

## Preliminary Examinations - Paper I

1. Balu was engaged by Raja to sing for 3 years at Raja's theatre and not to sing in public elsewhere. After 3 months, Balu breached the contract and started singing in other public theatres. Raja filed a suit to injunct Balu from singing in other theatres for the remaining period of the contract.
  - A. No right has accrued to Raja to seek injunction
  - B. The court can injunct Balu from singing in other theatres
  - C. The court cannot grant injunction but can only award damages
  - D. The contract is unenforceable
  
2. Kumar let out the premises to Suresh. Murali dispossessed Suresh unlawfully. For invoking section 6 of the Specific Relief Act,
  - A. Suresh alone can seek relief
  - B. Kumar and Suresh should jointly seek relief
  - C. Kumar can seek relief only with the leave of the court
  - D. Kumar or Suresh can seek relief
  
3. Which of the following circumstances mentioned in Schedule 5 of the Arbitration and Conciliation Act, 1996 give rise to justifiable doubts as to the independence or impartiality of an Arbitrator:
  - A. Arbitrator is a Consultant and Adviser of the party to the arbitration proceedings
  - B. Arbitrator regularly advises the appointing party or an affiliate of the appointing party even though neither the arbitrator nor his firm derives a significant financial income there from.
  - C. Arbitrator's Law Firm had a previous but terminated involvement in the case without the Arbitrator being involved himself.
  - D. All the Above are correct
  
4. When a party challenges a foreign award before the executing court, on the enforceability of the award and its maintainability of execution, the executing court has to:
  - A. Decide the enforceability at the first instance
  - B. Decide the maintainability of execution at the first instance
  - C. Decide the enforceability and maintainability simultaneously
  - D. Decide the maintainability at the first instance.

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5. A tripartite arbitration agreement provides for appointment of 6 arbitrators with two arbitrators to be appointed by each party to the dispute.
- A. The agreement is void and non est
  - B. The agreement is to be construed as being of reference of dispute to a sole arbitrator
  - C. The agreement is to be construed as being of reference of dispute to three arbitrators
  - D. The agreement is to be construed as being of reference of dispute to seven arbitrators
6. A partner of an unregistered firm files an application before the High Court seeking appointment of arbitrator for the dissolution of partnership firm by invoking the arbitration clause
- A. The relief is barred under section 69 of Indian Partnership Act.
  - B. The relief is not barred under section 69 of Indian Partnership Act.
  - C. The dispute is not arbitrable.
  - D. The firm can be directed to be registered before invoking the arbitration clause.
7. An arbitral award was passed at Sattur. It is sought to be executed at Coimbatore. The court in Coimbatore has raised an objection as to the maintainability of the execution petition for want of transfer of award with non-satisfaction certificate, relying on section 38 and 39 CPC.
- A. The party has to apply for transfer of award in court at Sattur under Section 39 C.P.C.
  - B. The party has to apply before the High Court for transfer of award since the seat of arbitration and place of execution are different.
  - C. The execution petition before the court at Coimbatore without transmission of award is maintainable.
  - D. The execution petition can be filed at Coimbatore after obtaining leave from the Coimbatore court after giving notice to the Judgment Debtor.

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8. The plaintiff filed a suit for specific performance of contract and also moved an application seeking interim injunction. The defendant filed his counter to the application seeking interim injunction. Later the defendant filed petition under u/sec 8 of Arbitration and Conciliation Act.
- A. This petition is not maintainable as the defendant has chosen to file his defense by filing petition to vacate the interim order.
  - B. This petition is maintainable
  - C. The defendant has waived his right under section 8 of the Arbitration and Conciliation Act.
  - D. Both A and C are correct.
9. The Publisher of Puducherry Law Times hired Julie a French citizen as its reporter. The news paper published an article written by Julie, which strongly criticizes the Government's inaction in protecting Foreign Nationals from harassment by Police. The Government annoyed by the publication, brings a case against Julie and the news paper for defamation. Julie and the newspaper contended before the court that their rights are protected by Article 19(1) (a) of the Constitution of India:-
- A. The newspaper can claim protection under Article 19(1)(a) of the Constitution, but not Julie as she is not a citizen of India.
  - B. The newspaper cannot claim protection under Article 19(1)(a) of the Constitution as it has published the views of a foreign national.
  - C. The newspaper can claim protection under Article 19(1)(a) of the Constitution and Julie can claim protection through the newspaper.
  - D. Both the newspaper and Julie can claim protection under Article 19(1) (a) of the Constitution.
10. Unaided Minority Educational Institutions have been excluded from the ambit of Right to Free Education Act due to which of the following Fundamental Rights guaranteed by the Constitution of India:-
- A. Article 16
  - B. Article 19(1) (c)
  - C. Article 30 (1)
  - D. Article 29

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11. Which of the following statements is true as per Art 144 of the Constitution of India
- A. Civil and Judicial Authorities are to act in aid of the Supreme Court
  - B. Civil and Judicial Authorities are to abide by the orders of the Supreme Court.
  - C. Civil and judicial authorities are to follow the orders of the Supreme Court.
  - D. Civil and judicial authorities are to implement the orders of the Supreme Court.
12. Ivor Jennings opines that “within the frame work of law there is room for development of rules of practice...” which can be called as constitutional convention. Identify constitutional conventions in India from the following:-
- A. Appointment of the Advocate General
  - B. Decision to form Minority Commission
  - C. Governor’s role in the formation of the Government of a State.
  - D. Removal of Judges
13. Action taken by the government affects the right of a company. Whether the company can challenge the same on the ground that it affects the rights of the individual share holders.
- A. The company can challenge
  - B. The company cannot challenge
  - C. The company can challenge with the leave of the court.
  - D. The company can challenge the action of the government before the Company Law Board.

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14. 'S' purchased a Milch cow from 'Y' and promised that if the cow proves lucky to him, he would give Rs.3000/- more or he would purchase two more cows.
- A. There is a valid contract
  - B. There is no valid contract
  - C. It is a voidable contract
  - D. It is partly voidable contract
15. Section 41(e) of the Specific Relief Act is an exception to which Section of the said Act
- A. Section 40
  - B. Section 42
  - C. Section 43
  - D. Section 44
16. A suit for specific performance was dismissed, yet the contract was held to be valid. The vendee filed a fresh suit for recovery of advance amount and damages for the loss caused. The defendant questioned the maintainability of the suit.
- A. The suit is hit by Section 23 of Specific Relief Act
  - B. The suit is barred by section 24 of Specific Relief Act
  - C. The suit is not barred
  - D. The suit is per se not maintainable
17. A decree for possession was passed in favour of the plaintiff under section 6 of the Specific Relief Act. In the execution petition, the court delivered the property. Against the order of delivery,
- A. Appeal is maintainable
  - B. Appeal is not maintainable
  - C. Review alone is maintainable
  - D. None of above

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18. When does Arbitration commence as per Section 21 of the Arbitration and Conciliation Act, 1996.
- A. On the date when the arbitrator takes up the case and issues notice to both parties.
  - B. On the date when statement of claim and written submissions of defense is completed.
  - C. On the date when the Chief Justice appoints an arbitrator.
  - D. On the date on which a request for a dispute to be referred to arbitration is received by the respondent.
19. A dispute relating to a mortgage by deposit of title deed
- A. Is arbitrable
  - B. Not arbitrable
  - C. Arbitrable when there is arbitrable agreement
  - D. None of the above.
20. A mortgage deed contains an arbitration clause. The mortgagee files a suit for sale of mortgaged property. The defendant/mortgagor files application under section 8 of the Arbitration and Conciliation Act, to refer the dispute to arbitration. The mortgagee admits the existence of the arbitration clause.
- A. The Court is bound under Section 8 to refer the dispute to arbitration.
  - B. The court shall reject the application as not maintainable.
  - C. The court shall suo moto appoint an arbitrator to resolve the dispute.
  - D. The court shall refer the dispute to Lok Adalath.

