

**DE-7/2021/12**

Question Booklet  
Alpha Code

**A**

Question Booklet  
Serial Number

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Name:		Reg.No.		Signature:	
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**DEPARTMENTAL TESTS — JULY, 2021**

Total Number of Questions : 100

[Time : 1½ hours

(Maximum Marks : 100)

**INSTRUCTIONS TO CANDIDATES**

1. The question paper will be given in the form of a Question Booklet. There will be four versions of question booklets with question booklet alpha code viz. A, B, C & D.
2. The Question Booklet Alpha Code will be printed on the top left margin of the facing sheet of the question booklet.
3. The Question Booklet Alpha Code allotted to you will be noted in your seating position in the Examination Hall.
4. If you get a question booklet where the alpha code does not match to the allotted alpha code in the seating position, please draw the attention of the Invigilator IMMEDIATELY.
5. The Question Booklet Serial Number is printed on the top right margin of the facing sheet. If your question booklet is un-numbered, please get it replaced by new question booklet with same alpha code.
6. The Question Booklet will be sealed at the middle of the right margin. Candidate should not open the question booklet, until the indication is given to start answering.
7. Immediately after the commencement of the examination, the candidate should check that the question booklet supplied contains all the 100 questions in serial order. The question booklet does not have unprinted or torn or missing pages and if so the fact should be brought to the notice of the Invigilator and get it replaced by a complete booklet with same alpha code. This is most important.
8. A blank sheet of paper is attached to the question booklet. This may be used for rough work.
9. **Please read carefully all the instructions on the reverse of the Answer Sheet before marking your answers.**
10. Each question is provided with four choices (A), (B), (C) and (D) having one correct answer. Choose the correct answer and darken the bubble corresponding to the question number using Blue or Black Ball-Point Pen in the OMR Answer Sheet.
11. **Each correct answer carries 1 mark and for each wrong answer 1/3 mark will be deducted. No negative marks for unattended questions.**
12. No candidate will be allowed to leave the examination hall till the end of the session and without handing over the Answer Sheet to the Invigilator. Candidates should ensure that the Invigilator has verified all the entries in the Register Number Coding Sheet and that the Invigilator has affixed his/her signature in the space provided.
13. Strict compliance of instructions is essential. Any malpractice or attempt to commit any kind of malpractice in the Examination will result in the disqualification of the candidate.
14. **If any candidates make a marking of answer in the question paper and exchange with other candidate during the course of the examination, the answer script will be invalidated and the candidates will be debarred for a minimum period of 2 years from appearing the Departmental Tests.**

# DE-7/2021/12

Maximum : 100 marks

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1. Which among the following is a suit of civil nature?
  - (A) Suit for right to privacy
  - (B) Suit involved caste questions
  - (C) Suit for the declaration of correct date of birth
  - (D) Suit to determine political questions
  
2. The provisions regarding “Stay of suit” is contained in :
  - (A) Section 10 of CPC
  - (B) Section 9 of CPC
  - (C) Section 11 of CPC
  - (D) Section 12 of CPC
  
3. A suit is filed by a party in which the matter in issue has already been a matter in issue in a previously instituted suit by the same parties and the same has been finally decided by such court. Then this suit shall :
  - (A) Barred by Resjudicata
  - (B) By estoppel
  - (C) May be stayed
  - (D) None of these
  
4. The object of principle of resjudicata is :
  - (A) to prevent courts of concurrent jurisdiction from deciding cases simultaneously in respect of the same cause of action
  - (B) to prevent the parties from ceiling cases on the same cause of action
  - (C) to prevent unending litigation between the parties
  - (D) None of these
  
5. The suit relating to immovable property shall be filed in the court :
  - (A) Within the local limits of whose jurisdiction the property is situated
  - (B) Within the local limits of whose jurisdiction the defendant resides
  - (C) Within the local limits of whose jurisdiction the dispute arose
  - (D) All of the above
  
6. The provision for return of plaint is contained in :
  - (A) Order VII Rule 10
  - (B) Order VII Rule 7
  - (C) Order VII Rule 5
  - (D) Order VII Rule II

