin.

From Student to Lawyer to Judge

87. The Royal Swedish Academy of Sciences awarded the Sveriges Riksbank Prize in Economic Sciences in Memory of Alfred Nobel 2019 to

- (1) John Goodenough, M. Stanley Whittingham and Akira Yoshino.
- (2) Esther Duflo, Abhijit Banerjee and Michael Kremer.
- (3) William G. Kaelin Jr., Sir Peter J. Ratcliffe and Gregg L. Semenza.
- (4) None of the above

88. India's first Lokpal is

- (1) Justice P.C. Ghose.
- (2) Justice T.S. Thakur.
- (3) Justice J.S. Khehar.
- (4) Justice R.M. Lodha.

89. The first case in which the Supreme Court was called to determine how far the Constitution had secured personal liberty to the citizens of India was

- (1) Kesavananda Bharati v. State of Kerala AIR 1973 SC 1461.
- (2) A K Gopalan v. State of Madras AIR 1950 SC 27.
- (3) In Re Berubari Union AIR 1960 SC 845.
- (4) Golaknath v. State of Punjab AIR 1967 SC 1643.

90. Community/caste based reservation in Medical and Engineering colleges was held to be void by the Supreme Court in which of the following cases?

- (1) Menaka Gandhi v. UOI AIR 1978 SC 597
- (2) I.C. Golak Nath and Ors. v. State of Punjab AIR 1967 SC 1643
- (3) State of Madras v. Champakam Dorairajan AIR 1951 SC 226
- (4) None of the above

91. Which judgment held that the right to privacy is protected as an intrinsic part of the right to life and personal liberty under Article 21 and as a part of the freedoms guaranteed by Part III of the Constitution?

- (1) A.D.M. Jabalpur v. S. Shukla AIR 1976 SC 1207
- (2) Indira Gandhi v. Raj Narain AIR 1977 SC 69
- (3) Indra Sawhney v. Union of India & Others 1992 Supp (3) SCC 217

(4) Justice K.S. Puttaswamy (Retd.) v. Union of India and Ors. AIR 2017 SC 4161

92. In which of the following judgments the practice of 'talaq-e-biddat' was set aside?

(1) Shayara Bano v. Union of India (2017) 9 SCC 1

(2) Mohd. Ahmed Khan v. Shah Bano Begum 1985 (3) SCR 844

(3) Ahmedabad Women Action Group (AWAG) v. Union of India (1997) 3 SCC 573

(4) D. Shamim Ara v. State of UP AIR 2002 SC 3551

93. In a suit for recovery of money, when it is established that money has been received by the defendant in an account maintained in a branch located within the territorial jurisdiction of the Court, then within the said jurisdiction

(1) A part of the cause of action has arisen.

(2) Entire cause of action has arisen there.

(3) No part of the cause of action has arisen there.

(4) The cause of action does not arise there but if the parties agree to the cause of action shall be deemed to have arisen.

94. Rejection of a Plaintiff is

(1) Challengeable under section 96 CPC.

(2) Not challengeable and only a fresh suit can be filed.

(3) Challengeable under section 115 CPC.

(4) Challengeable under section 102 CPC.

95. Under Order 21 Rule 37 CPC, before arrest and detention, it is

(1) Mandatory to issue show cause notice.

(2) In the absolute discretion of the Court whether to issue show cause notice or not.

(3) No show cause notice is required to be issued under any circumstance.

(4) Mandatory for the Executing Court to issue show cause notice only if the execution is applied after two years of the decree.

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96. A construction contract is entered into between contractor X and the road building Corporation. The contract specifically bars grant of any interest to the contractor for delayed payments `due to disputes and in any respect whatsoever'. The Arbitrator

- (1) Has the discretion to award interest under Section 31(7) of the Arbitration and Conciliation Act, 1996.
- (2) Cannot award any interest due to delayed payments.
- (3) Cannot grant interest only qua delayed payment but can grant interest on damages.
- (4) Can grant interest as the clause is contrary to public policy and void.

97. Under the Arbitration and Conciliation Act 1996, award

- (1) Has to always state reasons upon which it is based.
- (2) Has to state reasons save when the parties have agreed that no reasons are to be given.
- (3) Has to state reasons save when the award is on agreed terms.
- (4) Both (2) and (3)

98. A client 'X', says to 'Y', an attorney that he wishes to obtain possession of a property by the use of a forged deed on which he requests the attorney to sue. This communication is

- (1) Protected from disclosure in view of attorney-client privilege under all circumstances.
- (2) Not protected from disclosure as attorney client privilege does not extend to communication in furtherance of a criminal purpose.
- (3) Protected from disclosure in view of attorney client privilege, irrespective of the nature of proceedings, whether civil or criminal.
- (4) Protected from disclosure in view of attorney client privilege, only in civil proceedings.

