

DELHI HIGHER JUDICIAL SERVICE**(PRE.) EXAMINATION, 2022**

1. What is the period of limitation prescribed by the Motor Vehicles (Amendment) Act, 2019 for filing application for compensation in respect of a motor accident?

(1) Six months

(2) One year

(3) Two years

(4) Four years

Ans. (1)

2. What is the nature of proceeding in respect of a motor accident claim before the Motor Accident Claims Tribunal?

(1) Investigation

(2) Inquiry

(3) Trial

(4) None of the above

Ans. (2)

3. Driving an un-insured vehicle is an offence under:---

(1) Section 180 of Motor Vehicle Act

(2) Section 185 of Motor Vehicle Act

(3) Section 196 of Motor Vehicle Act

(4) Section 279 of Indian Penal Code.

Ans. (3)

4. Motor Vehicles (Amendment) Act, 2019 provides for Motor Vehicle Accident Fund for the following purpose:-

(1) Treatment of persons injured in road accidents

(2) Compensation to the representatives of persons who died in hit and run motor accidents

(3) Compensation to the persons grievously hurt in his and run accidents

(4) All the above

Ans. (4)

5. Central Motor Vehicle Rules, 2022 have/ will come into force from:-

- (1) 1st January, 2022
- (2) 2nd February, 2022
- (3) 1st April, 2022
- (4) 1st July, 2022

Ans. (3)

6. Under Factories Act, 1948, what is the maximum period of time that an adult worker can be required or allowed to work in a factory?

- (1) 48 hours a week and 9 hours a day
- (2) 60 hours a week and 10 hours a day
- (3) 58 hours a week and 9 hours a day
- (4) 40 hours a week and 10 hours a day

Ans. (1)

7. Which of the following in relation to creche facilities is correct in the context of the Factories Act, 1948?

- (1) A minimum of 30 women workers must be ordinarily employed for the requirement of creches for the use of children under the age of six years of such women
- (2) A minimum of 30 women workers must be ordinarily employed for the requirement of creches for the use of children under the age of four years
- (3) A minimum of 35 women workers must be ordinarily employed for the requirement of creches for the use of children under the age of six years
- (4) A minimum of 35 women workers must be ordinarily employed for the requirement of creches for the use of children under the age of four years.

Ans. (1)

8. Which of the following statements is false in relation to the employer's default on paying gratuity under the Payment of Gratuity Act, 1972?

- (1) The employer must arrange payment of gratuity within 60 days from the date it becomes payable
- (2) It is recoverable as arrears of land revenue
- (3) The amount is recovered by the Collector

From Student to Lawyer to Judge

(4) The amount of interest can exceed the amount of gratuity payable if the delay in payment exceeds 5 years

Ans. (1)

9. The extent of gratuity which can be forfeited of an employee, who has been terminated for any act, willful omission or negligence causing damage or loss to or destruction belonging to the employer is:

- (1) 75%
- (2) 50%
- (3) 33⅓%

(4) The extent of damage or loss caused

Ans. (4)

10. A files a complaint before the Magistrate in Delhi against B, a resident of Mumbai. The Magistrate-

- (1) Can straightaway take cognizance and issue summons to the B
- (2) Has no power to make an enquiry himself
- (3) Can direct investigation by a Police Officer
- (4) Neither (2) nor (3)

Ans. (3)

11. At the time of filing an application under section 156(3), CrPC

- (1) Compliance of 154(1), CrPC is must
- (2) Compliance of 154(3), CrPC is must
- (3) Neither (1) nor (2)

(4) Both (1) and (2)

Ans. (4)

12. A is convicted for a cognizable offence of cheating of Rs. 50 lakhs. In appeal, the Appellate Court

- (1) Cannot compound the offence
- (2) Can compound the offence having effect of conviction
- (3) Can compound the offence having effect of acquittal
- (4) Has no option to compound but to hear appeal on merits

Ans. (3)

From Student to Lawyer to Judge

13. While exercising power in an appeal of sentence, the Court-

- (1) Cannot alter the finding
- (2) Cannot acquit the accused
- (3) Cannot order re-trial by a Competent Court
- (4) None of the above.

Ans. (4)

14. While exercising power under section 319, CrPC, the Court can-

- (1) Not summon a person who is not named in FIR
- (2) Not summon a person who is named in the FIR but not charge sheeted
- (3) Summon a person who has been discharged without complying sections 300 and 398, CrPC
- (4) None of the above

Ans. (4)

15. In computing the period of limitation under section 468, the relevant date is-

- (1) Date of filing of complaint
- (2) Date of filing of charge sheet
- (3) Date of taking cognizance
- (4) Date of issuance of process

Ans. (1)

16. Person A is convicted in multiple cases of cheque dishonour. The Court while exercising power under section 427, CrPC-

- (1) Has no power to direct concurrent running of substantive sentences
- (2) Can direct concurrent running of sentences imposed for non-payment of compensation/ fine
- (3) Cannot direct concurrent running of sentences imposed for non-payment compensation/fine
- (4) Both (1) and (2)

Ans. (3)

17. While hearing an appeal, the appellate Court has

- (1) No power to suspend the fine

From Student to Lawyer to Judge

(2) No power to suspend the entire fine but has power to suspend only partial fine

(3) Power to suspend only sentence

(4) Power to suspend sentence and fine both

Ans. (4)

18. 'A', with intention to cause culpable homicide not amounting to murder hits 'B' with an iron rod on his head. Offence under section 308 is made out-

(1) If injury is simple

(2) If injury is grievous

(3) If injury is dangerous

(4) Nature of injury is irrelevant

Ans. (4)

19. While exercising power in an appeal for enhancement of sentence, the Court :-

(1) Cannot alter the findings.

(2) Cannot acquit the accused.

(3) Cannot order retrial by a competent court.

(4) None of the above

Ans. (4)

20. Which of the following provision criminalizes disclosure of identity of a rape victims?

(1) Section 228

(2) Section 376, IPC

(3) Section 228A, IPC

(4) None of the above

Ans. (3)

21. Which one of the following is correct?

(1) Theft can never be robbery

(2) Extortion can never be robbery

(3) In robbery, there is either theft or extortion

(4) In robbery, there is neither theft nor extortion

Ans. (3)

22. 'A', a renowned surgeon is tried for medical negligence under section 338, IPC. Which of the following is correct?

- (1) Negligence is negligence, no distinction can be drawn between negligence under civil or criminal law
- (2) Mens rea is excluded
- (3) Mens rea cannot be excluded
- (4) Both (1) and (2)

Ans. (4)

23. Every crime must have

- (1) Mens rea
- (2) Actus rea
- (3) Both mens rea and actus rea
- (4) A person is under a legal obligation to act in a particular way

Ans. (3)

24. 'A' robs 'B' at point of gun while 'C' (a friend of A) is keeping watch. For an offence punishable under section 397 IPC

- (1) Hurt is necessary
- (2) Recovery of weapon and robbed article is necessary
- (3) C can be convicted under section 397
- (4) None of the above

Ans. (4)

25. Offence of 'stalking' will be complete when

- (1) A man walks behind a group of young and old women
- (2) A man watches or captures the image of woman engaging in private act
- (3) A man does an act to disrobe a woman
- (4) None of the above

Ans. (4)

26. Section 34 requires establishment of

- (1) Common intention with overt act
- (2) Only overt act

Student to Lawyer to Judge

(3) Common intention but no overt act

(4) None of the above

Ans. (3)

27. Ms. 'X' throws acid on Mr. 'Y' which causes partial deformity of his hand. The deformity heals completely upon treatment. Which of these statements is correct?

(1) Ms. 'X' has not committed any offence under section 326A or 326B of the Indian Code, 1860 since the deformity healed completely.

(2) Ms. 'X' has not committed any offence under section 326A or 326B of the Indian Code, 1860 since the victim was not female.

(3) Throwing acid is not an offence under the Indian Code, 1860.

(4) Ms. 'X' has committed the offence under section 326A or 326B of the Indian Penal Code, 1860 since merely reversibility of the deformity is irrelevant for purposes of these offences.

