

FINAL ANSWER KEY

Paper: Indian Civil Procedure Code and ... (Paper I)
Date of Examination 31-10-2019

Question1:-A pleading in Order VI Rule 1 in CPC is _____.

- A:-Appeal
- B:-Revision
- C:-Plaint and written statement
- D:-Interlocutory application

Correct Answer:- Option-C

Question2:-Cause Title shall contain

- A:-The Relevant Sections only
- B:-The law by which the title is devolved and cause of action thereon
- C:-The cause of action of the suit
- D:-The first part of the pleading containing the name of the court, number of the case etc.

Correct Answer:- Option-D

Question3:-What is the meaning of Original Suit?

- A:-The first suit filed in the lowest statutory court
- B:-The suit filed in any court
- C:-The suit in the same matter
- D:-Any civil case

Correct Answer:- Option-A

Question4:-What is the meaning of 'Sub judice'?

- A:-The matter is already decided
- B:-The matter is pending before a competent court
- C:-A criminal case is pending when a civil case is filed
- D:-The court may verify the record whether there is any right

Correct Answer:- Option-B

Question5:-What is a promissory estoppel?

- A:-If the same matter is decided in previous case between the predecessor owners of the same property?
- B:-A case is decided by the same parties
- C:-Two cases are pending regarding the same property but between
- D:-When there is wrong party but the

Correct Answer:- Option-A

Question6:-The formal expression of final adjudication is called _____.

- A:-Order
- B:-Judgment
- C:-Appeal order
- D:-Decree

Correct Answer:- Option-D

Question7:-When is a 'dismissal for default'?

- A:-When the defendant absent
- B:-When the deponent absent
- C:-When the judgment not received in time
- D:-When plaintiff absent

Correct Answer:- Option-D

Question8:-Who can set aside an ex parte decree?

- A:-Defendant after giving notice to plaintiff
- B:-Plaintiff after giving notice to defendant
- C:-The court after giving notice to both parties

D:-The aggrieved party

Correct Answer:- Option-C

Question9:-What is the prescribed time for section 80 notice?

A:-One week

B:-One month

C:-Two months

D:-Ten days

Correct Answer:- Option-C

Question10:-What is meant by 'discovery petition'?

A:-Petition to find out whether there is discovery involved in the case

B:-Petition to ask the opposite party to produce the documents in his custody

C:-An evidentiary measure taken by the court

D:-The method to find out whether there is any inventive measure involved in the case

Correct Answer:- Option-B

Question11:-What is an interrogatory?

A:-An order given to 'Amicus Curie' containing questions to be examined

B:-The issues drafted by the court in the case

C:-The questionnaire submitted

D:-Questions asked in the witness box

Correct Answer:- Option-C

Question12:-Which the maxim relating to the following statement? "The courts shall (subject to the provisions herein contained) have jurisdiction to try all suits of a civil nature excepting suits of which their cognizance is either expressly or impliedly barred".

A:-res ips loquitor

B:-ubi jus ibi remdim

C:-damnum sine injuria

D:-fiat justitia ruat coelum

Correct Answer:- Option-B

Question13:-Mr. A has a civil case for Rupees 80,000/-. There are High Court, District Court, Sub Court and Munsiff Court in his locality. In which court the case is to be filed?

A:-High court

B:-District court

C:-Sub court

D:-Munsiff court

Correct Answer:- Option-D

Question14:-A foreign judgment shall be conclusive as to any matter thereby directly adjudicated upon between the same parties or between parties under whom they or any of them claim litigating under the same title except _____.

A:-where it has not been pronounced by a Court of competent jurisdiction

B:-where it has not been given on the merits of the case

C:-where the proceedings in which the judgment was obtained are opposed to natural justice

D:-all of them

Correct Answer:- Option-D

Question15:-When a court can presume a foreign judgment as a valid document?

A:-a certified copy of a foreign judgment

B:-pronounced by a court of competent jurisdiction

C:-the foreign court has proper jurisdiction

D:-all the above

Correct Answer:- Option-D

Question16:-Where a civil suit can be filed in order to obtain relief relating to immovable property which situate within the jurisdiction of different courts?