99. The period of limitation for a suit by a principal against his agent for moveable property received by the latter and not accounted for, is

- (1) 3 years from the date when the account, during the continuation of agency, is demanded and refused.
- (2) 3 years from the date when the agency terminates, if no earlier demand is made.
- (3) 3 years from the date when the movable property in question was delivered to the agent.

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(4) Both (1) and (2)

100. Limitation period for drawing up of a final decree for partition, from the preliminary decree for partition, is

(1) 6 months.

(2) 12 years.

(3) 3 years.

(4) None of the above

101. The Limitation period to set aside an ex parte decree, from the date of the decree or where the summons or notice was not duly served, from the date when the applicant had knowledge of the decree, is

(1) ninety days.

(2) thirty days.

(3) three years.

(4) sixty days.

102. A was allotted a plot of land by the Union of India. The allotment was cancelled and the said cancellation was upheld in a writ petition, till the Supreme Court. A was however given liberty to file a civil suit and seek compensation. A files a suit for compensation. In the suit,

(1) The findings in the final judgment in the writ petition would not operate as res judicata.

(2) The findings in the final judgment in the writ petition would operate as res judicata.

(3) The findings in the final judgment in the writ petition would operate as res judicata qua the issue decided.

(4) The findings in the final judgment in the writ petition would operate as res judicata qua all issues.

103. A suit for declaration and injunction is filed between family members. The Defendants make a counter claim. The parties are referred to mediation and a settlement is entered into between the parties. The Plaintiffs had paid court fees on the suit. The Defendants also had paid court fees on their counter claim. In view of the settlement,

(1) Only the Plaintiffs are entitled to refund of court fees.

(2) Only the Defendants are entitled to refund of court fees.

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(3) Both parties are entitled to refund of 50% of court fees paid.

(4) Both parties are entitled to complete refund of court fees.

104. The Court is entitled to give a summary judgment on a claim in a commercial dispute

(1) Only in favour of the plaintiff, if the defendant has no real prospect of successfully defending the claim.

(2) Only in favour of the defendant, if the plaintiff has no real prospect of succeeding in the claim and there is no other compelling reason why the claim should not be disposed of before recording oral evidence.

(3) In favour of the plaintiff or defendant, as the case may be, if the plaintiff has no real prospect of succeeding on the claim or the defendant has no real prospect of successfully defending the claim.

(4) Against a plaintiff or defendant, if the plaintiff has no real prospect of succeeding on the claim or the defendant has no real prospect of successfully defending the claim, as the case may be, and there is no other compelling reason why the claim should not be disposed of before recording of oral evidence.

105. Company 'A' is the registered trademark holder of the mark 'VITE' specifically in respect of pens. Company 'B' adopts the name 'VITE' in respect of ink. The adoption by company 'B' constitutes

(1) Infringement.

(2) Passing off.

(3) Both infringement and passing off.

(4) Neither infringement nor passing off.

106. 'XLLC' an American company is the owner of a registered trademark and carries on business across the world. It conducts businesses in India through its franchisees including in Delhi and Mumbai. 'B' a Mumbai-based party using an identical trademark, issues an advertisement in Delhi seeking applications for appointing franchisees in Delhi. 'XLLC' files a suit for permanent injunction to restrain 'B' from infringing the trademark, before the Court in Delhi. 'B' raises an objection as to territorial jurisdiction.

(1) The suit would not be maintainable as 'B' is based in Mumbai.

(2) The suit would be maintainable under Section 134 of the Trade Marks Act.

(3) The suit would be maintainable both under Sections 20 CPC and 134 Trade Marks Act,

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1999.

(4) Suit would be maintainable only under Section 20 CPC.

107. Under trade mark law, the rights of the prior user are superior than that of the registered proprietor of the mark.

(1) True

(2) False

(3) It is contingent upon the prior user proving registration.

(4) The registered proprietor can interfere with the rights of the prior user.

108. An architect of a building which is intended to be demolished, institutes a suit for permanent injunction averring that his copyright in the architectural drawings and designs will be affected by demolition of the building

(1) The architect has no rights to seek injunction against the demolition.