Ans. (4)

28. Section 25R of the Industrial Disputes Act, 1947 contemplates

(1) Lay off

(2) Prohibition of unfair labour practice

(3) Penalty for closure

(4) Penalty for retrenchment

Ans. (3)

29. Under which provision of the Industrial Disputes Act, 1947, a workman may file an application for recovery of money due from an employer-

(1) Section 11

(2) Section 33(2) (b)

(3) Section 33C (2)

(4) Section 33B

Ans. (3)

30. Section 25FFF of the Industrial Disputes Act, 1947, relates to

(1) Compensation to workmen in case of transfer of undertakings

(2) Sixty days notice to be given of intension to close down any undertaking

(3) Compensation to workmen in case of closing down of undertakings

(4) Conditions precedent to retrenchment of workmen

Ans. (3)

31. Which section of Industrial Disputes Act, 1947 defines 'unfair labour practice'?

(1) Section 2(r)

(2) Section 2(rr)

(3) Section 2(w)

(4) Section 2(ra)

Ans. (4)

32. Under which section of the Employees' Compensation Act, 1923, an appeal against an order of the Commissioner awarding interest or section 4A shall lie?

(1) Section 29

(2) Section 30

(3) Section 33

(4) Section 32

Ans. (2)

33. Which schedule of the Employees' Compensation Act, 1923 lists the occupational diseases?

(1) Schedule I

(2) Schedule II

(3) Schedule III

(4) Schedule IV

Ans. (3)

34. Which section of the Payment of Wages Act, 1936, bars a Court to entertain a suit for recovery of wages or of any deduction from wages in so far as the sum so claimed forms the subject matter of an application under section 15 of the Act?

(1) Section 22

(2) Section 22A

(3) Section 23

(4) Section 24

From Student to Lawyer to Judge

Ans. (1)

35. Which section of the Payment of Wages Act, 1936 define "Wages"?

- (1) Section 2(i)
- (2) Section 2(ia)
- (3) Section 2(v)
- (4) Section 2(vi)

Ans. (4)

36. In the past year, public libraries have experienced reducing in their operating funds. In the above sentence "reducing" should be changed to-

- (1) No change
- (2) Reduction
- (3) Deducts
- (4) Deducting

Ans. (2)

37. The company's sponsorship of mentorship programsgarnered many accolades from philanthropists The blank can be Filled correctly by inserting:

- (1) Did
- (2) Have
- (3) Are
- (4) Has

Ans. (4)

38. Either Kamala or.....will open the account this month. The blank can be filled correctly by inserting:

- (1) Myself
- (2) Them
- (3) I
- (4) Me

Ans. (3)

From Student to Lawyer to Judge

39. The builders had to ...their work during late hours after other residents filed a complaint. The blank can be filled most appropriately by choosing:

- (1) Subside
- (2) Lower
- (3) Belittle
- (4) Curtail

Ans. (4)

40. He ordered for another.....of wine. The blank in the above sentence can be most appropriately filled with:

- (1) Draft
- (2) Draught
- (3) Drought
- (4) Dreg

Ans. ()

41. Which one of the following languages is not included in the 8th Schedule of Constitution of India?

- (1) Santhali
- (2) Nepali
- (3) Bodo
- (4) Gondi

Ans. (4)

42 River of Fire is an English translation of a famous literary work of:

- (1) Qurratulain Hyder
- (2) Krishna Sobti
- (3) Amrita Pritam
- (4) Sadat Hasan Manto

Ans. (1)

43. Which opponent did Ashleigh Barty defeat in the Australian Open Women's Tennis Championship Finals?

from Student to Lawyer to Judge

(1) Serena Williams

(2) Madison Keys

(3) Danielle Collins

(4) Iga Swiatek

Ans. (3)

44. Which country out of the following is not a member of NATO (North Atlantic Treaty Organisation)?

(1) Albania

(2) Austria

(3) Montenegro

(4) North Macedonia

Ans. (2)

45. India held/will hold the rotational Presidency of the UN Security Council in 2022 in the month of:

(1) March

(2) December

(3) July

(4) October

Ans. (2)

46. The Nobel Prize for Literature In 2021 was awarded to:

(1) Abdulrazak Gurnah

(2) Kazuo Ishiguro

(3) Jamaica Kinkaid

(4) Ngugi wa Thiong'o

Ans. (1)

47. "Covaxin" Vaccine for Covid - 19 is a

(1) mRNA Vaccine

From Student to Lawyer to Judge

(2) Protein Subunit Vaccine

(3) Inactivated Virus Vaccine

(4) Viral Vector Vaccine

Ans. (3)

48. Who is the current Lok Sabha Speaker in the Parliament of India?

(1) Om Birla

(2) Sumitra Mahajan

(3) Adhir Ranjan Chowdhury

(4) M. Thambi Durai

Ans. (1)

49. The Eleventh Schedule and the Twelfth Schedule of the Constitution of India are related to which Articles of the Constitution?

(1) Article 243A and 243J

(2) Article 243G and 243W

(3) Article 243C and 243K

(4) Article 243L and 243N

Ans. (2)

50. In which judgment did the Supreme Court of India uphold and safeguard Constitutional and legal rights of transgender persons and for framing social welfare schemes for them?

(1) National Legal Services Authority v. Union of India and Others, (2014) 5 SCC 438

(2) Suresh Kumar Koushal v. Naz Foundation, (2014) 1 SCC 1

(3) Navtej Singh Johar v. Union of India, (2018) 10 SCC 1

(4) Rajbala v. State of Haryana, (2016) 2 SCC 445

From Student to Lawyer to Judge

Ans. (1)

51. Which constitutional amendment removed article 31 relating to compulsory acquisition of property from the constitution of India?

(1) 39th Amendment

(2) 42nd Amendment

(3) 44th Amendment

(4) 40th Amendment

Ans. (3)

52. Which Article of the Constitution empowers the Parliament to make any law for the whole or any part of India for implementing any treaty, agreement or convention with any other country or any decision made at any international conference?

(1) Article 253

(2) Article 255

(3) Article 245

(4) Article 248

Ans. (1)

53. I fully agree with the view expressly overruling ADM, Jabalpur case which was an aberration in the constitutional jurisprudence of our country and the desirability of burying the majority opinion ten fathom deep, with no change of resurrection in the landmark case of "Justice K.S. Puttaswamy (Retd.) and Another v. Union of India and Others", (2017) 10 SCC 1, popularly known as the Right to Privacy Case?

(1) Justice S.K. Kaul

(2) Justice R.F. Nariman

(3) Justice D.Y. Chandrachud

(4) Justice J. Chelameswar

Ans. (1)

54. Which Article of the Constitution hit. India provides for special provision with respect to the State of Mizoram?

(1) Article 371A

(2) Article 371D

(3) Article 371F

(4) Article 371G

Ans. (4)

55. Which Constitutional Amendment was Cont. challenged in the case of "Sajjan Singh & Other v. State of Rajasthan and Others" (AIR 1965 SC 845)?

(1) 13th Amendment

(2) 17th Amendment

(3) 19th Amendment

(4) 21st Amendment

Ans. (2)

56. Under Order VIII, rule 6A, CPC:

(1) Counter-claim has to be mandatorily filed with the written statement

(2) Counter-claim can be permitted to be filed after filing of the written statement till framing of issues

(3) Counter-claim filed after filing of the written statement is barred

(4) Counter-claim cannot be filed with the written statement.

Ans. (2)

57. A suit is filed in respect of a commercial dispute, seeking urgent interim relief. In view of the provisions of section 12A of the Commercial Court Act, 2015:

(1) The suit is liable to be dismissed

(2) The suit can be entertained as urgent relief is sought, however the Court cannot refer the parties to mediation thereafter

(3) The court has to mandatorily sent the parties to mediation on the first day of the listing of the suit

From Student to Lawyer to Judge

(4) The suit can be entertained as urgent relief is sought, and the Court may refer the parties to mediation at an appropriate stage.

Ans. (4)

58. Under Order XII, rule 6, CPC an admission has to be:

(1) In a pleading only

(2) In a pleading or in a document only

(3) Either in the pleading or otherwise, whether orally or in writing

(4) None of the above.