A:-where any portion of the property is situate

B:-where the large portion of the disputed land situates

C:-in any court within the local limits of whose jurisdiction

D:-all the above

Correct Answer:- Option-D

Question17:-Where a suit is for compensation for wrong done to the person or to movable property the civil suit within jurisdiction of different courts it can be filed in a court where _____?

A:-defendant resides

B:-plaintiff personally works for gain,

C:-plaintiff carries on business, or

D:-within the local limits of the jurisdiction of any court

Correct Answer:- Option-A

Question18:-No objection as to the pecuniary limits of its jurisdiction shall be allowed in _____.

A:-appellate court

B:-revisional court

C:-either (1) or (2)

D:-neither (1) or (2)

Correct Answer:- Option-C

Question19:-Who can apply for transfer suits which may be instituted in more than one court?

A:-Appellant

B:-Defendant

C:-Deponent

D:-Revision petitioner

Correct Answer:- Option-B

Question20:-Where the subordinate courts are under different High Courts, the application for transfer shall be made?

A:-to the Supreme Court

B:-to the High Court which not having jurisdiction in the case

C:-to the High Court within the local limits with jurisdiction

D:-to the High Court within the jurisdiction where the plaintiff is residing only

Correct Answer:- Option-C

Question21:-How the summonses and other processes issued by any Civil or Revenue Court established in any part of India can be served?

A:-By an civil court through an order

B:-By the District court

C:-By High court

D:-By Supreme court

Correct Answer:- Option-A

Question22:-When a civil court can pass an order relating to the delivery and answering of interrogatories, inspection, production and impounding?

A:-at any time

B:-on the courts own motion

C:-on the application of any party

D:-all of it

Correct Answer:- Option-D

Question23:-A files a case for 20 Rupees Lakhs against B and a pronote was drafted. But B didn't give the pronote. C was a witness to all these things. A preferred petitions for interrogatory, discovery, accounts etc. B failed to comply the order. What are the remedies?

A:-issue a warrant for his arrest

B:-impose a fine upon him 1 (not exceeding five thousand rupees)

C:-attach and sell his property

D:-all the above

Correct Answer:- Option-D

Question24:-Identify the court by which decree may be executed?

A:-The court which passed it alone

B:-The court which it is sent for execution alone

C:-The court which passed it, or by the court to which it is sent for execution

D:-The highest court before which an appeal is preferred

Correct Answer:- Option-C

Question25:-Who can apply for the transfer of a decree?

A:-Plaintiff

B:-Defendant

C:-Decree holder

D:-Judgment Debtor

Correct Answer:- Option-C

Question26:-What is a precept?

A:-A direction to any other competent court to execute such decree, to attach any property belonging to the judgment-debtor specified in the precept

B:-The statement of witness noted by the judge in the court

C:-The extract of judgment

D:-None of the above

Correct Answer:- Option-A

Question27:-The normal period of court attachment of property on the basis of precept shall be

A:-three months

B:-one month

C:-two months

D:-five months

Correct Answer:- Option-C

Question28:-The property in the hands of a descendant which is liable under Hindu law for the payment of the debt of a deceased ancestor, in respect of which a decree has been passed, the charge will be devolved upon _____.

A:-the son or other descendant

B:-tharwad

C:-his family

D:-his wife only

Correct Answer:- Option-A

Question29:-Prohibition of arrest _____ of women in execution of decree for money is mentioned in section 56 of CPC.

A:-or attachment

B:-or sale

C:-or execution

D:-or detention

Correct Answer:- Option-D

Question30:-Where a judgment-debtor has been committed to the civil prison, found to have the existence of any infectious or contagious disease he may be _____.

A:-sent to appropriate hospital for treatment

B:-alternative methods of execution is applied

C:-released

D:-relieved

Correct Answer:- Option-C

Question31:-When a judgment-debtor who has been arrested, the court may release him if he is not, _____ in its opinion.

A:-in a fit state of health to be detained in the civil prison

B:-he is having a contagious illness

C:-if the debt is satisfied

D:-all the above

Correct Answer:- Option-D

Question32:-What shall be done where the property not in the custody of any court and the property to be attached is having more than one judgment for attachment is existing and there is no difference between courts _____.