(2) The architect has rights under the Copyright Act, 1957, and can seek an injunction.

(3) The architect has rights under the Copyright Act, 1957, and can seek injunction only if the building is situated in a city declared by UNESCO as a heritage city.

(4) The architect can obtain injunction but only if the owner to whom he has sold the architectural drawings and design of the building, is made party to the suit and consents to the injunction.

109. Industrial drawings were used in the production of more than 50 devices by an industrial process. The Plaintiff who is the owner of copyright of these industrial drawings does not have a design registration. It shall

(1) Have rights under the Copyright Act, 1957.

(2) Not have rights under the Copyright Act, 1957.

(3) Have rights under the Designs Act, 2000 along with the Copyright Act, 1957.

(4) Have rights only under the Designs Act, 2000.

110. The concept of 'dynamic injunction' as held by the Delhi High Court in UTV Software Communication Ltd & Ors v. 1337x.TO & Ors was first propounded by

(1) UPC Telekabel v. Constantin Film [European Court Of Justice].

(2) GEMA v Deutsche Telekom [Germany's Federal Constitutional Court].

(3) Roadshow Films v Telstra Corporation Ltd [Australian Federal Court].

(4) Disney Enterprise v. Ml Ltd [High Court of Singapore].

111. Under Section 21 of the Arbitration and Conciliation Act 1996, the commencement of arbitral proceeding takes place

(1) On the date on which a request for that dispute to be referred to arbitration is received by the respondent.

(2) When the Court appoints the Arbitrator.

(3) When the petition under Section 11 is filed.

(4) When the notice invoking the arbitration clause is issued.

112. Under Section 34(3) of the Arbitration and Conciliation Act, 1996, limitation period would commence from the

(1) Date on which the signed copy of award is delivered to party making application to set it aside

(2) Date of award.

(3) Date of delivery of signed copy of award to either of the parties.

(4) Date of stamping of the decree in terms of award.

113. Grant of Probate of a Will

(1) Is the exclusive jurisdiction of Probate Court.

(2) Is arbitrable.

(3) Can be in a civil suit.

(4) All of the above

114. A decision rendered in a proceeding under Section 372, Indian Succession Act, 1925

(1) Is Summary in nature.

(2) Does not finally decide the rights of the parties.

(3) Does not bar the trial of the same question in any other proceedings between the same parties.

(4) All of the above

115. 'X' would be said to have died intestate in the following situation(s):

(1) X has left a Will, whereby he has appointed Y his executor; but the Will contains no other provision.

(2) X has bequeathed his whole property for an illegal purpose.

(3) X has bequeathed 1,000 rupees to Y and 1,000 rupees to the eldest son of Z, and has made no other bequest; and has died leaving the sum of 2,000 rupees and no other property. Z died before X without having ever had a son. X has died intestate in respect of the distribution of 1,000 rupees.

(4) All of the above

116. Mr. Sharma dies intestate. He leaves behind his wife, a son and a daughter. In order to be able to administer and manage the moveable and immoveable property left by him, the son can file

(1) A probate petition.

(2) Petition for a letter of administration.

(3) An application for Succession certificate.

(4) Petition under section 92 CPC.

117. A grant of probate of a Will

(1) Constitutes the grantee the sole heir of the deceased and owner of estate bequeathed.

(2) Constitutes the grantee the sole heir of the deceased but not the owner of the estate bequeathed.

(3) Only declares the documents to be the validly executed last Will of the deceased.

(4) Only interprets the document claimed to be the Will of the deceased.

118. The deceased 'L', a Hindu, married again during the subsistence of the first marriage. The first marriage was legal. The second wife bore him a daughter 'M'. The Court found the marriage to the second wife was not valid under the Hindu Marriage Act. What is the status of 'M' qua the estate of 'L' ?

(1) 'M' shall be entitled to only become a coparcener in the coparcenary of which 'L' was a member and to claim partition thereof.

(2) 'M' can inherit L's assets as an illegitimate child.

(3) Depends upon the discretion of the Court.

(4) 'M' will not inherit any part of the estate of the deceased.

119. The self acquired property of a Hindu married female dying intestate, whose husband predeceases her and who did not have any children, devolves upon the following:

(1) On her paternal heirs

(2) On her husband's heirs

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- (3) On her maternal heirs
- (4) Depends upon discretion of the Court

120. Inherited property of Hindu widow who dies intestate and had a son and daughter shall devolve upon

- (1) Son.
- (2) Daughter.
- (3) Son and daughter.
- (4) Depends on discretion of Court.