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21. I. Abe and Baby contract to supply goods which are being shipped from London to Chennai. On the date of signing of the Contract, the ship is lost in sea,
- II. Ani takes on lease, Beni's tea stall. Later due to a fire accident the material portion of the tea stall is totally destroyed.
- III. Allu enters into a contract with Lallu, agreeing to build a house for him at Avadi for a sum of Rs.20,00,000/- within 30 days. But due to a sudden labour dispute, he is not able to complete the work.
- To which of the above mentioned illustrations, would the **doctrine of Frustration** not be applicable.
- A. To the First and second illustrations only.  
B. To the First and third illustrations only.  
C. To the Second and Third illustrations only.  
D. To the Third illustration only.
22. The principle of "**blue pencil**" is
- A. Rewriting the contract afresh by introducing new clauses  
B. De nova contract entered by the parties to restrict their liabilities  
C. Severing the offending part of agreement and enforcing the remaining part.  
D. Merger of two clauses of two separate agreements entered on different dates.
23. A father executed a Will bequeathing all his properties in favour of his 2 sons and daughter without dividing it by metes and bounds. He has specifically recited that all future disputes arising among his children with respect to the bequeathed property shall only be determined by a sole named arbitrator, who is a retired High Court Judge. When a dispute arose, the daughter approached the civil court for partition. The sons sought for referring the dispute to the sole arbitrator.
- A. The court shall refer the dispute to arbitrator  
B. The arbitration clause is not binding on the parties  
C. Since the agreement is for the benefit of the family members, the beneficiaries should abide by the intention of the testator.  
D. The parties cannot accept the Will in part and reject the arbitration clause alone.

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24. In case of in-consistency between laws made by Parliament and the laws made by state legislatures with respect to matters falling in the List I of the Seventh Schedule of the Constitution of India.
- A. The law passed by the Parliament will be valid
  - B. The law passed by the State will be valid
  - C. The law passed by the State with the assent of the Governor will valid.
  - D. The law passed by the State with the assent of the President will valid.
25. The Preamble is useful in Constitutional interpretation because:-
- A. It is the moral compass of the Constitution.
  - B. It contains the real objective and philosophy of the Constitutional makers.
  - C. It is the source of power
  - D. It gives an exhaustive list of basic features of the Constitution.
26. Minimum number of Supreme Court Judges who can give an advisory opinion to the president is:
- A. 1/3rd of total strength
  - B. 5
  - C. 1/2 of total strength
  - D. 7
27. Which of the following judgments refer to secularism as a basic feature of the Indian Constitution:
- A. Valasamma Paul vs Cochin University
  - B. Champakam Durairajan vs State of Madras
  - C. Rasiya Sultana vs union of India
  - D. Indira sawhney vs Union of India
28. '**Rule of Law**' means
- A. Existence of written rules to regulate the conduct of Government Officials.
  - B. That no person can be punished, unless his guilt is established by a fair trial.
  - C. That the power to make laws vests in the elected representatives of the people.
  - D. Independence of the judiciary.

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29. "T" executed an "on demand promissory note" in favour of 'X', "Y" and 'Z" jointly for Rs. 3,00,000/-. "Z" died and his legal heirs are in need of money. The legal heirs of "Z" filed a suit against "T" alone, to claim "Z" share with interest.
- The suit is not maintainable.
  - The suit is maintainable.
  - The suit is maintainable with the leave of the court.
  - "In Forma Pauperis" petition is to be filed.
30. '**There is no presumption of undue influence**' would be applicable to which of the following relations:
- Husband and Wife
  - Doctor and Patient
  - teacher and student
  - None of the above
31. A and B are owners of adjacent fields and have separate paths to access their fields. A grants B a right to walk over his field whenever B pleases. B, while selling his property to C, also sells the right given to B by A. When C attempts to walk over A's field, he is obstructed by A. C files a suit against A for enforcing his right to walk over A's land.
- C can maintain the suit
  - C cannot maintain the suit.
  - C can only claim damages from A
  - None of the above.
32. The court fee payable in an appeal filed against a money suit decreed with interest shall be:-
- The same as the fee that would be payable in the court of 1<sup>st</sup> instance on the subject matter of the appeal.
  - It would include the accrued interest during the pendency of the suit.
  - It would include the accrued interest subsequent to the decree and till the filing of appeal.
  - It would include the cost and compensatory cost awarded by the court of the 1<sup>st</sup> instance.

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33. Samikannu an agriculturist and his fore fathers were cultivating their lands from time immemorial, by drawing water from near by stream. The government ordered for construction of check dam over the stream thereby stopping the flow of water for samikannu's lands.
- A. Samikannu can enforce his easementary right of drawing water before the civil court
  - B. Samikannu cannot enforce his easementary right before the civil court.
  - C. Samikannu has to work out his remedy before the revenue court
  - D. Samikannu has to work out his remedy under general law before the civil court.
34. Tenants of a village claimed customary right to removes stones from the adjacent government land and use them for making sculptures and sell for their livelihood. The government prohibited the said act which was being carried out from time immemorial.
- A. The villagers have no right to claim easementary right
  - B. The villagers have right to claim easementary right.
  - C. The villagers can approach the civil court for declaration
  - D. The villagers can seek the government to regulate their trade.
35. Tenant bequeaths his tenancy rights to one of his sons to run his business in the tenanted premises.
- A. Tenancy rights cannot be bequeathed.
  - B. Father can bequeath his tenancy right to one of his sons to continue his business
  - C. Only with the consent of the landlord, the tenant can bequeath his tenancy rights.
  - D. The tenant can bequeath his tenancy rights to any person he chooses.
36. Thangavelu, watchman of Man & Ar company was permitted to reside in the out house of the company and Rs.500/- was deducted every month as rent from his salary. He was terminated from service and was directed to vacate the outhouse also. The employee resisted the eviction proceedings as he was paying rent from his salary.
- A. There is no landlord and tenant relationship between parties
  - B. There is landlord and tenant relationship between parties
  - C. Rent being deducted is sufficient proof of landlord and tenant relationship
  - D. Both B and C.