A:-the senior most judges order must be executed

B:-execute the first order, keep the remaining orders pending

C:-execute equitably

D:-none of it

Correct Answer:- Option-B

Question33:-What will be the status private alienation of property after attachment

- A:-subject to court order
- B:-valid
- C:-void
- D:-voidable

Correct Answer:- Option-C

Question34:-Suppose one has purchased an attached property in court auction, what will be the status of title over the property?

- A:-subject to court order
- B:-absolute
- C:-invalid
- D:-to be returned

Correct Answer:- Option-B

Question35:-What will the punishment for the resistance to execution or obstructed in obtaining possession of the property by the judgment-debtor or some person on his behalf in case if there no request for the punishment by the decree holder.

- A:-imprisonment for 30 days and transfer of possession
- B:-transfer of possession only
- C:-imprisonment for 30 days only
- D:-no punishment

Correct Answer:- Option-D

Question36:-When the court is required to examine any person; to make a local investigation; to examine or adjust accounts, to make a partition or to hold a or expert investigation what the court shall do?

- A:-appoint amicus curiae
- B:-render legal service
- C:-appoint a commission
- D:-appoint receiver

Correct Answer:- Option-C

Question37:-A court may issue a _____ to examine a witness residing at any place not within India.

- A:-judgment
- B:-letter of request
- C:-decree
- D:-order

Correct Answer:- Option-B

Question38:-Who has to give permission to sue Alien enemies residing in India?

- A:-Supreme court
- B:-District collector
- C:-State government
- D:-Central government

Correct Answer:- Option-D

Question39:-When foreign states may sue?

- A:-to enforce a private right vested in the Ruler of such state
- B:-in any officer of such state in his public capacity
- C:-if there is a breach of contract which is personal
- D:-any of it

Correct Answer:- Option-D

Question40:-Where the court shall formulate the terms of settlement and give them to the parties for their observations and after receiving the observations of the parties, the court may reformulate the terms of a possible settlement and may refer to _____.

- A:-Legal Services Authority Act, 1987
- B:-Arbitration and Conciliation Act, 1996
- C:-Lok Adalath
- D:-Any of it

Correct Answer:- Option-D

Question41:-In the case of a public nuisance or affecting, or likely to affect, the public, a suit in the circumstances, may be instituted by the _____.

- A:-Advocate-General
- B:-Attorney General
- C:-Government Pleader
- D:-Public Prosecutor

Correct Answer:- Option-A

Question42:-What will happen to a suit which may exist independently as public interest litigation?

- A:-No case shall be filed without prior permission of the Government
- B:-Any right shall be deemed be limited
- C:-Obtain prior permission from Government Pleader
- D:-None of the above

Correct Answer:- Option-B

Question43:-Where two or more persons claim adversely to one another the same debts, and who is ready to pay or deliver it to the rightful claimant, then _____ suit can be preferred.

- A:-interpleader
- B:-impleading
- C:-injunction
- D:-restitution

Correct Answer:- Option-A

Question44:-Equity law relating to public charities is mentioned in CPC. _____.

- A:-CPC. section 72
- B:-CPC. section 92
- C:-CPC. section 82
- D:-CPC. section 29

Correct Answer:- Option-B

Question45:-In the case of any alleged breach of any trust created for public purposes of a charitable or religious nature, or where the direction of the Court is deemed necessary for the administration of any such trust a civil case can be preferred for _____.

- A:-any of the following
- B:-appointing a new trustee
- C:-vesting any property in a trustee
- D:-removing any trustee

Correct Answer:- Option-A

Question46:-In order to prevent the ends of justice from being defeated the Court may, if it is so prescribed pass orders for supplemental proceedings in the form of _____.

- A:-issue a warrant to arrest the defendant
- B:-grant a temporary injunction
- C:-direct the defendant to furnish security to produce any property
- D:-any of it

Correct Answer:- Option-D

Question47:-Compensation for obtaining arrest, attachment or injunction on insufficient grounds

- A:-arrest, was applied for on insufficient grounds
- B:-attachment was applied for on insufficient grounds
- C:-injunction was applied for on insufficient grounds
- D:-any of it

Correct Answer:- Option-D

Question48:-An appeal on Decree will cannot be filed on the ground that _____.

- A:-where there is a question of law
- B:-in small cause case where there no dispute relating to law
- C:-there is dispute relating to appreciation of evidence
- D:-when there is a dispute relating to identify of property

Correct Answer:- Option-B

Question49:-Where an appeal is heard by a Bench of two or more judges, the appeal shall be decided in _____.