Ans. (3)

59. In execution proceedings, if objections are filed by any party objecting to the execution of the decree raising questions relating to right, title and interest of the decree holder:

(1) The executing court can decide the objections like a civil court but without recording evidence.

(2) The executing court has to send the matter to civil court for adjudication.

(3) The executing court can decide the objections like a civil court and the executing court has to compulsorily record the evidence.

(4) The executing court can decide the objections like a civil court and the executing court may record evidence, if deemed necessary.

Ans. (4)

60. "While adjudicating an application under Order VII, rule 11(a) of the CPC, the Court is duty-bound to consider the written statement and documents filed by the defendant." Is the above statement true?

(1) Yes

(2) No

(3) Partly true, as the Court must consider the written statement, but not the documents filed by the defendant.

(4) Partly true, as the Court must consider the documents filed by the defendant, but not the written statement.

Ans. (2)

From Student to Lawyer to Judge

61. Which of the following remedies can be availed by a defendant who is aggrieved by an ex parte order of injunction granted under Order XXXIX, rules 1 and 2 of the CPC?

- (1) An application for vacation of the order
- (2) An appeal against the order.
- (3) Contesting the application filed by the plaintiff under Order XXXIX, rules 1 and 2 on merits.
- (4) All of the above

Ans. (4)

62. Can the Court allow an application for amendment of the plaint after commencement of defendant's evidence in the suit as per the Code of Civil Procedure, 1908?

- (1) Yes, the stage of the suit is never relevant for adjudication of an application for amendment.
- (2) No, it can never be allowed after completion of the plaintiff's evidence.
- (3) Only if the Court comes to the conclusion that the plaintiff could not have raised the matter before commencement of trial, despite due diligence.
- (4) Only if the amendment changes the nature of the suit.

Ans. (3)

63. Which of the following properties is not liable to attachment and sale in execution of a decree?

- (1) Books of account
- (2) Wages of a domestic servant
- (3) Cooking vessels of the judgment-debtor
- (4) All of the above

Ans. (4)

64. Section 14 of the Limitation Act, 1963 deals with

- (1) Effect of fraud or mistake
- (2) Extension of prescribed period in case of acknowledgment of debt

(3) Exclusion of time of proceeding bona fide in Court without jurisdiction

(4) None of the above

Ans. (3)

65. The plaintiff files an application under section 5 of the Limitation Act, 1963 seeking condonation of delay in filing of the suit

(1) The Court should issue notice on the application before registering the suit

(2) The Court should register the suit and then issue notice on the application

(3) The Court can condone the delay without issuing notice on the application

(4) The application should be dismissed without notice

Ans. (4)

66. A makes a part payment of debt due to B. It can be used to seek extension of period of limitation only where :-

(1) It is made before the expiration of the presented period of limitation

(2) It is accompanied by a written acknowledgment of debt due

(3) It is made any time before the filing of the suit

(4) It is of at least the principal amount due

Ans. (1)

67. 'A' sues 'B' for recovery of amount due against invoices for supply of goods. The time from which the period of limitation begins to run from:-

(1) Date on which 'A' serves a notice of demand on 'B'

(2) Date on which the last supply is made

(3) Date on which 'B' replies to the legal notice of demand sent by 'A'

(4) From the date of delivery of goods against each of such invoices where no fixed period of credit is agreed upon.

Ans. (4)

From Student to Lawyer to Judge

68. Tender conditions provide for forfeiture of earnest money on revocation of tender by the tenderer. The tenderer revokes the tender but claims that earnest money cannot be forfeited as revocation took place prior to the acceptance of the tender

(1) Earnest money cannot be forfeited

(2) Earnest money can be forfeited

(3) Only reasonable damages are liable to be paid by the tenderer

(4) In absence of concluded contract, no damages are payable by the tenderer.

Ans. (2)

69. 'A' sent a draft proposal to 'B' for supply of a particular quantity of phosphoric acid within a specified duration. 'B' made changes in the draft agreement with regard to the quantity and duration and requested 'A' to sign, stamp and return the same. As no objection to the revised draft agreement was received from 'A', 'B' made a further agreement with 'C' to supply the phosphoric acid received from 'A'. As 'A' did not make the supply resulting in 'B' having to pay damages to 'C' for non-supply of phosphoric acid, 'B' having to pay damages to 'C' for non-supply of phosphoric acid, 'B' sued 'A' for recovery of damages.

(1) 'B' is entitled to claim damages from 'A' as there was a concluded contract between the parties by exchange of correspondence.

(2) 'B' is not entitled to claim damages from 'A' as there was no concluded contract.

(3) There is a concluded contract between the parties arising from the silence of 'A' to the counter proposal of 'B'.

(4) Formation of contract is not essential to claim of damages by 'B'.

Ans. (2)

70. A files a suit against the bank seeking injunction against invocation of an unconditional bank guarantee. Which of Mains the following condition may justify grant of injunction?

(1) 'A' shows that he does not owe any money to the person in whose favour the bank guarantee is given.

(2) 'A' shows that he has terminated the agreement with the person in whose favour the bank guarantee is given.

(3) 'A' shows that the person in whose favour the bank guarantee is given, is in breach of the agreement.

(4) 'A' shows that there is fraud of an egregious nature in obtaining the bank guarantee from him.

Ans. (4)

71. 'A' who owes Rs. 500/- to 'B', sells rice worth Rs. 1000/- to 'B'. A is acting as an agent for 'C' in the transaction, but B has no knowledge nor reasonable ground of suspicion that such is the case.

(1) B will be liable to pay Rs. 1000/- to C.

(2) B can set off Rs. 500/- owed by A from the amount payable to C.

(3) C can compel B to take rice without allowing him to set off A's debt.

(4) A can compel B to take rice without allowing him to set off his debt.

Ans. (2)

72. 'A' contracts to sing for 'B' at a concert for Rs. 1000/-, which is paid in advance. A is too ill to sing.

(1) B can claim damages from A for breach of contract.

(2) B can seek refund of Rs. 1000/- from A, which was paid in advance.

(3) B is not entitled to claim any amount from A as the contract stood frustrated

(4) B can compel A to sing for B at some other concert without payment.

Ans. (2)

73. 'A' grants franchise to 'B' for manufacturing and selling the goods under the trademark of A. The agreement stipulates that during the subsistence of the agreement, B shall not manufacture or sell similar goods under any competing trademark.

(1) The agreement is void as being in restraint of trade.

(2) The agreement is not in restraint of trade.

(3) The agreement is voidable at option of B.

(4) The agreement is void as the consideration is unlawful.

Ans. (2)

From Student to Lawyer to Judge

74. AB Bank filed a suit for recovery of loan advanced to X, a partnership firm. C, D and E, partners constituting with X were impleaded as defendants along with X. C and D pleaded that they had retired from the partnership after the loan transaction and now E was the sole proprietor of X.

(1) Decree can be passed only against X and E unless there is an agreement in writing between C, D and E whereby E has taken over the liability owed to the bank.

(2) Decree can be passed against X, C, D and E unless there is an agreement in writing between the bank, X, C, D and E discharging C and D of the liability to repay the loan.

(3) Decree can be passed against X, C, D and E unless there is an agreement in writing between the bank and E after the bank had knowledge of retirement of C and D, making only E liable to repay the loan.

(4) Decree can be passed against X, C, D and E unless there is an agreement in writing between the bank and E after the bank had knowledge of retirement of C and D, making only E liable to repay the loan.

Ans. (4)

75. Under section 16 of the Arbitration and Conciliation Act, 1996, a plea that the Arbitral Tribunal does not have the jurisdiction shall be raised:

(1) Any time during the arbitral proceedings.

(2) Before the Claimant proceeds with oral arguments.

(3) Before submission of Statement of Defence.

(4) Before the Claimants files his Rejoinder to the Statement of Defence.

Ans. (3)

76. An order of the Court allowing an application under section 8 of the Arbitration and Conciliation Act, 1996:

(1) Is not appealable.

(2) Is appealable under section 37(1)(a) of the Arbitration and Conciliation Act, 1996.