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37. Which of the following statements is incorrect:-
- A. Stamp duty is necessary for enforcement of Indian Arbitral awards
  - B. Stamp duty is not necessary for enforcement of Foreign Arbitral awards
  - C. Stamp duty is not necessary for enforcement of Indian as well as foreign Arbitral awards
  - D. Stamp duty is necessary for enforcement of foreign arbitral awards
38. Before the District Court at Namakkal, the plaintiff tendered an insufficiently stamped and unregistered sale deed for collateral purpose. The property specified in the sale deed is worth Rupees two crores. The court insisted the plaintiff to pay the stamp duty with penalty. The plaintiff filed an application seeking indulgence of the court to reduce the stamp duty citing his financial difficulties.
- A. The court by exercising its judicial discretion can reduce the stamp duty penalty.
  - B. Such discretion shall be exercised by the court only in rarest of rare cases.
  - C. The court shall exercise its discretion only after hearing the stamp duty collector.
  - D. The court has no discretionary powers to reduce the stamp duty penalty.
39. C, D, and E, entered into a partnership agreement and accordingly they registered the firm. After several years, they re-fixed the liabilities of the partners.
- A. It does not require registration
  - B. It requires compulsory registration
  - C. The non registration would invalidate the re-fixation of liabilities.
  - D. Non registration would invite a bar under section 69 of the Partnership Act.

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40. A sale deed was presented for registration before the Registrar, Saidapet by the purchaser and the same was refused to be registered. The purchaser filed a suit against the Registrar under section 77 of the Registration Act seeking mandatory injunction to register the sale deed, but without issuing notice under section 80 CPC.
- A. The suit is not maintainable
  - B. The suit is maintainable
  - C. The court can return the plaint for compliance of section 80 CPC.
  - D. The court can dispense with issuance of notice under section 80 CPC.
41. When a seller delivers to the buyer the goods he contracted to sell mixed with goods of different description not included in the contract, the buyer may
- A. Accept the contracted goods only and reject the rest
  - B. Reject the whole
  - C. Accept the whole
  - D. All the above
42. Sarada placed an on-line order with amaze.com for purchase of 3 “L” sized Kurthas’. When the goods neatly packed were delivered to her, as per section 41 of Sale of Goods Act.
- A. Sarada can ask for the packet to be opened to verify the goods before making payment.
  - B. Sarada cannot ask for the packet to be opened to verify the goods before making payment.
  - C. Sarada has to make payment and then verify the goods, she can return them if she is not satisfied.
  - D. Goods once sold cannot be returned and Sarada has to make payment.
43. Muthiah while promoting a company, entered into contract with Vertical Horizon, a company dealing in export business. As per the terms of the contract the company promoted by Muthiah was to supply goods to Vertical Horizons for a period of 5 years at the prevailing market rate. After incorporation the company promoted by Muthiah, did not honour the contract and was sued by Vertical Horizons for breach of contract.
- A. The contract is enforceable
  - B. The contract is not enforceable
  - C. The company has only limited liability
  - D. The company is bound by the contract entered by its promoter.

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44. Somu availed locker facility from PN bank and deposited gold ornaments. He later availed a personal loan from the bank and committed default. The bank did not permit Somu to use the locker facility for taking out his jewels. When sued by Somu, the bank claimed that it was bailment and the bank had a lien on the things kept by Somu in his locker.
- The claim of the bank is not sustainable.
  - The claim of the bank is sustainable.
  - Contract of bailment creates a lien in favour of the bank
  - Both B and C.
45. Mere silence as to facts is
- Fraud
  - Not fraud
  - Misrepresentation
  - Mistake
46. Manickam agreed to transfer his property to Muniamma in consideration of the past illicit co-habitation with her. A gift deed was executed in favour of Muniamma. Within few days of execution of the gift deed, Manickam died. His legal heirs filed a suit challenging the gift deed being against public policy.
- The consideration being immoral would invalidate the gift deed.
  - The agreement being void as against public policy
  - Past illicit co- habitation is a valid consideration
  - Consideration is irrelevant
47. "X" was authorized to buy cotton on the joint account of 'X and Y" with a limit as to the price he could pay. "X" entered into a contract for the purchase of cotton in excess of the limit on behalf of himself and Y. But he did not disclose to the seller of the cotton his intention to contract on "Y's behalf as well as his own. "Y" later purported to ratify "X's act and was subsequently sued by the seller for breach of contract. Which of the following statement is correct?
- Civil obligations are not to be created by or founded upon undisclosed intentions
  - If a relationship of principal and agent is to exist and affect third parties, it must be based upon knowledge on the part of all concerned and their joint intention that such a relationship should exist and affect rights and liabilities.
  - Both A and B are correct
  - Both A and B are incorrect

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48. Under Sale of Goods Act, the non owners who can sell the goods are.
- A. Merchantile Agent in possession of goods
  - B. One of the joint owners
  - C. An unpaid seller who has stopped the goods in transit
  - D. All the above
49. Which of the following statements is not correct:
- A. The agent can act on behalf of the principal for creating contractual obligations with 3<sup>rd</sup> parties.
  - B. The agent is not subject to direct control and supervision of the principal
  - C. The principal is liable for the wrongful act of the agent even if the act committed is outside the scope of the agency.
  - D. An agent may serve many principals at the same time.
50. "F" wants to sell his house. "S" approaches "F" with an offer to buy the house and was shown the house. "S" inspected the premises. After purchase, when "S" occupied the house, she found the premises un-inhabitable."S" sues "F" for damages.
- A. "S" can claim damages
  - B. "S" cannot claim damages
  - C. "S" can claim damages subject to proof of actual loss.
  - D. "S" can seek for reduction of sale price.
51. Property owned by two or more persons. On the death of one, share accrues to others by survivorship. This is true to:
- A. Tenancy in common
  - B. Joint tenancy
  - C. Partnership agreement
  - D. Joint venture
52. A', B', and C' are partners in a registered partnership firm. "C " is a sleeping partner residing far away from the place of business of the firm and is never known to the creditors, debtors or the customers of the firm. "C" later retires without giving public notice of his retirement. For the subsequent debts incurred,
- A. "C" is not liable
  - B. "C" is liable
  - C. "C" is liable only to the extent of his share in the firm.
  - D. None of the above

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53. Kandhan executed a Will on 10/2/18 and before it could be registered, he died on 13/2/18. Later the Will was sought to be registered by the legatees.
- A. It can be registered even after the death of the executor of WILL
  - B. The signature or thumb impression of the executor of the will is necessary for registration.
  - C. After the death of the testator the will cannot be registered.
  - D. The parties should get a declaratory decree from the court before the Will can be registered.
54. Ramesh executed a sale deed in favour of Ravi. He appointed Kumar as his power of attorney to present and register the said sale deed on his behalf before the Sub Registrar. The power agent registered the sale deed accordingly-
- A. The original power of attorney can be returned to Kumar
  - B. Ravi is entitled to get back the original power of attorney
  - C. Ramesh is entitled to get back the original power of attorney
  - D. The original power of attorney cannot be returned.
55. A sale agreement dated 12/3/2019 was engrossed on ten Non-Judicial stamp papers of denomination Rs.100/- each. The Registrar refused to register the sale agreement on the ground that the stamp papers were purchased on different dates that too 7 years prior to date of execution.
- A. The Registrar has power to refuse the registration on this ground.
  - B. The Registrar has discretionary powers to register or refuse to register the document on this ground.
  - C. The Registrar has no powers to refuse registration on this ground.
  - D. The Registrar shall refer the parties to the Inspector General of registration.
56. A public trust has let out a building to "X" for a monthly rent of Rs. 2500/- later the trust moved the Rent Control Court for fixation of fair rent on 20/2/2019.
- A. The petition by the public trust is not maintainable
  - B. The public trust is exempted from the purview of the act
  - C. The petition by the public trust is maintainable
  - D. The court shall refer the parties to civil court.