- A:-as per the decision of the higher court
- B:-as per decision of the senior most judge
- C:-as per the majority decision
- D:-as per the pleading

Correct Answer:- Option-C

Question50:-What is a mesne profits?

- A:-a benefit arising from plaint schedule property illegal custody
- B:-cost
- C:-compensatory cost
- D:-interest

Correct Answer:- Option-A

Question51:-A decree shall not be reversed or substantially varied, nor shall any case be remanded, in appeal on account of

- A:-misjoinder
- B:-non-joinder
- C:-defect or irregularity in any parties or causes of action or due to any error
- D:-mistake relating to fact

Correct Answer:- Option-C

Question52:-What is the extent of Power of High Court to determine a new issue of fact?

- A:-In any second appeal
- B:-If the evidence on the record is sufficient
- C:-Which has not been determined by the lower Appellate Court
- D:-All of it

Correct Answer:- Option-C

Question53:-What is the Section regarding civil appeals in Civil Procedure Code?

- A:-CPC. Section 86
- B:-CPC. Section 106
- C:-CPC. Section 116
- D:-CPC. Section 115

Correct Answer:- Option-B

Question54:-What is the other remedy other than appeal in a decree or order from which no appeal is allowed by this Code?

- A:-writ
- B:-revision
- C:-settlement
- D:-review

Correct Answer:- Option-D

Question55:-Nothing in Civil Procedure Code shall be deemed to authorize any person on behalf of another to address the Court in the exercise of its original civil jurisdiction, or to examine witnesses. It is mentioned in _____.

- A:-CPC. Section 119
- B:-CPC. Section 219
- C:-CPC. Section 115
- D:-CPC. Section 119

Correct Answer:-**Question Cancelled**

Question56:-In a petition for _____ the High Court may call for the records of lower court and pass an appropriate order - where the lower court has acted ultra-vires, exercised its jurisdiction illegally.

- A:-review
- B:-revision
- C:-writ
- D:-appeal

Correct Answer:- Option-A

Question57:-Before making the rules the High Court may make the following procedure _____.

- A:-drafting by official drafts man
- B:-tabling
- C:-rules should be made by the High Court Rule Making Committee and published previously
- D:-obtaining permission from the legislature

Correct Answer:- Option-C

Question58:-What is the Constitution of Civil Procedure Code Rules COmmittees?

- A:-Three High Court Judges, two legal practitioners a Judge of a Civil Court subordinate to the High Court
- B:-Three High Court Judges, one advocate and one member from the legislature
- C:-Three High Court Judges only
- D:-One high court judge, one senior advocate and one member from lower judiciary

Correct Answer:- Option-A

Question59:-State High Court Rules can be provided in the following matters _____.

- A:-Jurisdiction
- B:-Res judicata
- C:-Hearing of Civil cases even in cases if there is no specific remedy
- D:-Manner of serving of summonses, notices and other processes by post

Correct Answer:- Option-D

Question60:-A 'prothonotary' means _____.

- A:-a chief clerk in a law courts
- B:-court crier
- C:-bench clerk
- D:-sheristadar

Correct Answer:- Option-A

Question61:-When plaintiff is in doubt from whom redress is to be sought what he must do?

- A:-dismiss the claim
- B:-the claim may be kept in abeyance
- C:-join two or more defendants to find out which of the defendants is liable, and to what extent, may be determined as between all parties
- D:-implead proper party

Correct Answer:- Option-C

Question62:-When one person may sue or defend on behalf of all in same interest?

- A:-if there is a common interest
- B:-if he is authorised to appear on behalf of the other defendants
- C:-if the other defendants are minors and the said defendant is their natural guardian
- D:-any of the above

Correct Answer:- Option-D

Question63:-Objections as to non-joinder or misjoinder made after the settlement of the case is considered as _____.

- A:-accepted
- B:-waived
- C:-objected
- D:-dismissed

Correct Answer:- Option-B

Question64:-A is entitled for 8 lakhs from B in a single transaction. But A files for 5 lakhs only. He thinks that the remaining 3 lakhs can be claimed separately. What will be the consequence?