(3) Is appealable under section 37(1)(c) of the Arbitration and Conciliation Act, 1996

From Student to Lawyer to Judge

(4) Is appealable to the Court authorized by law to hear appeals from origin Courts passing the order.

Ans. (1)

77. A party filed an application for interim measures of protection before a Court, which was disposed of. The other party also wishes to file an application for interim measures of protection. He may do so:

(1) Before the same court where the party had first filed an application for interim measures of protection.

(2) Before the Court within whose jurisdiction the seat of arbitration is situated.

(3) Only before the High Court.

(4) Any Court of Original Jurisdiction.

Ans. (1)

78. Which of the following statements is correct?

(1) An arbitral award arising out of international commercial arbitration, which a court finds is patently illegal, can be set aside under section 34(2A) of the Arbitration and Conciliation Act, 1996 as vitiated by patent illegality.

(2) An arbitral award arising out of arbitration held between two Indian entities in India can be set aside where on examination of evidence and preponderance of probabilities the Court is of a view to the contrary.

(3) An arbitral award arising out of arbitration held between two Indian entities in India can be set aside by a Court by substituting its view in place of the interpretation accepted by the Arbitral Tribunal.

(4) An arbitral award arising out of arbitration held between two Indian entities in India can be set aside by the Court as the composition of the Arbitral Tribunal and the arbitral procedure was not in accordance with the agreement of the parties.

Ans. (4)

79. A dispute arose between Party A and Party B and consequently, Party A Invoked the arbitration agreement. Party B appointed his employee as the sole arbitrator (the Arbitral Tribunal). Before the Arbitral Tribunal, Party A filed his statement of Claims and participated in the arbitral proceedings. At the stage of recording evidence, Party A field a petition under section 14(2) of the Arbitration and Conciliation

Act, 1996 seeking termination of the mandate of the Arbitral Tribunal. Which of the following statement is correct:

(1) Petition filed under section 14(2) of the Arbitration and Conciliation Act, 1996 is not maintainable.

(2) Party A must approach the Arbitral Tribunal under section 13(2) of the Arbitration and Conciliation Act, 1996 and in the event, his request is rejected, he may make an application for setting aside the arbitral award under section 34 of the Arbitration and Conciliation Act, 1996.

(3) Petition filed under section 14(2) of the Arbitration and Conciliation Act, 1996 is maintainable and is liable to be allowed as the arbitrator is ineligible under section 12(5) of the Arbitration and Conciliation Act, 1996.

(4) The Arbitrator cannot be removed as Party A has participated in the arbitral proceedings and waived off his right to challenge the appointment of the Arbitrator.

Ans. (3)

80. 'A' receives a notice from 'B' alleging infringement of B's design for a kettle. A believes that there is no novelty in B's kettle design. A can:

(1) File a suit seeking cancellation of the design.

(2) File a writ seeking recall of the grant of registration.

(3) File a petition before the High Court seeking cancellation.

(4) File a cancellation petition before the Controller of Patents and Designs seeking cancellation of the design.

Ans. (4)

81. A design registration under the Designs Act, 2000, protects:

(1) The aesthetic aspects of the design judged solely by the eye.

(2) Mode of principles of construction.

(3) Functional aspects.

(4) All of the above

Ans. (1)

82. A files a suit against B seeking injunction restraining infringement of a granted patent relating to a mechanical device before the District

Court in Delhi. B files its written statement along with a counter claim seeking revocation of the patent.

- (1) The District Court can adjudicate the suit and the counter claim.
- (2) The District Court can adjudicate the suit but has to transfer the counter claim to the High Court.
- (3) The suit and the counter claim have to be transferred to the High Court.
- (4) The District Court has to remand the matter to the Patent office for considering the validity of the patent.

Ans. (3)

83. A patent is granted to 'Innovate Inc.', India for a pharmaceutical substance. 'Generic India Pvt. Ltd.' wishes to challenge the same. It can:

- (1) File a revocation petition before the Patent Office.
- (2) File a post-grant opposition within one year after grant of the patent.
- (3) File a revocation petition before the High Court.
- (4) All of the above

Ans. (4)

84. Which of the following statements is correct?

In an original application filed under section 19 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993—

- (1) The defendant can file a claim of set off in respect of an ascertained sum of money and also file a counter claim
- (2) The defendant cannot file a counter claim.
- (3) The defendant cannot claim a set off but can file a counter claim
- (4) The defendant can neither claim a set off nor file a counter claim.

Ans. (1)

85. Which of the following are generally applicable to proceedings before the DRT?

- (1) CPC

From Student to Lawyer to Judge

(2) Limitation Act

(3) Both (1) and (2)

(4) Neither (1) nor (2)

Ans. (2)

86. Choose the correct statement(s): Which of the following is/are(a) commercial dispute(s)?

I. Suit for specific Performance of an Agreement to Sell a vacant plot of land, which is not in use.

II. Matter pertaining to a Road Contract from the Government.

III. Suit instituted by the landlord for recovery of mesne profit against the tenant bank, in respect of property in which a branch of the bank is located.

IV. A dispute between heirs of a deceased owner of a residential house relating to division of the said house.

(1) All (i), (ii), (iii) and (iv) are Commercial Disputes.

(2) Only (i) and (ii) are Commercial Disputes.

(3) Only (ii) and (iii) are Commercial Disputes.

(4) Only (i), (ii) and (iv) are Commercial Disputes.

Ans. (3)

87, The criteria for determining the 'specified value' of the subject-matter pertaining to arbitration of a commercial dispute is based on:

(1) Value of the claim as set out in the Statement of Claim.

(2) Value of the claim and counter-claim as set out in the Statement of Claim or Counter-claim, whichever is higher.

(3) Aggregate Value of the claim and counter-claim as set out in the Statement of Claim and Counter-claim.

(4) Total Value as set out in the Statement of Counter-claim.

Ans. (3)

88. Which of the following statements is/are correct? An appeal under section 13(1) of the Commercial Courts Act, 2015 can lie against:

- I. An order under rule 4 of Order XLVI granting an application for review
- II. An order under rule 9 of Order IX rejecting an application for an order to set aside the dismissal of a suit.
- III. An order under rule 13 of Order IX rejecting an application for an Order to set aside a decree passed ex-parte
- IV. An order under rule 9 of Order XXIII refusing to set aside the abatement of a suit.

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

Ans. (4)

89. In a suit in respect of a commercial dispute over the specified value; which of the following statement(s) is/are correct?

- I.** An application for summary judgment under Order XVIII of the Code of Civil Procedure, 1908 can be made only after a written statement has been filed by the defendant.
- II.** An application for summary judgment under Order XVIII of the Code of Civil Procedure, 1908 can be made at any stage of the suit.
- III.** An application for summary judgment can be made only after issues have been framed by the Court.
- IV.** An application for summary judgment can be made after summons have been served on the defendant but before the Court has framed the issues.

- (1) Statements (i) & (ii)
- (2) Statements (ii) & (iii)
- (3) Statements (i) & (iv)
- (4) Statements (ii) & (iv)

Ans. (4)

From Student to Lawyer to Judge

90. In terms of Order XX of the Code of Civil Procedure, 1908, a Commercial Appellate Court or Commercial Appellate Division is required to pronounce the judgment:

- (1) Within a period of 60 days from the date of conclusion of the arguments.
- (2) Within a period of 90 days from the date of conclusion of the arguments.
- (3) Within a period of 30 days from the date of conclusion of the arguments.
- (4) Within a period of 120 days from the date of conclusion of the arguments.

Ans. (2)

91. In a suit pertaining to a commercial dispute, the plaintiff makes an application for summary judgment under Order XIII A, however, the Court finds that the defence may succeed but it is improbable. In such circumstances, which of the following statements is/are correct?

- I. The Court can require the defendant to deposit a sum of money in Court and specify the consequences for failure to comply with the said direction.
- II. The Court can pass a decree for the amount claimed.
- III. The Court can require the defendant to deposit the sum of money and provide security for the reasonable costs that the Court may deem fit and proper.
- IV. The Court can dismiss the application for summary judgment.