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57. A petition was filed by the landlord for demolition and reconstruction. The tenant relied upon the tenancy agreement where in, the parties had agreed to re-induct the tenant by providing him office space and insisted the Rent Control Tribunal to include the said term of re-induction in the order of eviction itself.
- A. The Rent Control Tribunal has no authority to pass such order
  - B. The Rent Control Tribunal shall include such terms in its order
  - C. The Rent Control Tribunal shall direct the tenant to file a suit for specific performance
  - D. The Rent Control Tribunal can pass all the 3 above said orders.
58. "A" purchased a property which was under the occupation of the "S" a tenant under the vendor. After purchase of the property "A" came to know that "S" had committed default in payment of rent immediately prior to his purchase.
- A. "A" not being the owner during the default period cannot maintain eviction petition.
  - B. "A" with the oral consent of the vendor can maintain the eviction petition.
  - C. If the recitals of "A's sale deed permits, he can file eviction petition.
  - D. Even if the recitals of "A's sale deed permits, he cannot file eviction petition.
59. Easementary right is
- A. Right in personam
  - B. Right in rem
  - C. Quasi Right in rem and Quasi Right in personam
  - D. Customary right
60. A and B are owners of adjacent fields. A grants a license to stack hay on his field to B. After 20 years, A sells his fields to C who prevents B from stacking hay.
- A. B cannot claim right of stacking hay
  - B. B can claim right of stacking hay
  - C. B has perfected right by prescription
  - D. B has perfected right by grant

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61. For valuing the appeal Under section 9 of TN Acquisition of Land for Harijan Welfare Schemes Act, 1978, court fee is payable under:
- A. Art 3 (1)(b) of the 1<sup>st</sup> schedule of the Court Fees Act.
  - B. Under section 51 of the Court Fees Act
  - C. Court fees is payable on the value of the total compensation claimed.
  - D. Court fees of Rs.750/- under section 50 of Court Fees Act.
62. In a suit for recovery of possession of property after termination of tenancy based on landlord and tenant relationship, the suit shall be valued under section 43(2)
- A. On the premium, rent agreed on the year when cause of action accrues.
  - B. On the premium, agreed rent payable for the year next before the date of presentation of the plaint and also on the value for damages for use and occupation payable from the date of termination of tenancy
  - C. On the premium, agreed rent payable for the year next before the date of presentation of the plaint
  - D. On the premium, agreed rent payable for the previous three years before the date of presentation of the plaint and also on the value for damages for use and occupation payable from the date of termination of tenancy.
63. A licensee of a vacant land, put up a temporary construction. The licensor filed a suit for eviction of licensee.
- A. The court fees is payable on the market value of the property including the building.
  - B. The court fee is payable on the value of vacant land alone.
  - C. The court fee is payable based on the premium and annual license fee.
  - D. The court fee is payable for suits not otherwise provided for.
64. A and B jointly filed a suit seeking opinion of the court on an agreement entered between them. The value of the subject matter is Rs. 5 crores. The court fee payable is
- A. 1% on Rs 5 crores with Rs 200.
  - B. 3% on Rs 5 crores with Rs 200.
  - C. 7% on Rs 5 crores with Rs 200.
  - D. None of the above.

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65. The defendant in a suit filed a counter claim paying insufficient court fees, the same was rejected for want of payment of proper court fees. Later the defendant filed an application for refund of court fees paid on the counter claim.
- A. The court fee shall not be refunded
  - B. The court fee shall be refunded
  - C. Only half of the court fees shall be refunded
  - D. Only 1/4 of the court fees shall be refunded.
66. In a suit for injunction, to establish possession, the plaintiff filed an application under Rule 75 of the Civil Rules of Practice, seeking to send for the cultivation Adangal extract from Taluk Office
- A. The court shall send for the adangal extract
  - B. The court shall insist for certified copies instead of issuing summons.
  - C. The court shall issue a letter of request to the district collector to produce the document.
  - D. The court shall summon the VAO to produce the adangal extract.
67. Pending execution proceedings for delivery of property the Judgment debtor died. The legal representatives of the judgment debtor are to be brought on record within a period of
- A. 90 days
  - B. 150 days
  - C. 30 days
  - D. None of the above
68. Munusamy approached the Tahsildhar for legal heir certificate on the demise of his father. The Tahsildhar advised him to approach the civil court. Munusamy filed a suit for declaration of his status as legal heir of the deceased, against the Tahsildhar.
- A. The suit is bad for non - joinder of necessary parties
  - B. The suit is maintainable
  - C. The civil court has no jurisdiction to entertain the suit
  - D. Only writ courts have the powers to declare the status of a person.

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69. The movable properties of the judgment debtor are sought to be attached in an execution proceedings. A third party claiming right over the movables
- A. Can apply under Order 21 Rule 58 CPC before or after order of attachment
  - B. Can apply under Order 21 Rule 58 CPC only after order of attachment.
  - C. No claim is maintainable
  - D. Can file an independent suit only
70. A decree for recovery of possession was passed against the government on 1/12/2018. The decree holder filed execution proceedings on 8/1/2019 within a period of 2 years.
- A. The executing court can proceed without issuing notice to judgment debtor under Order 21 Rule 22 CPC
  - B. The executing court cannot proceed without issuing notice to judgment debtor under Order 21 Rule 22 CPC
  - C. The court has to wait for 3 months from the date of decree
  - D. The court has to wait for 6 months from the date of decree
71. Which of the following is a correct statement while suing for mesne profits
- A. All co-owners should jointly sue from person in wrongful possession.
  - B. One of the co-owners can sue from person in wrongful possession.
  - C. One of the co-owners can sue from person in wrongful possession only with the permission of the other co- owners.
  - D. One of the co-owners can sue for mesne profits from person in wrongful possession when a majority of the other co- owners have given permission.
72. In which of the following case, the '**lay observer test**' is laid down by the Supreme Court?
- A. SK Dutt Vs Law Book Company
  - B. Lallubai Vs Lakshmi sankar
  - C. Blackhood and Sons Vs Parasuram
  - D. RG Anand Vs Deluxe Films
73. Article 23 of Constitution is violated when
- A. Workers are asked to work for more than 8 hours per day
  - B. When workers are paid below minimum wages
  - C. Only workers of particular community are employed in particular employment
  - D. When workers are paid once in every 2 months instead of daily