7. Which among the following reason a plaint may be returned?  
 (A) When the relief is under valued arid not corrected with in the time allowed  
 (B) When there is no cause of action  
 (C) When the court has no jurisdiction  
 (D) Duplicate plaint is not produced
8. Original documents can be returned to the party producing it :  
 (A) After the period of limitation for filing the appeal, If no appeal is preferred  
 (B) After the disposal of the appeal if preferred  
 (C) After the suit is over  
 (D) Only (B) and (C)
9. Issue means :  
 (A) Presumption of fact or law or fact and law  
 (B) Rival contentions of the parties based on their pleadings  
 (C) Contentions arising out of written statement only  
 (D) Contentions arising out of plaint only
10. Issues are settled in a suit :  
 (A) Under Order VII of CPC  
 (B) Under Order II of CPC  
 (C) Under Order XIV of CPC  
 (D) Under Order XIII of CPC
11. Parties must file the list of witnesses within :  
 (A) 60 days of framing issues  
 (B) 30 days of framing issues  
 (C) 15 days of framing issues  
 (D) 10 days of framing issues
12. Adjournment can be granted :  
 (A) Under Order 17 Rule (1) (2) of CPC  
 (B) Under Order 17 Rule 1 of CPC  
 (C) Under Order 17 Rule 2 of CPC  
 (D) Under Order 17 Rule 3 of CPC
13. A witness who has already been examined can be recalled under Order 18 Rule 17 of CPC :  
 (A) By the Court  
 (B) By the opposite party  
 (C) By the party calling the witness  
 (D) All the above
14. Judgment and decree have been dealt in CPC :  
 (A) Under Order XXI  
 (B) Under Order XXA  
 (C) Under Order XX  
 (D) Under Order XIX
15. Clerical or arithmetical mistakes in judgments, orders etc. can be corrected :  
 (A) Under S. 153B of CPC  
 (B) Under S. 153A of CPC  
 (C) Under S. 153 of CPC  
 (D) Under S. 152 of CPC

16. Under Section 34 of CPC the court can award interest :
- (A) From the date of the suit till the date of decree
  - (B) From the date of the decree till realization
  - (C) Neither (A) nor (B)
  - (D) Both (A) and (B)
17. Provision for interest in CPC has been made :
- (A) Under Section 35B
  - (B) Under Section 35A
  - (C) Under Section 34
  - (D) Under Section 32
18. Which of the following provisions provide for imposition of costs in a Civil Suit?
- (A) Section 35B of CPC
  - (B) Section 35A of CPC
  - (C) Section 35 of CPC
  - (D) All the above
19. Compensatory costs can be imposed for :
- (A) False or vexatious claims or defences
  - (B) Improbable claims or defences
  - (C) Both (A) and (B)
  - (D) Neither (A) nor (B)
20. Costs for causing delay has been provided under :
- (A) Section 35 of CPC
  - (B) Section 36 of CPC
  - (C) section 35 B of CPC
  - (D) Section 35 A of CPC
21. Provision relating to execution of decrees are contained in :
- (A) Order XXXVI
  - (B) Order XXXIII
  - (C) Order XXV
  - (D) Order XXI
22. Transfer of a decree for execution to another court has been dealt with in :
- (A) S. 40 of CPC
  - (B) S. 39 of CPC
  - (C) S. 38 of CPC
  - (D) S. 37 of CPC
23. Words competent jurisdiction under section 39 of CPC refers to :
- (A) Subject matter jurisdiction of the transferee court
  - (B) Pecuniary and territorial jurisdiction of the transferee court
  - (C) Territorial jurisdiction of the transferee court
  - (D) Pecuniary jurisdiction of the transferor court
24. Section 47 of CPC is :
- (A) Directory
  - (B) Mandatory and bars a suit as well as a defence
  - (C) Mandatory bars a defence
  - (D) Mandatory and bars a suit