(1) Statements (i), (iii) & (iv)

(2) Statements (i), (ii) & (iv)

(3) Only Statement (iv)

(4) Only Statement (iii)

Ans. (1)

92. Which of the following statements is correct?

In a suit pertaining to a commercial dispute over the specified value, the plaintiff is required under Order XI, rule 1 of the Code of Civil Procedure, 1908 to file:

- (1) A list of all documents and photocopies of all documents, in its power, possession, control or custody, pertaining to the suit, along with the plaint.

However, the plaintiff is not required to file documents which are adverse to its case.

(2) A list of all documents and photocopies of all documents, in its power, possession, control or custody, pertaining to the suit, along with the plaint including documents that are adverse to its case.

(3) A list of all documents and photocopies of all documents, in its power, possession, control or custody, that the plaintiff seeks to rely on. However, if an application is filed by the defendant, the plaintiff is also required to file documents which are adverse to its case.

(4) A list of all documents and photocopies of all documents, in its power, possession, control or custody, that the plaintiff seeks to rely on. However, the plaintiff shall also file documents which are adverse to its case if directed by the Court.

Ans. (2)

93. A bank has Instituted an application in the DRT for recovery of a debt against its constituent. Can it also take measures under section 13 of the SARFAESI Act in respect of an immovable property mortgaged as security for the same debt?

(1) Yes, it can do so.

(2) It can do so only if it takes prior permission from the Reserve Bank of India for this purpose.

(3) It can do so, but its actions must thereafter be ratified by the Reserve of India.

(4) No, it cannot do so.

Ans. (1)

94. In which of the following cases will recourse to the SARFAESI Act not be available to a lender?

(1) Where the amount due from the debtor is less than 20% of principal amount and interest thereupon

(2) Where the secured creditor is a debenture trustee appointed by bank or financial institution.

(3) Where the borrower has denied the transaction.

(4) Where the borrower is a company in which 75% or more of the shareholding is held by a woman, or by several women collectively.

Ans. (1)

95. Which of the following statements is correct?

(1) An appeal from an order under section 17 of SARFAESI Act, pass by DRT can be preferred to a civil court having jurisdiction in the area where the DRT is located.

(2) An appeal from an order under section 17 of SARFAESI Act pass by DRT can be preferred to the Debt Recovery Appellate Tribunal.

(3) An appeal from an order under section 17 of SARFAESI Act, pass by DRT can be preferred to the High Court having jurisdiction in the area where DRT is located.

(4) No appeal lies from an Order under section 17 of the SARFAESI Act passed by DRT.

Ans. (2)

96. There is no implied warranty as to the quality or fitness for any particular purpose in respect of goods supplied under a contract of sale, if:

(1) Where the buyer, expressly makes known to the seller, the purpose for which the goods are required, so as to show that he relies upon seller's skill or judgment.

(2) Where the buyer, the implication, makes known to the seller, the particular purpose for which the goods are required, so as to show that he relies on seller's skill or judgment.

(3) Goods are brought by description from a seller who deals in goods of that description.

(4) If the contract for sale is of a specified article under its patent or other trade name.

Ans. (4)

97. Under which of the following cases will an unpaid seller of goods, who is in possession thereof (until payment of price), not be entitled to retain the goods:

(1) Goods that have been sold without stipulation: as to credit.

(2) Goods sold on credit, but the term of credit has expired.

(3) Goods sold on credit, but the buyer has become insolvent.

(4) Where the goods have been delivered to a carrier for the purpose of transmission on to the buyer without reserving the right of disposal of the goods.

Ans. (4)

98. Mr. X enters into a contract for sale of 600 tons of Sugarcane with Mr. Y. Subsequently, Mr. X comes to know that in fact, one week before the date of execution of the contract of sale, due to earthquake, the sugarcane had been completely destroyed in fire. The sale contract is

(1) Valid

(2) Void

(3) Voidable at the option of Mr. X

(4) Voidable at the option of Mr. Y

Ans. (1)

99. 'A' executes a License Deed in favour of 'B', giving possession of the top floor of his residential house for a period of 3 years on a monthly license fee of Rs. 10,000/-. 'A', after a period of 6 months and without any valid cause, terminates the License and seeks possession of the floor from 'B'.

(1) 'A' must succeed as a license can be terminated at any time.

(2) The Court cannot go behind the nomenclature of the document to determine if it was leased.

(3) The Court will need to consider if the document in fact creates a lease and has been validly executed.

(4) 'B' having terminated the document, is stopped from contending that the document creates anything but a license.

Ans. (3)

100. A gifts Rs. 10 crores to B, reserving to himself with B's assent, the right to take back at pleasure Rs. 1 crore out of the same. Which of the following statements is true?

(1) The gift is valid.

(2) The gift is valid as to Rs. 9 crores, but is void as to Rs. 1 crore.

(3) The gift is void for the entire amount.

(4) The gift is voidable at the option of A.

Ans. (2)

101. Which amongst the following is not a pre-requisite for a transferee to seek protection under section 53A of the Transfer of Property Act, 1882?

(1) The contract for transfer of immovable property should be in writing signed by him or on his behalf.

(2) The terms of the contract necessary to constitute the transfer can be ascertained with reasonable certainty.

(3) In part performance of the contract, the transferee should have taken possession of the property or any part thereof.

(4) The instrument of transfer has been completed in the manner prescribed there for by the law for the time being in force.

Ans. (4)

102. On the occurrence of default of payment of mortgage-money, in which of the following circumstances is a mortgagee not empowered to sell a mortgaged property without the intervention of the Court?

(1) In the case of an English mortgage, neither the mortgagor nor the mortgagee is a Hindu, Muhammad, Buddhist or any other specified race/sect/tribe/class.

(2) In the case of Usufructuary mortgage, where the rents and profits accruing from the property is unpaid for six months.

(3) Where the mortgagee is the government, and power of sale without the intervention of the Court is expressly conferred upon the mortgagee by the mortgage-deed.

(4) Where power of sale without the intervention of the Court is expressly conferred upon the mortgagee by the mortgage-deed, and the mortgaged property or any part thereof was, on the date of the execution of the mortgage-deed, situated within specified towns.

Ans. (2)

103. Which situation or condition for determination of a lease of immovable property under the provisions of the Transfer of Property Act, 1882, is incorrect?

(1) By efflux of time, in case time is not limited by the lease.

(2) When time is limited conditionally on the happening of some event till the happening of such event.

(3) By express surrender.

(4) By implied surrender.

Ans. (1)

104. A files a suit claiming that B had put a lock on the room he was occupying thereby dispossessing him.

(1) Such suit is not maintainable under section 6 of the Specific Relief Act unless he shows his title to the room.

(2) Such suit can be filed under section 6 of the Specific Relief Act only within six months of putting of the lock by B

(3) Such suit can be filed under section 6 of the Specific Relief Act within three years of putting of the lock by B.

(4) Such suit can be filed by A under section 6 of the Specific Relief Act only where he can show that B has not title to the room.

Ans. (2)

105. With respect of claim of damages, which of the following propositions is false?

(1) Plaintiff in-a suit for perpetual and mandatory injunction, may claim damages either in addition to or in substitution for such injunction.

(2) No relief for damages can be granted unless such a relief has been specifically pleaded in the plaint.

(3) The relief of damages, if not claimed in the plaint, cannot be allowed to be introduced after the proceedings have commenced.

(4) Dismissal of a suit to prevent the breach of an obligation in favour of the plaintiff shall bar his right to sue for damages for such a breach.

Ans. (3)

106. Which among the following is not a condition precedent for a plaintiff to seek cancellation of an instrument?

(1) The plaintiff must be a party to the instrument.

(2) The instrument is void or voidable against the plaintiff.

(3) There is a reasonable apprehension of serious injury.

(4) The case is fit for exercise of the courts' discretion to adjudge the instrument to be delivered up and cancelled.