## Preliminary Examinations - Paper I

74. Who can apply for modification of Industrial Employment standing order?
- Both employer and employee
  - Employer alone
  - Employee alone
  - The Government through Labour Department alone
75. Land was acquired for construction of group houses under the Tamil Nadu Acquisition of Lands for Harijan Welfare Schemes Act, 1978. For enhancement of compensation, the land owners can seek for reference to
- The Land Acquisition Tribunal
  - District court by way of Revision
  - High Court by way of Revision
  - None of above
76. Which of the following agencies have the legislative competency to enact laws on Land Acquisition under the Constitution of India?
- Union government
  - State government
  - Both the Union and State Government
  - Union Territories and Quasi Governmental Authorities
77. Out of the following, what does not constitute an **Unfair Labour Practice**?
- Protesting outside the residence of a member of the management
  - Dismissing a worker for becoming member of unorganized trade union
  - The management or employer sponsoring Trade Union workmen in their establishment.
  - Suspending the Union Member for misconduct on adequate enquiry
78. Which of the following method/methods is/are patentable? Give answer by using the code given below
- Method of performing eye surgery
  - Method of diagnosing diabetes
  - Method of whitening teeth
  - Method of implanting hair :
- All are patentable
  - Only i, ii, and iv are patentable
  - Only iii and iv are patentable
  - Only iii is patentable

## Preliminary Examinations - Paper I

79. Karan and Maran independently create the same expression without any access to or knowledge of each other whose work is original for copy right protection.
- A. Only the work of Karan is original and eligible for copyright protection
  - B. Only the work of Maran is original and eligible for copyright protection
  - C. Both the work of Maran and Karan are original and eligible for copyright protection
  - D. Both the work of Maran and Karan are original and eligible for copyright protection
80. There are 3 defendants in a suit. The 3<sup>rd</sup> defendant was set exparte on the date of 1<sup>st</sup> appearance itself on 8/2/16. After contest by the other defendants and after hearing the arguments of both the parties, the suit was reserved for judgment on 6/2/19. The 3<sup>rd</sup> defendant filed an application under Order 9 Rule 7 CPC to set aside the exparte order passed against him.
- A. At any time before pronouncing judgment the 3<sup>rd</sup> defendant can maintain the application under Order 9 Rule 7 CPC
  - B. The 3<sup>rd</sup> defendant cannot maintain the application under Order 9 Rule 7 CPC after the suit is reserved for judgment.
  - C. The petition is not maintainable since it was not filed within 30 days from 8/2/16.
  - D. The petition is maintainable since D3 has to be given an oppurtunity before the trial court.
81. Court of Cutchery means
- A. Civil Court presided over by District Judge
  - B. Civil Court presided over by Collector
  - C. It is nothing but a Kangaroo Court.
  - D. Courts situated in Cutchery Street.
82. Under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, rehabilitation shall include
- A. Employment for at least one member of every affected family
  - B. Onetime payment of Rs 5 lakhs per family
  - C. Annuity policies that shall pay not less than Rs 2000 per month per family for 20 years
  - D. All the above

## Preliminary Examinations - Paper I

83. Before enactment of the Constitution of India, the Chartered High Courts were issuing Writ of Habeas Corpus under the provisions of
- A. Government of India Act 1935
  - B. Government of India Act 1915
  - C. Code of Criminal Procedure
  - D. Letters Patent Act
84. Ramu purchased a vehicle under hire purchase agreement. He defaulted in payment from 20.5.84. His vehicle was seized and sold on 30.5.85. A suit for the balance amount was filed on 25/5/87.
- A. Suit is well within time
  - B. Suit is barred by limitation
  - C. Limitation is extended from 30/5/85
  - D. Both A and C
85. Section 130 of the Transfer of Property Act would include
- A. Indorsee alone
  - B. Holder In Due Course alone
  - C. Indorsee and Holder In Due Course
  - D. None of the Above
86. The defendant raised the plea of limitation in a suit by an application filed under Order 7 Rule 11 of CPC and the application was dismissed after contest.
- A. Question of limitation can be taken as a preliminary issue in that case.
  - B. The same cannot be re-agitated by way of application under Order 14 Rule 2 of CPC.
  - C. The same can be re-agitated by way of application under Section 151 of CPC.
  - D. The defendant can raise the same plea once again under Order 7 Rule 11 of CPC
87. In a promissory note executed, the rate of interest was left blank and it was filled up later by the promisee.
- A. The instrument is materially altered
  - B. In view of section 20 of the NI Act, the instrument is not materially altered.
  - C. The promisee can fill up the instrument for an interest at 18% as per section 81 of the NI Act.
  - D. None of the above

## Preliminary Examinations - Paper I

88. \_\_\_\_\_ means that “ an act in law shall prejudice no man”
- A. Actus legis nemini est homini
  - B. Actus legis nemini est damnosus
  - C. Actus legis nemini est publicae
  - D. Actus legis nemini est vir
89. A Mohamedan can bequeath by a WILL in respect of
- A. 1/3 of his estate
  - B. 1/3 of his surplus estate after payment of funeral expenses.
  - C. 1/3 of his surplus estate after payment of debts.
  - D. None of the above
90. Legal maxim corresponding to – “An action is not given to one who is not injured” is -
- A. Actio non datur non damnificato
  - B. Actio personalis moritur cum persona
  - C. Actus ei nemini facit injuriam
  - D. Actus legis nemini facit injuriam
91. Joe an English man having his domicile in France dies in India leaving movable and immovable property in India. The succession to immovable property and movable property are governed by laws of
- A. England and India for immovables and movables respectively
  - B. England and India for movables and movables respectively
  - C. France and India for movables and immovables respectively
  - D. France and India for immovables and movables respectively
92. The legal Maxim relating to Custom:
- A. Modus et conventio vincunt legem
  - B. Negatio non potest probari
  - C. Neminem laedit qui jure suo utitur
  - D. Modus debt esse certus, rationabilis et perantiquus

## Preliminary Examinations - Paper I

93. The prescribed period of limitation for a suit expired on 31/07/2010, which is a working Saturday for the Registry. The judge was on other duty and not holding court. On the succeeding Monday the plaint was filed in court.
- A. The suit is barred by limitation
  - B. The suit is not barred by limitation as the plaint was filed on the next working day when the judge was holding court.
  - C. The suit is not barred because *Actus curiae neminem gravabit*.
  - D. The suit is not barred by limitation since the limitation act is not intended to extinguish the rights of the party.
94. Which of the following Act for the first time laid down that a Barristers and advocate of 10 years standing were qualified for a High Court Judgeship?
- A. Charter of Indian High Courts Act 1865
  - B. Charter of High Courts Act 1911
  - C. Government of India Act 1915
  - D. Government of India Act 1935
95. The suit filed by the plaintiff for the recovery of possession was dismissed after contest. Before preferring an appeal, the sole plaintiff suffered mental illness. As per section 6 of the Limitation Act:
- A. The period of his disability shall be excluded while computing the period of limitation for appeal.
  - B. The period of his disability shall be excluded while computing the period of limitation for appeal only when there are no class I legal heirs.
  - C. The period of limitation cannot be excluded.
  - D. *Furiosus nulla voluntus est*.
96. Siva borrowed a sum of Rs.10,00,000/- for his personal expenses from Narayanan and executed an on demand promissory note to him. Narayanan transferred the promissory note to Sundar for valuable consideration. Without knowing it, Siva paid the amount to Narayanan. Sundar based on the promissory note sued Siva-
- A. Sundar is not liable to get any amount from Siva.
  - B. Sundar being transferee for value can claim the amount from Siva
  - C. Siva can claim the amount from Narayanan after settling the dues to Sundar.
  - D. B followed by C