121. The Hindu Succession Act, 1956 applies to persons of the following religion:

- (1) Hindus, Sikhs and Parsis
- (2) Hindus, Jains, Buddhists and Sikhs
- (3) Only Hindus
- (4) Hindus, Jains, Buddhists, Sikhs and Jews

122. Under the Commercial Courts Act, 2015,

- (1) Time period for filing the written statement is 90 days and is not extendable for any reason whatsoever.
- (2) The time limit of 120 days for filing the written statement is extendable as per Kailash v. Nanhku.
- (3) The time limit of 120 days for filing the written statement is not extendable.
- (4) There is no limitation for filing the written statement.

123. An order which refers parties to arbitration under Section 8 of Arbitration and Conciliation Act, 1996 is

- (1) Appealable under section 13 (1) of the Commercial Courts Act, 2015.
- (2) Not appealable under section 13 (1) of the Commercial Courts Act, 2015.
- (3) Appealable under Section 37(1)(a) of the Arbitration and Conciliation Act, 1996.
- (4) Appealable under Section 96 CPC.

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124. A boy posts some ex facie defamatory comments about his friend on Facebook. The friend is offended by the content and files a suit for defamation seeking injunction for removal of content and damages. Facebook Inc. is also impleaded as a Defendant. It is the contention of Facebook Inc. that it is not liable for any damages and shall comply with any direction of the Court.

(1) There is merit in contention of Facebook Inc. in view of Section 79 of the Information Technology Act, 2000.

(2) There is no merit in contention of Facebook Inc. and it having provided its platform, for the content to be published, is liable like a newspaper for the defamation effected through its medium.

(3) There is merit in contention of the Facebook Inc. in view of Section 66E of the Information Technology Act, 2000.

(4) There is no merit in contention of the Facebook Inc. in view of its express liability under Section 79 of the Information Technology Act, 2000.

125. The Supreme Court has struck down which of the following Sections of the Information Technology Act, 2000?

(1) Section 66 A

(2) Section 69 A

(3) Section 72

(4) Section 67

126. A certificate under Section 65 B of the Indian Evidence Act, 1872 (which was inserted by the Information Technology Act, 2000) must contain the following:

(1) Identification of the electronic record containing the statement sought to be given in evidence.

(2) Describe the manner in which the electronic record was produced.

(3) Signatures of a person occupying a responsible official position in relation to the operation of the relevant device or the management of the relevant activities.

(4) All of the above

127. Which of the following statements is not true in relation to the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002?

(1) It was introduced in order to expedite the enforcement of security interest and to provide for a central data base of security interest created on property rights.

- (2) It was preceded by an Ordinance promulgated by the President in 2002.
- (3) It has been amended four times since it came into force.
- (4) It applies to all loans without monetary limits and also to security interests in agricultural land.

128. 'A', who is a wholesale dealer of hosiery at Gandhi Nagar Delhi purchases goods worth ₹10 lakhs from 'B', who is a manufacturer of hosiery clothes at Tirupur, Tamil Nadu. 'A' issues 4 cheques for ₹2.5 lakhs each, drawn on a nationalised bank. 'B' deposits the first cheque at Branch X of his bank at Tirupur which is also a nationalised bank and with whom he is maintaining an account. It is honoured. While on a business trip to Coimbatore, Tamil Nadu 'B' deposits the second cheque at a branch of his bank at Coimbatore, where too he maintains an account. The Coimbatore branch of his bank sends him a return memo informing him that the cheque has been returned due to insufficient funds. 'B' files a complaint under Section 138 at Coimbatore. He presented the third cheque at Tirupur which was also dishonoured. Where can 'B' file the second complaint under Section 138 of the Negotiable Instruments Act, 1881?

- (1) The second complaint will have to be filed only in the same court even if it does not have territorial jurisdiction.
- (2) He can file the complaints only at Delhi.
- (3) He can file one complaint before the competent court at Coimbatore in respect of the cheque dishonoured on presentation there and the other complaint at Tirupur in respect of the cheque dishonoured on presentation at Tirupur.
- (4) He can file the complaints as per his convenience, before the competent court at Delhi, Coimbatore or Tirupur.