Ans. (1)

107. Mr. A, believing himself to be the owner of a house, enters into an agreement for sale with Mr. B. The sale was to be completed within six months from the date of the execution of the agreement. However, after 3 months, he realizes the imperfection in his title, but manages to remove the defect before the expiry of the last agreed date of sale. Mr. B, however, becoming aware of this fact, avoids the sale, prompting Mr. A to seek specific performance of the Agreement. Which of the following is the correct statement?

(1) Contract of sale cannot be specifically enforced by Mr. A, as he did not have clear title on the date of execution of agreement to sell.

(2) A can seek specific enforcement, as he has clear title to convey before the stipulated date of sale.

(3) In absence of fresh execution of the agreement to sale, between Mr. A & B, no suit for specific enforcement can lie.

(4) The agreement to sell is unenforceable

Ans. (2)

108. A, a Hindu bachelor is convicted for murder of his father. Father of A, besides A has also left four other sons and two daughters as his heirs. The estate of the father shall be inherited

(1) By A, his four brothers and two sisters equally, with each getting one-seventh share.

(2) By A and his four brothers only, with each of them getting one-fifth share.

(3) By the four brothers and two sisters only of A, with each of them getting one-sixth share.

(4) By the State, on the principles of Escheat.

Ans. (3)

109. A female Hindu dies intestate, leaving husband, one son, one daughter and her parents. Her estate shall be inherited.

(1) Equally by her son, daughter and husband, with each of them getting a one-third share.

(2) Only by her son and daughter, with each of them getting one-half share.

(3) Equally by her husband, son, daughter, mother and father, with each of them getting one-fifth undivided share.

(4) Equally by her mother and father, with each of them getting one-half equal shares.

Ans. (1)

110. A, a Hindu male dies intestate leaving his mother, his father, his wife, a married sister and the married sister's husband. The estate of A shall be inherited

(1) Equally by his wife and married sister

(2) Equally by his mother and his wife.

(3) Equally by his mother, father and his wife.

(4) Equally by his mother, father, wife, married sister and her husband.

Ans. (2)

111. One of the properties left behind by an issueless female Hindu dying intestate, is a share in the estate inherited by her from her father. The said female Hindu has otherwise left a husband, mother, one sister and one brother. The estate of the said female Hindu shall be inherited

(1) Only by her husband.

(2) Equally by her husband and her mother.

(3) Equally by her mother, brother and sister.

(4) Equally by her husband, mother, brother and sister.

Ans. (3)

112. Which of the following statements is correct?

(1) Under the Hindu Succession Act, 1956 disease, defect or deformity is a disqualification from succeeding to any property.

(2) Though under the Hindu Succession Act, 1956, disease, defect or deformity was a disqualification from succeeding to any property but the said disqualification was done away with by the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation), Act, 1995.

(3) Under the Hindu Succession Act, 1956, suffering from leprosy and or deformity caused therefrom is a disqualification from succeeding to any property.

(4) Under the Hindu Succession Act, 1956, no person is disqualified from succeeding to any property on the ground of any disease, defect or deformity.

Ans. (4)

113. A, an unmarried Indian Hindu male, proceeding abroad, and having a brother and sister only in his family, executes and leaves a will bequeathing his entire assets in favour of his brother and to the exclusion of his sister. A, while in the foreign country, meets an Indian Hindu female and the two of them decide to get married and return to India and get married. Unfortunately, A dies soon after marriage. The estate of A,

(1) Shall be inherited by his brother in terms of the Will executed in his favour.

(2) Shall be inherited only by his widow, notwithstanding the Will.

(3) Shall be inherited equally by his brother, sister and widow.

(4) Shall vest in State on the principles of escheat.

Ans. (1)

114. A, a resident of Delhi, dies leaving a Will bequeathing his entire estate to his wife, to the exclusion of his children and mother. A, prior to his death had loaned a sum of Rs. 100 lakhs to his brother, also a resident of Delhi. Neither the mother, nor the children of A dispute the Will. The brother of A however in spite of demand refuses to repay the loan taken from A. The wife A,

(1) Is alone entitled to institute a suit at Delhi against the brother of A for recovery of the loan amount with interest.

(2) Is not entitled, without applying for and obtaining probate of the Will in her favour, to institute legal proceedings at Delhi for recovery of the loan amount.

From Student to Lawyer to Judge

(3) Is not entitled to recover the loan amount, whether after obtaining or without obtaining probate of the Will.

(4) Is precluded from claiming any right in any property or monies which were not held by A personally at the time of his death and which had been in possession or custody of others.

Ans. (1)

115. A, a Hindu having a fixed place of abode at Delhi and having properties of the value of Rs. 1 Crore at Delhi and Rs. 50 Lakhs at Lucknow, dies leaving a Will in favour of his son. A probate of the said Will affecting properties at Delhi as well as at Lucknow can be applied,

(1) To the Court of the District Judge, Delhi.

(2) To the High Court of Delhi, or to the High Court having jurisdiction over Lucknow where some part of the property of A is situated.

(3) To the Court of the District Judge, Lucknow.

(4) To neither of the aforesaid Courts.

Ans. (2)

116. A, a plaintiff in a suit, desires to prove a document, original of which is lost by him and of which only a photocopy remains with him.

(1) A, for the said photocopy to be read in evidence by the Court, is required to file an application in the Court for accepting the photocopy as secondary evidence of the document, with the said application being accompanied with an affidavit affirming loss of the original document and the photocopy produced being the correct photocopy and the Court, if so satisfied from the affidavit, will read the secondary evidence in the form of photocopy as evidence in the suit.

(2) A, for the said photocopy to be read in evidence by the Court, is required to file an application in the Court for accepting the photocopy as secondary evidence of the document with the said application being accompanied with an affidavit affirming loss of the original document and the photocopy produced being the correct photocopy and the Court will give an opportunity to the defendant to file a reply affidavit and after going through the affidavits of plaintiff and defendant decide, which one to accept.

(3) A, for the said photocopy to be read in evidence by the Court, is required to, in his evidence before Court depose of the existence and loss of original and of the photocopy produced being a correct and true photocopy and the Court, after perusing the cross-examination of the plaintiff and the defence

evidence led by the defendant, at the time of final decision will decide whether a case for proof of the document by secondary evidence was made out and, if so, whether the documents stood proved by secondary evidence.

(4) A photocopy does not constitute secondary evidence.

Ans. (3)

117. The burden of proof of none of the issues in a suit is on the defendant. After the defendant closes his evidence in the suit, the plaintiff seeks an opportunity for rebuttal evidence. Which of the following statements is true?

(1) A plaintiff in a suit always has a right of rebuttal evidence after the evidence of the defendant.

(2) A plaintiff in a suit never has a right of rebuttal evidence after the evidence of the defendant.

(3) A plaintiff in a suit has right of a rebuttal evidence only when the burden of proof of some of the issues in the suit is on the defendant.

(4) Even when burden of proof of the some of the issues in a suit is on the defendant, grant of opportunity to lead rebuttal evidence is in the absolute discretion of the Court.

Ans. (3)

118. The terms and conditions contained in a registered lease deed between a landlord and tenant have to be proved

(1) By proving the lease deed.

(2) By the landlord or the tenant in their deposition/evidence deposing about the same.

(3) By any one of the witnesses to the lease deed in his or her evidence deposing about the same.

(4) By examining the Registrar who registered the lease deed.

Ans. (1)

119. A and B are signatories to a document, the only signed copy of which is retained by A and only an unsigned copy by B. B, in a litigation with A desires to prove the document, existence or signing of which is denied by A. For B to prove such document, B is required to

From Student to Lawyer to Judge

(1) Issue notice to A to produce the original and upon A not producing the same, prove the document by leading secondary evidence of the copy.

(2) Without issuing any notice, document by leading secondary evidence of the copy

(3) Examine the witnesses to the document.

(4) File an affidavit of the original being in possession of A and to thereafter prove the document by leading secondary evidence of the Copy.

Ans. (1)

120. "Indian work" has been defined under the Copyright Act, 1957 to include a literary, dramatic or musical work, except:

(1) A work where the author thereof is an Indian citizen.

(2) In case of an unpublished work, there the author, at the time of the making of the work, is a citizen of India.

(3) A work which is first published in India.

(4) In case of a work published simultaneously in India and some other country, where such other country provides a shorter term of copyright than India.