## Preliminary Examinations - Paper I

97. \_\_\_\_\_ is the Rule of Law that a man shall not be punished twice for one and the same cause
- A. Nemo punitur pro alieno delicto
  - B. Nemo debet bis puniri pro una et eadem causa
  - C. Nemo debet bis vexari pro una et eadem causa
  - D. Nemo debet bis puniri pro uno delicto
98. Indorsement of a Negotiable Instrument can be made by signing
- A. On the reverse side of the instrument.
  - B. On the obverse side of the instrument
  - C. On a separate stamped paper
  - D. All the above
99. \_\_\_\_\_ means that “the law holds no man responsible for the Act of God”
- A. Auctus dea nemini facit injuriam
  - B. Auctus dominus nemini facit injuriam
  - C. Auctus dei nemini facit injuriam
  - D. Auctus exspiravit nemini facit injuriam
100. Sasi borrowed a sum of Rs.1,00,000/- from Mani on 14/7/2018, later, after a week a promissory note was executed by Sasi evidencing the loan transaction. Mani sued Sasi for recovery of the amount. During trial, it was found that the promissory note was insufficiently stamped. Which of the following statement is correct:
- A. The plaintiff can seek to make up with the deficiency of stamp duty in the promissory note.
  - B. The plaintiff can seek for recovery based on the original cause of action.
  - C. The defect in the insufficiently stamped promissory note cannot be cured.
  - D. Both B and C

## Preliminary Examinations - Paper I

101. The Limitation Act, 1963 would not apply to the Union Territory of Puducherry and the parties are governed by French Code Civil. The above statement is
- True
  - False
  - Only Local Laws will apply
  - Both A and C.
102. Which of the following statements is correct?
- What has not been provided in the statute with a purpose, cannot be supplied by the courts.
  - When two statutes deal with the same subject, but use different language, it is impermissible to apply language of one Statute to the other while interpreting such Statutes.
  - An illustration given under section /Rule would exhaust the full content thereof and such illustration can curtail and expand the ambit of the section.
  - Interpretation which brings out absurd results has to be eschewed.
    - 1, 2, 3 are correct
    - 2, 3, 4 are correct
    - 1, 2, 4 are correct
    - 1, 3, 4 are correct
103. Senthil devised his property worth Rs.5,00,000/- to his son Murugan. Senthil also specified in the instrument that Murugan should not sell the property during the life time of his sister Komala and if at all he wants to sell the property, he should sell it only to his sister for a sum of Rs.3,00,000/-. Murugan sold the property to one Selvam for Rs.15,00,000/-. Komala challenged the sale by filing a suit. In the suit
- Komala has cause of action to challenge the sale deed.
  - Komala has no cause of action to challenge the sale deed
  - Right of pre-emption is available to Komala
  - None of the above

## Preliminary Examinations - Paper I

104. Under the Customs Act, which date is relevant for the purpose of determination of the rate of customs duty applicable on a particular import?
- A. Date of goods entering territorial waters
  - B. Date of goods entering the first customs checkpoint
  - C. Date of filing the bill of lading
  - D. Date of clearance for home consumption by customs authorities
105. "Inheritance is never kept in abeyance" the exceptions to this rule are
- A. Child in the womb
  - B. Subsequent adoption
  - C. Both A and B
  - D. None of the above.
106. Peter, an Indian Christian had 3 children John, Mary and Henry. They all died before the demise of Peter. John left behind 4 sons, Mary left behind 2 daughters and Henry left behind only one son and no more. Peter died intestate leaving landed property in Chennai. His properties would devolve as follows
- A. Divided into seven shares and each grandchild would take one share each.
  - B. Divided into 14 shares and each grandson would get 2 shares each and each granddaughter would get one share each.
  - C. Divided into 3 shares and one share each to be allotted to the heirs of each predeceased child.
  - D. Share to be divided per stripes
107. Mariadass, an Indian Christian was in a live in relationship with Vasugi, a Hindu woman. A son Vinayagam was born out of the said relationship. Mariadass died intestate. The immovable property of Mariadass is in possession of his only sister Lilly. Vinayagam filed a suit for recovery of possession of the property left by Mariadass.
- A. He is entitled to the entire property
  - B. He is entitled to 1/2 share in the property along with his mother
  - C. He is entitled 1/3 share in the property with Vasugi and Lilly taking the remaining share.
  - D. He is not entitled to any share in the property

## Preliminary Examinations - Paper I

108. Under the GST- regime, what would be the treatment of a works contract?
- A. Deemed to be a supply of goods
  - B. Deemed to be a supply of service
  - C. Deemed to be a supply of both goods and service
  - D. Deemed not to be a supply
109. A Mortgage debt is
- A. Actionable claim
  - B. Not an Actionable claim
  - C. Saleable
  - D. Not assignable
110. Criminal Injuries Compensation Board in District Legal Services Authority must consist of :-
- A. District Judge, District Magistrate, Chief Judicial Magistrate and Superintendent of Police.
  - B. District Judge, District Magistrate, Chief Medical Officer and Superintendent of Police.
  - C. District Judge, District Magistrate, Chief Judicial Magistrate, Superintendent of Police and Chief Medical Officer.
  - D. District Judge, District Magistrate, District Social Welfare Officer, Superintendent of Police.
111. In a pre-litigation Lok Adalath, Karthik the principal borrower agreed to settle the loan due to the Bank. An award was also passed. The guarantor Karun was kept in the dark and he is neither a party nor a signatory to the award. The bank later filed an execution petition against Karthik and Karun.
- A. The execution petition is maintainable against Karthik and Karun.
  - B. The execution petition is not maintainable against Karthik and Karun since Karun is not a party to the award.
  - C. The Bank has to file separate suit against Karun since the award would not bind non signatory.
  - D. The execution petition is maintainable against Karthik alone.

## Preliminary Examinations - Paper I

112. A dispute arose between Abi and Ashok, partners of a registered partnership firm at Tiruchy, over sharing of profit. Partnership Agreement contains an arbitration clause. Against the award passed by the Arbitrator in favour of Ashok, Abi can to prefer appeal before:-
- The Principal District Court
  - Madurai Bench of Madras High Court
  - Madras High Court
  - None of the Above
113. '**Liability Only Policy**' would cover:-
- Third party liability for bodily injury and / or death and property damage.
  - Third party liability for bodily injury and / or death and property damage, personal accident cover for owner and driver and loss or damage to insured vehicle.
  - Third party liability for bodily injury and / or death and property damage, personal accident cover for owner - driver.
  - Personal accident cover for owner and driver and loss or damage to insured vehicle.
114. Which of the following statements is false
- "Notaires" under the French law in Puducherry are
- Equal to notaries in the rest of India and are governed by Notaries Act.
  - Law Graduates having power of Justice and Peace and their office is sanctified and responsible.
  - They are responsible for drafting sale deed in accordance with law and they are expected to get themselves satisfied about the recitals recorded by them on the instigation of parties.
  - They are responsible for drafting sale deed in accordance with law and but they are not responsible to get themselves satisfied about the recitals recorded by them on the instigation of parties.
- 2 and 3 only
  - 1 and 4 only
  - 1 and 3 only
  - 1, 2 and 3

## Preliminary Examinations - Paper I

115. Which of the following statements is correct?
- A. Driver holding LMV driving License can drive transport vehicle of such class without any endorsement.
  - B. Driver holding LMV driving License cannot drive transport vehicle of such class without any endorsement.
  - C. Driver holding LMV driving License can drive Motor cycle with gear without any endorsement.
  - D. Driver holding LMV driving License can drive Medium goods vehicle without any endorsement.
116. As per the Indian Succession (Extension to Puducherry) Act X of 1980, the **Renoncants** are
- A. Brought under the purview of the Indian Succession Act, 1925.
  - B. Only native Christians of Puducherry are brought under the purview of the Indian Succession Act, 1925.
  - C. All Christians are brought under the purview of the Indian Succession Act, 1925.
  - D. Excluded from the applicability of the Indian Succession Act, 1925.
117. Ravi filed a petition seeking leave to sue under Section 92 of the CPC.
- A. Notice to the respondents is a condition precedent before the leave is granted.
  - B. Notice is necessary only when the dispute is with respect to a private trust.
  - C. It is discretion of the plaintiff
  - D. Notice to the respondents is not a condition precedent before leave is granted.