129. Which of the following statements is incorrect?

- (1) The prosecution against directors is maintainable even when prosecution against the company is dropped because of the winding up proceedings against the company.
- (2) No director can be prosecuted under Section 141 of Negotiable Instruments Act, 1881 unless it is averred in the complaint that he was directly or indirectly incharge of and responsible for the affairs and business of the company at the time when the cheque was issued.
- (3) The issuance of the cheque is presumed to be towards legal liability.
- (4) Stop payment instructions are not considered as dishonor of a cheque.

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130. Which of the following statements is true?

- (1) A general authority to transact business and to receive and discharge debts is sufficient to empower the agent to bind the principal by indorsing bills of exchange.
- (2) A minor may draw, indorse, deliver and negotiate notes, bills and cheques so as to bind all parties except himself.
- (3) When the day on which a promissory note or bill of exchange is at maturity is a public holiday, the instrument shall be deemed to be due on the next succeeding business day.
- (4) An instrument which may be construed either as a promissory note or a bill of exchange is called an inchoate instrument and is invalid.

131. Which of the following statements is not true?

- (1) Registration of a partnership firm is effected merely by sending an application by post to the office of the Registrar of Firms and having proof of dispatch, irrespective of action, if any, taken thereon.
- (2) Registration of a partnership firm is not mandatory.
- (3) No suit to enforce a contractual right can be instituted in any court by a person suing as a partner of the firm against the firm unless he is shown as a partner in the Register of Firms.
- (4) Only agents specially authorised in this regard can submit application to the Registrar to inform about the changes in the firm or its dissolution.

132. When a contract creating partnership is rescinded on the ground of fraud or misrepresentation of any of the parties thereto, the party entitled to rescind is inter alia entitled in law to

- (1) A lien over the entire assets of the firm forthwith, towards any capital contributed by him.
- (2) A right to be indemnified by the partners guilty of the fraud against all the debts of the firm.
- (3) Premium for his share.
- (4) The goodwill of the firm, preferentially.

133. Which of the following Rules shall be observed in settling the accounts of a partnership firm after dissolution, subject to agreement by the partners?

- (A) Losses including deficiencies of capital, shall be paid first out of profits, next out of capital and lastly, if necessary, by the partners individually in the proportion in which they were entitled to share profits.

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(B) The assets of the firm, including any sums contributed by the partners to make up deficiencies of capital, shall be utilized in paying the debts of the firm to third parties.

(C) The assets of the firm, including any sums contributed by the partners to make up deficiencies of capital, shall be applied in paying to each partner rateably what is due to him from the firm for advances as distinguished from capital.

(D) The assets of the firm, including any sums contributed by the partners to make up deficiencies of capital, shall be applied in paying to each partner rateably what is due to him on account of capital.

(1) A and B above.

(2) A and C above.

(3) A and D above.

(4) All of the above.

134. A person who is a minor can be admitted to the benefits of a partnership, if

(i) His share is liable for the acts of the firm.

(ii) He can elect on attaining majority to continue or not to continue as partner by issuing a public notice.

(iii) he can be made personally liable.

(iv) He may not sue the partners for the payment of his share save when severing his connection with the firm.

Which of the following is correct?

(1) (i) and (ii)

(2) (ii) and (iv)

(3) (i), (ii) and (iv)

(4) All of the above

135. When any borrower defaults in the repayment of a secured debt or any instalment thereof, the secured creditor may within the meaning of Section 2... of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002

(1) Without notice to the borrower to discharge his full liability, take possession of the secured assets within 30 days of the default by filing an application before the Chief Metropolitan Magistrate or District Magistrate.

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(2) After requiring the borrower to discharge the full liability obtain order of attachment before judgment of the secured asset from DRT

(3) Issue a notice to the borrower calling upon him to discharge full liabilities within 60 days, consider the representation or objections, if any, raised by the borrower, communicate reasons to the borrower and take possession of the secured assets of the borrower and take over the management of the business of the borrower.

(4) Immediately take over the management of the business of the borrower for realising the secured debt.

136. The secured creditor may

(i) Before exercising his options under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 seek recovery from the guarantors.

(ii) File an application to the Debt Recovery Tribunal or a competent court for the recovery of the balance amount of the secured debt not fully satisfied by sale of the secured assets.

Which of the above statements is/are correct?