Ans. (4)

121. Which of the following information is not required to be displayed in a sound recording and, on any container, thereof?

(1) The address of the person who has made the sound recording

(2) The address of the owner of the copyright in such work

(3) The address of place where first recording is made.

(4) The year of its first publication.

Ans. (3)

122. Mr. A works for XYZ Publication House, and takes a photograph not for the purpose of the periodical that is published by the publisher, but for other purposes. The copyright in the photograph, would vest in whose favour?

(1) Mr. A

From Student to Lawyer to Judge

(2) XYZ Publication House

(3) Both Mr. A and XYZ

(4) None of the above

Ans. (1)

123. What is the term of a copyright in a literary work in case the identity of the author is disclosed, under the Copyright Act, 1957?

(1) 50 years, beginning from the date of death of the author.

(2) 60 years from date of publication of copyrighted work.

(3) 60 years, beginning from the date of death of the author.

(4) 60 years, beginning from the calendar year following the year of author's death.

Ans. (4)

124. Which of the following would be a defence to an infringement action related to a trademark?

(1) The mark is used to indicate the kind, the quality, the quantity, intended purpose, etc.

(2) The mark is in accordance with honest practices in industrial or commercial matters.

(3) The mark is not such as to take unfair advantage of or be detrimental to the distinctive character or repute of the trade mark.

(4) All of the above

Ans. (4)

125. Which of the following is not a prerequisite for the registration of trade marks as "associated trade mark" under the Trade Marks Act, 1999?

(1) Both marks must be registered.

(2) Both marks must belong to the same proprietor.

(3) Both marks must belong to similar or identical goods/services.

(4) There must be a likelihood of deception or confusion.

Ans. (1)

126. Which of the following is not included in the definition of "False trade description" under the Trade Marks Act, 1999?

(1) A trade description which is untrue or misleading in a material respect as regards the goods or services to which it is applied.

(2) A trade description where any false name or initials of a person applied to goods or services in such manner that the name or initials are of a fictitious or some person not bona fide carrying on business in connection with the concerned goods or services.

(3) A trade description where any alteration of a trade description, by way of addition/ effacement, which makes the description untrue or misleading in a material respect.

(4) A trade description where such description is a registered trade mark or part of a trade mark.

Ans. (4)

127. Mr. A is the registered proprietor of a trademark (word mark) in the phrase. "Granny's Puddings" in class 30 [Flour and preparations made from cereals, bread, pastry and confectionery, etc.] from the year 2000. In the same year, Mr. B enters into a franchise agreement with Mr. A which allows Mr. B to use the trademark for bakery goods. Five years later, the agreement comes to an end. Mr. B, using the recipe received from Mr. A earlier, then began using an unregistered mark - "Granny's Puddings" - to make his own bakery goods. Which of the following remedies are applicable?

(1) Infringement on the ground of deceptive similarity

(2) Passing off.

(3) Both of the above

(4) None of the above

Ans. (3)

128. During trial, the judge is not empowered to ask a witness any question, whether during examination-In-chief, cross examination or in re-examination, since that would amount to the Judge favouring one litigant or another. Is this proposition true or false?

(1) True. This would compromise the neutrality of the judge.

(2) False. Section 165 of the Indian Evidence Act, 1872 confers almost unfettered power upon a judge to question a witness or a party.

(3) False. Only a judge presiding over a civil trial can do so.

(4) True. A judge must never descend into the 'boxing ring' and must remain a neutral umpire at all times.

Ans. (2)

129. Which of the following is true of a statement of a witness recorded under section 161 of the Code of Criminal Procedure, 1973:

(1) A section 161, Cr.P.C. statement can be used only to contradict a witness's court testimony.

(2) A section 161, Cr.P.C. statement can be used to contradict or corroborate a witness's court testimony.

(3) A section 161, Cr.P.C. statement is useless in court.

(4) A section 161, Cr.P.C. statement can be used only by the Investigating Officer to conduct further investigation.

Ans. (2)

130. Under the Indian Evidence Act 1872, at a criminal trial, a prosecution witness is entitled to more credence than a defence witness, since the burden to prove the offence is on the prosecution. Is this proposition true or false?

(1) True. Defence witnesses are to be received with circumspection since they could be planted.

(2) False. Both prosecution and defence witnesses are entitled to the same treatment.

(3) False. Defence witnesses are not permitted at a criminal trial since an accused is entitled to the right of silence.

(4) True. Since only the accused himself can be a defence witness and he enjoys no credibility.

Ans. (2)

131. At least two witnesses are required for proof of any fact under the Indian Evidence Act, 1872. Is this proposition true or false?

(1) True. Deposition of a witness requires corroboration by another witness.

(2) True. Chapter X of the Indian Evidence Act, 1872 so requires.

(3) True. Chapter IX of the Indian Evidence Act, 1872 so requires.

(4) False. Section 134 of the Indian Evidence Act, 1872 specifically mandates that there is no such requirement.

Ans. (4)

132. Under which section of the Minimum Wages Act, 1948, does the appropriate Government fix or revise the minimum wages in respect of scheduled employments?

(1) Section 5

(2) Section 4

(3) Section 3

(4) Section 6

Ans. (3)

133. Wages as defined in the Minimum Wages Act, 1948 include

(1) HRA

(2) Value of supply of light, water, medical attendance

(3) Travelling allowance

(4) The value of any travelling concession.

Ans. (1)

134. Where an offence committed under the Juvenile Justice (Care and Protection of Children) Act, 2015, is punishable with imprisonment for a term of more than 3 years but not more than 7 years; then such offence is:

(1) Non-cognizable and non-bailable

(2) Non-cognizable and bailable

(3) Cognizable and non-bailable

(4) Cognizable and bailable

Ans. (3)

From Student to Lawyer to Judge

135. Child in conflict with law under the Juvenile Justice (Care and Protection of Children) Act, 2015 means a child who is alleged or found to have committed an offence and who has not completed 18 years of age:

- (1) At the time of passing of final order.
- (2) At the time of apprehension.
- (3) At the time of initiation of inquiry.

(4) At the time of commission of offence.

Ans. (4)

136. If during the inquiry by the board or by the children's court under Juvenile Justice (Care and Protection of Children) Act, 2015, the person alleged to be in conflict with law is found to be not a child; then such person can be:

- (1) Tried with a child.
- (2) Tried with a person who is not a child.**
- (3) Both of the above
- (4) Has to be tried separately.

Ans. (2)

137. In the event of second or subsequent conviction under the Protection of Children from Sexual Offences Act, 2012; a person who stores or possesses pornographic material in any form involving a child for commercial purpose shall be punished with:

- (1) Imprisonment of either description which shall not be less than five years which may extend to seven years.
- (2) Fine
- (3) Both of the above**
- (4) None of the above

Ans. (3)

From Student to Lawyer to Judge

138. During the course of investigation under the Protection of Children from Sexual Offences Act, 2012; the statement of the victim child shall be recorded practicably by a woman police officer who shall not be below the rank of:

- (1) Deputy Commissioner of Police
- (2) Assistant Commissioner of Police
- (3) Inspector
- (4) **Sub-Inspector**

Ans. (4)

139. Which of the following persons cannot be present while recording statement of child under section 164, CrPC with respect to investigation of commission of an offence under the Protection of Children from Sexual Offences Act, 2012?

- (1) Parents of the child
- (2) **Advocate of the accused**
- (3) Male Police Officer
- (4) Any other private person apart from the parent even if the child reposes trust

Ans. (2)

140. Which of the following is not permitted during recording of evidence of the child victim with respect to commission of an offence under the Protection of Children from Sexual Offences Act, 2012?

- (1) **Putting questions to the child directly by the accused/advocate.**
- (2) Allowing frequent breaks.
- (3) Allowing presence of any private person apart from the parent even if the child reposes trust.
- (4) Allowing the accused to hear the statement of the child and communicating with his advocate.

Ans. (1)

From Student to Lawyer to Judge

141. Under the Information Technology Act, 2000; an electronic record shall be attributed to the originator only if:

- (1) It was sent by the originator.
- (2) It was sent by a person who had the authority to act on behalf of the originator.
- (3) It was sent by an information system programmed by or on behalf of the originator to operate automatically.