## Preliminary Examinations - Paper I

118. '**Renoncants**' are the :-
- A. Persons who exercised the option to renounce their customary laws and adopted the French Code Civil.
  - B. Persons who exercised the option to renounce their customary laws and adopted the French Code Civil at the time when French code Civil was extended and also their descendants.
  - C. Persons who became inhabitants of Puducherry before Independence of Puducherry and exercised the option to renounce their customary laws and adopted the French Code Civil and also their descendants.
  - D. Persons who became inhabitants of Puducherry before the Treaty of Cessation dated 28/5/1956 and exercised the option to renounce their customary laws and adopted the French Code Civil and also their descendants.
119. Basha, a Mohammedan died intestate leaving behind his 3 Grandsons, Ali son of a predeceased son Mustafa and Hassan and Hussain sons of a predeceased son Razaa. Basha's property would devolve in the following manner:
- A. All the 3 Grand sons would get  $\frac{2}{6}$  share each
  - B. Ali will get  $\frac{1}{2}$  share while Hassan and Hussain would get  $\frac{1}{4}$  each
  - C. Ali will get  $\frac{1}{4}$  share while Hassan and Hussain would get  $\frac{1}{4}$  each and the remaining  $\frac{1}{4}$  would go for religious purpose.
  - D. none of the above
120. Whether a court or a natural guardian can appoint a guardian for the minor's undivided interest in the Hindu joint family property.
- A. Guardian can be appointed for the welfare of the minor's rights
  - B. Guardian can be appointed by the court only
  - C. Guardian cannot be appointed.
  - D. Guardian can be appointed by the natural guardian alone
121. On 30/10/2018, Ane agrees to sell his car to Balu for Rs 60,000. On 1/11/2018, Ane issues an invoice for the car to Balu. On 2/11/2018, Balu pays Rs 60000. On 3/11/2018, Ane delivers the car to Balu. Date of conclusion of contract is:
- A. 30/10/2018
  - B. 1/11/2018
  - C. 2/11/2018
  - D. 3/11/2018

## Preliminary Examinations - Paper I

122. A claim for use and occupation against a tenant holding over is a claim for damages. Such claim is:-
- A. transferable
  - B. Re-assignable
  - C. Bequeathable
  - D. Assignable
123. "Government" under Order 27 Rule 8 A and Rule 8 B of CPC is
- A. Instrumentalities or agencies of State Government or Central Government.
  - B. Central Government or State Government
  - C. All quasi Government instrumentalities and its agencies.
  - D. All the above.
124. The husband of a Hindu woman took a second wife in 1948, his 1<sup>st</sup> wife sued him for separate residence and maintenance under Hindu Marriage Act 1955. Which of the following statements is true.
- A. She can seek for a decree for separate residence and maintenance.
  - B. She cannot seek for judicial separation since her husband's second marriage was not prohibited by law.
  - C. The first wife has to live with her husband and his 2<sup>nd</sup> wife as a joint family.
  - D. She can seek only divorce on this ground.
125. Xavior had two children John and Mary respectively. John died before Xavior, leaving behind his pregnant wife. After few months Xaviour died intestate leaving Mary surviving him. After 6 months John's wife delivered a female child. Xavior's immovable property shall be divided as follows:
- A. Mary, John's wife and John's child would each get 1/3 share each.
  - B. Mary and John's child would get equal share the property.
  - C. Mary would get half share and john's wife and child would share the remaining half.
  - D. None of the above

## Preliminary Examinations - Paper I

126. A candidate sought to inspect the evaluated answer scripts under Right to Information Act claiming that 'the examining body is in fiduciary relationship with reference to the examinee whose answer scripts are evaluated'- the said statement
- A. Is True
  - B. Is not true
  - C. The above principle is not relevant for the current situation
  - D. Terms given in the Notification will not bind the candidate.
127. Imprisonment of how many years of a spouse is a ground for divorce under the Special Marriage Act, 1984.
- A. Life Imprisonment
  - B. 10 years and above
  - C. 7 years and above
  - D. 5 years and above.
128. The term "instrument" as defined under the Transfer Of Property Act would include:-
- A. Testamentary instrument
  - B. Non-testamentary instrument
  - C. Testamentary and non-testamentary instruments
  - D. Testamentary, non-testamentary instruments and negotiable instruments excluding cheques.
129. Vasu leased out a tea shop to Kannan in town. A political party called for a Hartal wherein the material portion of the shop was damaged rendering it unsuitable for running the tea stall. Under section 108 of Transfer of Property Act,
- A. The relationship of landlord and tenant extinguished at the option of the landlord since the shop got materially damaged
  - B. The relationship of landlord and tenant extinguished at the option of the tenant
  - C. The relationship of landlord and tenant extinguished the moment the building was damaged.
  - D. The lessee is bound to continuously pay the rent and he can claim compensation from the political party

## Preliminary Examinations - Paper I

130. A Recovery Officer of a Nationalized Bank initiated recovery proceedings and passed orders for sale of the secured asset. The borrower preferred an appeal before DRT after the prescribed period of Limitation along with an application under section 5 of Limitation Act.
- A. Application for Condonation of delay before the DRT is maintainable in view of section 24 of The Recovery of Debts due to Banks and Financial Institutions Act.
  - B. In view of section 3 of Limitation Act, the application is not maintainable.
  - C. Application for Condonation of delay before the DRT is not maintainable in view of section 34 of SARFAESI Act.
  - D. Application for Condonation of delay before the DRT is not maintainable in view of section 24 of The Recovery of Debts due to Banks and Financial Institutions Act.
131. Ashok and Sanjana were Hindus and their marriage was solemnized under the Hindu law. Later Ashok embraced Christianity while Sanjana became a Mohameddan. Sanjana wants to divorce Ashok on the ground of conversion, her remedy would be under the
- A. Indian Divorce Act
  - B. Hindu Marriage Act
  - C. Dissolution of Muslim Marriage Act
  - D. None of the above
132. A Hindu male dies in 1970 leaving his widow, mother, two daughters, three sons and his father. Distribution of the estate left by the deceased would be as follows:-
- A. Each would get 1/8 share
  - B. Except the father the others would each get 1/7th share
  - C. Except the two daughters and father all the others would get 1/5 share each.
  - D. Male heirs would get  $\frac{1}{2}$  share and the female heirs would get  $\frac{1}{2}$  share.