- A:-A can file a separate suit for three lakhs
- B:-No separate suit can be filed for the remaining three lakhs
- C:-A can claim the principal amount only
- D:-A can consider it as deferred debt

Correct Answer:- Option-B

Question65:-How the appearance in a Civil Case is made?

- A:-in person

- B:-recognized agent
- C:-pleader or advocate
- D:-any of them

Correct Answer:- Option-D

Question66:-To whom the process of the court in a pending case may be served?

- A:-pleader or advocate
- B:-power of attorney
- C:-party to suit
- D:-to any of them

Correct Answer:- Option-D

Question67:-How a suit is commenced?

- A:-petition
- B:-statement by plaintiff in witness box
- C:-plaint
- D:-affidavit

Correct Answer:- Option-C

Question68:-When a separate trial for a plaintiff can be denied by court?

- A:-where it appears to the court that any joinder of plaintiffs may embarrass
- B:-delay the trial of the suit
- C:-when the plaintiff elects for separate trial
- D:-none of (1), (2) or (3)

Correct Answer:- Option-D

Question69:-When an appeal from final decree can be filed?

- A:-when a revision is pending
- B:-when review is pending
- C:-when no appeal is pending from preliminary decree
- D:-when an execution of the decree is effected

Correct Answer:- Option-C

Question70:-Where an appeal is heard by a Bench of two or more judges, the appeal shall be decided in accordance with

- A:-the opinion of such judges or of the majority (if any) of such judges
- B:-the opinion of such judges alone
- C:-majority decision of such judges alone
- D:-the judges may refer the matter to a senior judge

Correct Answer:- Option-A

Question71:-When a second appeal can be filed?

- A:-when there is a failure to appreciate facts
- B:-when there is error in judgement
- C:-when the case has a substantive question of law
- D:-in every situation where the first appeal has been failed

Correct Answer:- Option-C

Question72:-No second appeal shall lie from any decree, when the subject matter of the original suit is for recovery of money not exceeding _____.

- A:-five lakhs
- B:-twenty-five thousand rupees
- C:-ten thousand rupees
- D:-ten lakhs rupees

Correct Answer:- Option-B

Question73:-Powers of appellate court does not include the following

- A:-to determine a case finally
- B:-to remand a case
- C:-to frame issues and refer them for trial and to take additional evidence or to require such evidence to be taken

D:-to evaluate the statement of witnesses

Correct Answer:- Option-D

Question74:-Pleading include _____.

A:-petition and affidavit

B:-plaint and written statement

C:-deposition

D:-appeal

Correct Answer:- Option-B

Question75:-When a plaint can be returned?

A:-not furnished sufficient stamps

B:-not furnished correct address

C:-party or their counsel failed to affix their signature

D:-all of it

Correct Answer:- Option-D

Question76:-Where the subject-matter of the suit is immovable property, the plaint need not contain _____.

A:-a description of the property sufficient to identify it

B:-boundaries

C:-the lawyers name and address

D:-numbers in a record of settlement or survey

Correct Answer:- Option-C

Question77:-Where the relief claimed is undervalued, insufficiently stamped or no legal remedy is available in the matter the plaint will be _____.

A:-returned with endorsement

B:-refused

C:-accepted with condition

D:-rejected

Correct Answer:- Option-A

Question78:-What is the maximum days for filing written statement is allowed?

A:-Thirty days

B:-Ninety days

C:-One hundred and twenty days

D:-One hundred and fifty days

Correct Answer:- Option-B

Question79:-What will be the consequence if the plaintiff alone is appearing even after the process is served upon the defendant?

A:-The suit may be returned

B:-The defendant may be made ex-parte

C:-The suit may be dismissed as default

D:-Enlarge the time

Correct Answer:- Option-B

Question80:-What is evasive denial?

A:-Answering the point of substance evasively in written statement

B:-A permissible form of written statement

C:-A method relating to plaint

D:-Plaint with no specific claim

Correct Answer:- Option-A

Question81:-What is the time limit for subsequent pleading?

A:-120 days

B:-60 days

C:-30 days

D:-Time not given

Correct Answer:- Option-C

Question82:-Where a suit is referred to forum or authority for conciliation of the suit under Rule 1A what the parties shall do?

- A:-Act at the option of the opposite party
- B:-Comply with the court order
- C:-Compulsorily settle the matter
- D:-Negotiate before the proceeding

Correct Answer:- Option-B

Question83:-The substance of the examination shall be reduced to writing by the judge, and shall form part of the record. It is known as _____.