(4) All of the above.

Ans. (4)

142. Offences under the Information Technology Act, 2000 punishable with imprisonment for a term of 3 years shall be:

- (1) Non-cognizable and non-bailable
- (2) Non-cognizable and bailable
- (3) Cognizable and non-bailable

(4) Cognizable and bailable

Ans. (4)

143. As per the judgment of the Supreme Court in Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal, (2020) 7 SCC 1; which judgment now correctly lays down the law with respect to section 65B of the Information Technology Act, 2000?

(1) Anvar P.V. v. P.K. Basheer & Ors., (2014) 10 SCC 473

(2) Tomaso Bruno v. State of U.P., (2015) 7 SCC 178

(3) Shafhi Mohammad v. State of H.P., (2018) 2 SCC 801

(4) None of the above

Ans. (1)

144. What is the maximum Interim compensation that can be awarded in case of a summary trial under the Negotiable Instruments Act, where the dishonored cheque was for the sum of Rs. 7,00,000?

(1) Rs. 70,000

(2) Rs. 1,05,000

From Student to Lawyer to Judge

(3) Rs. 1,40,000

(4) None of the above

Ans. (3)

145. The law in force in India today provides a timeline within which certain actions need to take place, in order for the offence of section 138 of the Negotiable Instruments Act, 1881, after the cheque has been dishonored. For the offence to be made out, a legal demand in writing must be sent within.... Days of the dishonor of the cheque, and the accused must fail to make the payment for a period days after receipt of the notice. The Complaint must be filed with a further period ofdays, with the court of

(1) 30, 15 and 30 respectively

(2) 15, 30 and 45 respectively

(3) 15, 30 and 30 respectively

(4) 30, 15 and 45 respectively

Ans. (1)

146. Which of the following is true, in the context of an Appeal filed against conviction under section 138?

(1) It is compulsory for the Appellate Court to require the Appellant to make a deposit, at the time of hearing of an appeal.

(2) Any order for deposit requires the Appellant to deposit a minimum of 20% of the fine or compensation ordered by the Court.

(3) The requirement for deposit can only be waived if interim compensation had been awarded under section 143A.

(4) The Appellant Court cannot direct the release of the amount deposited by the Appellant during the pendency of the Appeal, as it may lead to complications in recovery in case of acquittal.

Ans. (2)

147. The Prevention of Corruption Act, 1988 grants the police the power to inspect banker's books. Which of the following statements is true about this power?

(1) The police have to seek permission from the special court Judge to obtain the account statements of suspects.

(2) Banks are required by law to show all police officer account statements if he requests them in relation to any offence an investigation into offences under the PC Act.

(3) No officer other than an officer holding rank of Superintendent of police or above, or an officer authorized by such officer can make a request to inspect the books of account of a suspect.

(4) None of the above

Ans. (3)

148. Which of the following is true, in the context of abetments of offences under the Prevention of Corruption Act?

(1) In order for abetment to arise an offence under the Act must take place as a consequence of that Abetment.

(2) In order for abetment to arise under the Act, it is Immaterial whether or not an offence has been committed in consequence of that Abetment.

(3) The maximum punishment for abetment of offences under the Act is 3 years.

(4) Both (1) and (3)

Ans. (2)

149. In order to prosecute a person under the Prevention of Corruption Act, previous sanction is required only for offences punishable under which sections:

(1) 7, 7A, 13, 15

(2) 7, 11, 13, 15

(3) 7, 8, 11, 13

(4) 7, 9, 13, 15

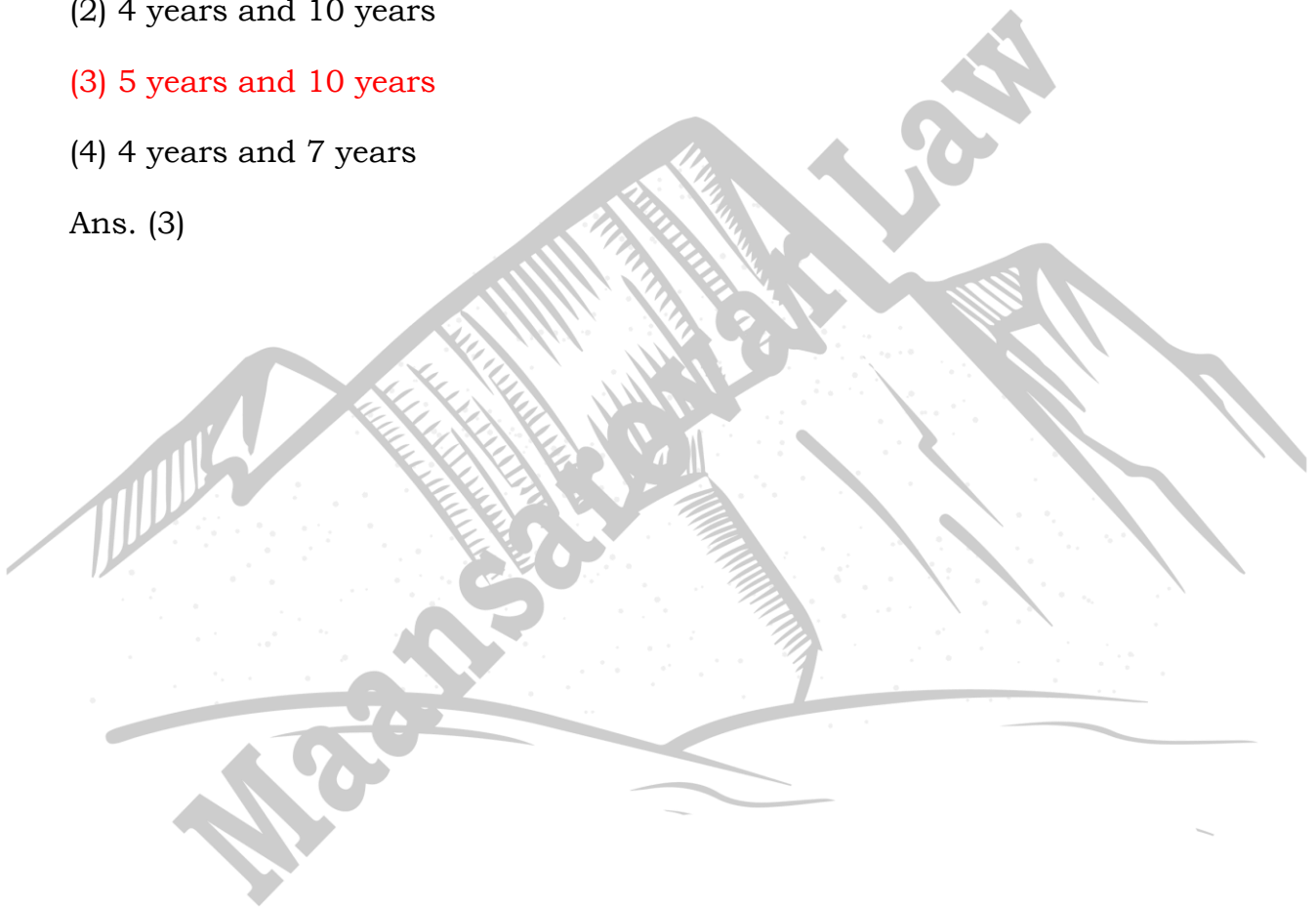
Ans. (2)

From Student to Lawyer to Judge

150. A, a public servant was convicted of offences under section 13(1)(b), and is removed from service and sentenced to four years imprisonment. Two years after serving the entirety of his sentence, A is found attempting to bribe persons who served with him, while he was public servant. A is thereafter tried for offences under section 8 of the Prevention of Corruption Act. What is the minimum and maximum sentence that can be imposed on A if he is found guilty of offences under section 8?

- (1) 3 years and 7 years
- (2) 4 years and 10 years
- (3) 5 years and 10 years**
- (4) 4 years and 7 years

Ans. (3)



From Student to Lawyer to Judge