## Preliminary Examinations - Paper I

133. A father died intestate leaving behind his self acquired properties. He left his wife, two sons and a daughter. Daughter, who had converted to Christianity even before the death of her father, filed a suit for partition.
- She is entitled to claim share in the property
  - She is not entitled to claim share in the property
  - Conversion would dis-entitle a person from claiming share.
  - Both C and B.
134. If the information sought under RTI Act concerning the life or liberty of a person, the deadline to provide information is
- 24 hours
  - 48 hours
  - 12 hours
  - 3 days.
135. What is not required for damages to be awarded in place of the injunction requested by the claimant?
- It would be oppressive to the defendant to grant an injunction.
  - The defendant would be inconvenienced by an injunction.
  - The claimant's injury is capable of being estimated in money.
  - The claimant's injury is small.
136. A batsman hits a ball high in the air towards the boundary. The ball hits one of the pillars to the stand and veers off at an angle hitting a spectator in the face causing him to lose the sight in his eye. Which of the defense below could be used in the following situation?
- Inevitable accident.
  - Act of god.
  - Contributory negligence
  - Volenti non fit injuria
- Both 1 and 2 are correct
  - Both 2 and 3 are correct
  - Both 1 and 4 are correct
  - Both 3 and 4 are correct

## Preliminary Examinations - Paper I

137. The contravention of law always affects law and order but before it can be said to affect \_\_\_\_\_ it must affect community or public at large.
- A. Public tranquility.
  - B. Security of the state.
  - C. Public order.
  - D. Law and order.
138. There cannot be any right to call or enforce a \_\_\_\_\_ which interferes with the exercise of the fundamental freedoms of other citizens, in addition to causing national loss in many ways.
- A. Hartal.
  - B. Bandh.
  - C. Lock out.
  - D. General strike.
139. Kesavan, a minor, owned a Godown at Manadi. His property is under the management of court of wards. The Godown was leased out to one Kandhan for a lease period of 20 years for an annual rent of Rs,10,00,000. Kandhan owing to a financial crisis, mortgaged the leasehold rights in favour of Ramashri finance Company. Kesavan on attaining majority challenged the mortgage.
- A. Under section 108 (j) of Transfer of Property Act, Kesavan can claim right
  - B. Kesavan cannot seek protection under section 108 (j) of Transfer of Property Act.
  - C. Kesavan is bound by the act of the Guardian appointed by the Court of Wards as per the Guardian and Wards Act.
  - D. Both B and C

## Preliminary Examinations - Paper I

140. In a Hindu family, Kannan is the eldest and Mohan and Raman are his younger brothers. Mohan had died and his son Sundar is his sole surviving legal heir. Kannan who was unmarried, owned huge extent of land. Raman has 2 daughters as his class 1 legal heirs. Kannan and Raman perished together in a train accident in the year 2017. Sundar claims right in the properties of Kannan. Which of the following statements is correct?
- A. It can be taken that Raman pre-deceased Kannan and so Sundar is entitled to claim share in the property.
  - B. Sundar is not entitled to claim any right in the property.
  - C. Sundar and Raman's daughters are entitled to share the property equally.
  - D. Principles of Escheat will apply.
141. Under section 41 of the transfer of property Act, the conditions to be fulfilled are
- 1. Transferor is the ostensible owner
  - 2. Transferor is the ostensible owner by the express or implied consent of the real owner.
  - 3. Transfer is for consideration
  - 4. Transferee has acted in good faith taking reasonable care to ascertain that the transferor had the powers to transfer.
- A. Both 1 and 2 are true
  - B. 1,2 and 3 are true
  - C. Both 3 and 4 are true
  - D. All the four conditions are true
142. Rahmath died intestate leaving behind his son Syed and Shahul who is the son of his predeceased son Fazzal. During partition,
- A. Syed and Shahul would divide the properties equally
  - B. Syed will get 2/3 share and Shahul will get 1/3 share
  - C. Syed would exclude Shahul.
  - D. Syed will take 7/8 and Shahul will take 1/8 share.

## Preliminary Examinations - Paper I

143. Can a person seek information under RTI Act pertaining to a Public Servant in respect of his service career, assets and liabilities, movable and immovable properties
- A. Information cannot be furnished
  - B. Information shall be furnished
  - C. Information on the aspect of service career can be sought for but not her assets and liabilities
  - D. None of above
144. A transfer of immovable property was effected by operation of law. For such transfer
- A. Transfer of property Act would alone apply
  - B. Registration Act would alone apply
  - C. Transfer of property Act and Registration Act would alone apply since they are to be read as part of contract act.
  - D. None of the above
145. Hari makes a WILL which is invalid. Afterwards, he executes a duly attested codicil beginning with the words "this is a codicil to my last will testament". It is proved that Hari has left no other WILL.
- A. Hari's Codicil cannot be treated as will
  - B. Hari's Codicil is to be treated as WILL
  - C. Hari is to be treated as having died intestate.
  - D. Codicil will not give independent right.
146. Vasu owes SBI Rs.8,00,000/-. The bank initiated recovery proceedings under section 13(2) of the SARFAESI Act. Vasu filed a civil suit for injunction to restrain the bank from recovering the above amount under the above Act.
- A. Civil suit is maintainable
  - B. Civil suit is not maintainable
  - C. Since the amount does not exceed Rs.10,00,000/-, civil suit is maintainable.
  - D. Both A and C

## Preliminary Examinations - Paper I

147. Selvam, a minor, through his guardian sells his house to Ravi for Rs one lakh. A sale price of Rs 50,000/- alone was paid. Ravi executed a bond in favour of minor as security promising to pay the balance with 6% interest when the minor attains majority. Ravi sold the property to one Murali without paying the balance sale price to Selvam.
- A. Selvam has a charge for unpaid price
  - B. Selvam has to recover the amount only by filing suit based on bond
  - C. Selvam has no charge over the property
  - D. Both B and C are true
148. Rahim a Mohammedan, has two children, Rehman and Fathima. Rehman was a person of shady character and so in order to provide for the family of Rehman, Rahim gives his immovable property in cuddalore as Hiba(gift) to his unborn grandchild. The hiba was challenged by Fathima.
- A. The gift is valid
  - B. The gift is invalid
  - C. Gift by a Mohammedan need not be registered
  - D. Both A and C
149. Which of the following best describes the main function of 'duty of care in negligence'
- A. It ensures that the correct defendant is sued
  - B. It ensures that the tort of negligence does not extend too widely.
  - C. It ensures that the claimant is always within the limitation period for bringing an action
  - D. It establishes that the wrong doer is careless
150. Raman was hale and healthy both in mind and body and capable of exercising his own judgment and volition. His elder son Vasu persuaded and induced him to make a WILL of certain purport. Raman in consequence of the intercession and persuasion, but in free exercise of his judgment makes his WILL in the manner recommended by Vasu. The WILL is:-
- A. Valid
  - B. Invalid
  - C. Voidable due to undue influence
  - D. Void due to coercion through persuasion.

**SPACE FOR ROUGH WORK**

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