(1) Both the above

(2) None of the above

(3) Only (i) above

(4) Only (ii) above

137. In a recent decision of the Supreme Court reported as Bajarang Shyamsunder Agarwal v. Central Bank of India (2019) 9 SCC 94 while dealing with the rights of a tenant vis-à-vis the rights of a secured debtor under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act), which of the following propositions was not laid down?

(1) If a valid tenancy under law is in existence even prior to creation of a mortgage, the tenant's possession cannot be disturbed by the secured creditor by taking possession of the property; the lease has to be determined in accordance with Section 111 of the Transfer of Property Act, 1881; the rights of a rightful tenant cannot be compromised under the SARFAESI Act proceedings.

(2) If a tenancy under law comes into existence after the creation of a mortgage but prior to issuance of notice under Section 13(2) of the SARFAESI Act, it has to satisfy the conditions of Section 65A of the Transfer of Property Act, 1881.

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(3) In any case, if any of the tenants claims that he is entitled to possession of a secured asset for a term of more than one year, it has to be supported by the execution of registered instrument; if the tenant relies on an unregistered instrument or an oral agreement accompanied by delivery of possession, the tenant is not entitled to possession of the secured asset for more than the period prescribed under Section 107 of the Transfer of Property Act, 1881.

(4) The rent control legislation, if any, restricting eviction of tenants save on the grounds provided therein, if applicable to the tenancy, prevails over the provisions of the SARFAESI Act.

138. What is the effect of filing of a winding up petition by a secured creditor before the Company Court after issuance of Recovery Certificate under the Recovery of Debts due to Banks and Financial Institutions Act, 1993, as per the decision of the Supreme Court in Swaraj Infrastructure (P) Ltd. v Kotak Mahindra Bank Ltd. (2019) 3 SCC 620?

(1) Subsequent winding up proceedings will be barred.

(2) Stay of winding up proceedings.

(3) Stay of proceedings under the Recovery of Debts due to Banks and Financial Institutions Act, 1993.

(4) Both may proceed in parallel.

139. After the decree for the recovery of the debt due to the Bank is made by way of issuance of Recovery Certificate by the Presiding Officer of the Debt Recovery Tribunal, the Recovery Officer can

(i) Attach and sell the movable and immovable property of the defendant.

(ii) Arrest the defendant and detain him in prison.

(iii) Appoint a receiver for the management of the movable and immovable properties of the defendant.

Select the correct answer:

(1) (i) and (ii)

(2) (ii) and (iii)

(3) Only (iii)

(4) All of the above

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140. Which of the following statements are true to ascertain whether a document creates a licence or a lease

(i) If the document creates an interest in the property, it is a lease, however, if it only permits another to make use of the property of which legal possession continues with the owner, it is a licence.

(ii) The real test is the intention of the parties-whether they intended to create a lease or a licence.

(iii) The substance of the document must be preferred to the form of the document.

(iv) If the party gets exclusive possession under the document, he is prima facie a tenant but circumstances may be established which negate the intention to create a lease.

Select the correct answer:

- (1) Only (ii) and (iii) are correct
- (2) Only (i) and (ii) are correct
- (3) Only (iii) and (iv) are correct
- (4) All are correct.

141. Under which provision of the Specific Relief Act, 1963 specific performance of a contract may be enforced when the promoters of a company have, before its incorporation, entered into a contract for the purpose of the company and such contract warranted by the terms of incorporation, is accepted by the company and communicated to the other party, under:

- (1) Section 20A
- (2) Section 19
- (3) Section 17
- (4) Section 20

142. Which of the following statements is not true?

(1) In a suit filed for specific performance of a contract for the transfer of immovable property no relief for refund of earnest money can be granted by the court unless specifically claimed.

(2) The dismissal of a suit for specific performance of a contract or part thereof shall bar the plaintiff's right to sue for compensation for breach of such contract or part and shall also bar his right to sue for all other reliefs by reason of such breach.

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(3) A court may refuse to rescind the contract where the plaintiff has expressly or impliedly ratified the contract.

(4) No relief for rectification of an instrument shall be granted to any party under Section 26 unless it is specifically claimed.

143. Which of the following, the court cannot grant in its discretion under the Specific Relief Act, 1963?

(1) Declaration simplicitor.

(2) Mandatory injunction.

(3) Damages in lieu of injunction.

(4) An injunction to prevent the breach of a contract the performance of which would not be specifically enforced.