- A:-deposition
- B:-pleading
- C:-statement
- D:-verification

Correct Answer:- Option-A

Question84:-Interrogatories shall be answered by affidavit to be filed within _____ or within such other time as the court may allow.

- A:-Thirty days
- B:-Ten days
- C:-three days
- D:-fifteen days

Correct Answer:- Option-B

Question85:-Admission and denial of documents shall contain _____.

- A:-Correctness and existence of a document
- B:-Execution of a document
- C:-Issuance or receipt of a document
- D:-All of it

Correct Answer:- Option-D

Question86:-Money, payable under a decree shall not include the following _____.

- A:-setoff
- B:-payment through bank account
- C:-direct payment to the court
- D:-payment through postal money order

Correct Answer:- Option-A

Question87:-The cost shall include _____.

- A:-Postal expenditure
- B:-Expenditure for printing
- C:-Charge paid for inspection records
- D:-All of it

Correct Answer:- Option-D

Question88:-When the attachment shall not be removed?

- A:-If decree is satisfied
- B:-If the matter is settled out of court
- C:-If the debt is still exiting
- D:-If the decree is set aside

Correct Answer:- Option-C

Question89:-What is the significance of 'in camera' proceedings in a civil court?

- A:-Family issues must not be agitated in open court
- B:-Business know how cannot publicized
- C:-The allegation of sex scandal shall not given publicity
- D:-Trade secret must be made confidential

Correct Answer:- Option-A

Question90:-Who is an indigent person?

- A:-Any person who in not financially sound

B:-Not possessed of sufficient means to enable him to pay the fee prescribed by law for the plaint in such suit

C:-Who is a solvent

D:-Not declared as pauper

Correct Answer:- Option-B

Question91:-Interlocutory Orders for Temporary Injunctions is granted in the case any property in dispute

A:-being wasted

B:-damaged or alienated

C:-wrongfully sold in execution of a decree, or

D:-any of it

Correct Answer:- Option-D

Question92:-The court may order the sale of any movable property

A:-being the subject-matter of such suit

B:-attached before judgment in such suit

C:-which is subject to speedy and natural delay

D:-any of it

Correct Answer:- Option-D

Question93:-The Court may by general or special order fix the amount to be paid as remuneration for the services of the receiver

A:-The party

B:-The court

C:-The plaintiff

D:-The defendant

Correct Answer:- Option-B

Question94:-A pleading contain concisely and under distinct heads, the grounds of objection to the decree appealed from, without any argument or narrative is _____.

A:-Plaint

B:-Written statement

C:-Appeal

D:-Decree

Correct Answer:- Option-C

Question95:-If there is dispute regarding the identify of decree property which is delivered, in which court the dispute is to be agitated?

A:-before the appellate court

B:-before the execution effected court

C:-before the Supreme court

D:-before the High court

Correct Answer:- Option-B

Question96:-What is the time limit allowed for depositing printing charges as per Civil Rules of Practice

A:-seven days

B:-thirty days

C:-forty days

D:-ten days

Correct Answer:- Option-A

Question97:-Along with the copy applications the requisite number of stamp papers shall be submitted within _____.

A:-One month

B:-A period fixed by the court

C:-Two weeks

D:-Ten days

Correct Answer:- Option-B

Question98:-Form of Medical Record/Report is given in Civil Rules of Practice _____.

A:-Appendix IA General Form, FORM No. 11

B:-Appendix II General Forms, FORM No. 1A

C:-Appendix IIA General Forms, FORM No. 1

D:-Appendix 1 General Forms, FORM No. IIA

Correct Answer:- Option-C

Question99:-The copying charges applicable to State Government shall be _____.

A:-2%

B:-5%

C:-nil

D:-10%

Correct Answer:- Option-C

Question100:-In Rule 182 of Kerala Civil Rules of Practice for the words 'fountain pens, wrist watches etc. shall be substituted by the words,

A:-and such other articles of special value, which in the opinion of the court'

B:-fountain pens, computer, books etc. which'

C:-heirlooms, wrist watches such other valuables etc.'

D:-fountain pens, wrist watches ornaments etc. which'

Correct Answer:- Option-A