144. In light of Section 6 of the Specific Relief Act, 1963 which of the following statements is/are true?

(i) Any person who is dispossessed without his consent of immovable property otherwise than in due course of law may, by suit, instituted within six months from the date of dispossession, recover possession thereof

(ii) No suit under this Section shall be brought against the Government.

(1) Only (i) is correct.

(2) Only (ii) is correct

(3) Neither is correct

(4) Both (i) and (ii) are correct.

145. A entered into a contract with B regarding the construction of a classroom at IHI Institute, Hyderabad. According to the agreement, the contract was to be completed within nine months of the contract. However, B could not complete the contract within the stipulated time and demanded an extension of another nine months. Finally, the extension was granted and the contract was completed after 18 months. A clause in the contract provided that in case of any failure or delay in the completion of the contract the said failure or delay shall not vitiate the contract nor entitle the contractor to damages or compensation thereof. It was agreed that only a reasonable extension may be granted for completion of the contract. A dispute arose between the parties which was referred to Arbitration wherein B demanded compensation/damages. In light of the above mentioned facts which of the following statements is true?

(1) The contractor is entitled to damages/compensation.

(2) The contractor shall not be entitled to damages/compensation.

(3) The contractor shall not be entitled to damages/compensation because the contract only provided for reasonable extension of time and no compensation in case of any delay or failure in the completion of the contract.

(4) The contractor shall be entitled to damages/compensation because the right to damages cannot be restricted despite absence of a clause for monetary relief in the contract.

146. R, a trader at Chennai, by letter directs T to sell him some goods lying in a warehouse in Mumbai, and afterwards, by letter revokes his authority to sell and, directs T to send the goods to him in Chennai. T, after receiving the second letter, enters into a contract with S, who already had information about the first letter sent by R but not of the second letter for the sale of goods to him. S pays T the money, with which T runs away. In the light of the above facts, which of the following statements is correct?

- (1) S's payment is not good as against R.
- (2) S's payment is good as against R.
- (3) R can recover payment jointly and severally from S and T.
- (4) None of the above

147. A entered into a contract to purchase tomatoes from B which were to be sourced by B from farm of C. However due to heavy floods, there was no crop of tomatoes on the farm of C.

- (1) A may sue B for damages.
- (2) A or B may treat the agreement as void as neither A nor B is at fault.
- (3) A may sue B for delivery
- (4) Only B can treat the agreement as void

148. Which of the following statements is incorrect?

- (i) Stipulation as to time of payment is not deemed to be the essence of contract of sale under the Sale of Goods Act, 1930 unless, otherwise specified.
- (ii) The warranty is a stipulation collateral to the main purpose.
- (iii) Warranty is accompanied with a right to reject the goods but without right to claim damages.

- (1) Only (i)
- (2) Only (iii)
- (3) Both (ii) and (iii).

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(4) All of the above

149. A agrees to supply B sunflowers for extraction of oil at a future date at a price not fixed as per the current market price. Can he do so?

(1) Yes, Section 6 recognizes the agreement effecting the present sale of future goods.

(2) No, agreement is void under Section 30 of the Indian Contract Act, 1872 as it is a wagering contract.

(3) No, as the price is not fixed, under Section 9 of the Sale of Goods Act, 1930.

(4) Since there are no goods, the contract is voidable under Section 7 of the Sale of Goods Act, 1930.

150. An exporter in India, X entered into an agreement with an importer in Germany, Y and agreed to deliver 500 tonnes of Basmati Rice. The delivery was to be at the Hamburg port in Germany through Z shipping company with the first port of call being port of Genoa. The shipment had to be delivered within 40 days of the opening of the Letters of Credit. The seller shipped goods 16 days later than the stipulated time. Hence, he could not ship the merchandise through Z shipping company. He loaded the same on a ship of Z1 company which was not passing by the designated port of Genoa. On the way the ship developed a snag and as a result, the ship was taken to Turkey where the repairs were carried out after which the goods reached the port of Hamburg 40 days later. When the goods were to be taken on delivery, it was found that due to rise in humidity levels, the goods had putrefied. In the light of these facts, which of the statements is correct?

(1) The buyer will have to suffer the damages as the Bill of Lading had been handed over.

(2) The seller will have to take the risk and be liable to pay damages as under Section 26, until delivery, the risk remains of the seller.

(3) The contract is voidable at the instance of the seller under Section 7 as the goods had perished because the ship had developed a snag.

(4) The seller is not liable to pay damages as the buyer can claim insurance.

From Student to Lawyer to Judge