25. Modes of execution of a decree have been stated in :
- (A) S. 52 of CPC (B) S. 51 of CPC  
(C) S. 49 of CPC (D) S. 48 of CPC
26. Arrest of a person in execution of a decree has been provided :
- (A) Under Section 56 of CPC (B) Under Section 55 of CPC  
(C) Under Section 54 of CPC (D) Under Section 53 of CPC
27. Who can be arrested in execution of a decree?
- (A) A Man (B) A Women  
(C) A minor (D) All the above
28. Section 56 of CPC prohibits arrest and detention in execution of a decree can be :
- (A) A Woman (B) A minor girl  
(C) Minor boy (D) All the above
29. Imprisonment in execution of a decree can be :
- (A) Rigorous Imprisonment  
(B) Simple Imprisonment  
(C) Civil Imprisonment  
(D) Either (A) or (B) or (C) as per the discretion of the court
30. Maximum period of detention when the decree is for more than Rs.5,000 is :
- (A) Six Month (B) Three Month  
(C) Two Month (D) Six weeks
31. Property liable to attachment and sale in execution of a decree is mentioned under :
- (A) S. 62 of CPC (B) S. 61 of CPC  
(C) S. 60 of CPC (D) S. 59 of CPC
32. An application for substitution of the legal representatives of a deceased lies under :
- (A) O. XXII Rule 5 of CPC (B) O. XXII Rule 2 of CPC  
(C) O. XXII Rule 4 of CPC (D) O. XXII Rule 3 of CPC
33. Abetment of suit can be set aside under order :
- (A) XXII Rule 11 of CPC (B) XXII Rule 12 of CPC  
(C) XXII Rule 10 of CPC (D) XXII Rule 9 of CPC
34. Withdrawal of suit is governed by :
- (A) Order XXIII Rule 3A of CPC (B) Order XXIII Rule 4 of CPC  
(C) Order XXIII Rule 1 and 3 of CPC (D) Order XXIII Rule 3 of CPC

35. In execution of a decree other than a decree of maintenance salary of a person can be attached to the extent of :
- (A) Rs. 1,000/- plus two third of the remainder  
 (B) Rs. 1,000/- plus one third of the remainder  
 (C) Rs. 500/- plus one half of the remainder  
 (D) Rs. 400/- plus two thirds of the remainder
36. In a case of one and the same decree the attachment of Salary can continue for a total period of :
- (A) 60 months (B) 36 months  
 (C) 24 months (D) 12 months
37. Subsistence allowance in respect of the person detained in civil imprisonment has to be paid by the :
- (A) Decree holder (B) Central Govt.  
 (C) State Government (D) Either (A) or (B) or (C)
38. A garnishee is :
- (A) The judgment debtor (B) The judgment debtors debtor  
 (C) Judgment debtor's Creditor (D) The banker of the judgment debtor
39. Abetment of proceedings is governed by :
- (A) By Order XXVIII of CPC (B) By Order XXIV of CPC  
 (C) By Order XXIII of CPC (D) By Order XXII of CPC
40. Order XXII CPC applies to :
- (A) Execution proceedings (B) Appeals  
 (C) Suits (D) All the above
41. A suit filed on behalf of a minor can be :
- (A) Withdraw only with the leave of the court  
 (B) Cannot be withdraw  
 (C) Withdraw at any time as matter of right  
 (D) Either (A) or (B)
42. Right to withdraw the suit is :
- (A) Fettered by certain conditions (B) A Qualified right of the plaintiff  
 (C) An absolute right of the plaintiff (D) Either (A) or (B) or (C)
43. Parties to the suit can compromise in a suit under order :
- (A) XXIII Rule 4 of CPC (B) XXIII Rule 1 of CPC  
 (C) XXIII Rule 3 of CPC (D) XXIII Rule 3A of CPC

44. Purpose for which the court can issue a commission have been communicated in :
- (A) S. 76 of CPC (B) S. 75 of CPC  
(C) S. 74 of CPC (D) S. 73 of CPC
45. For institution of suit against Government or against a public officer in official capacity, the notice period under S. 80 of CPC is :
- (A) 15 days (B) 1 month  
(C) 2 month (D) 3 month
46. Inter pleader suit has been defined Under Section :
- (A) 91 of CPC (B) 90 of CPC  
(C) 89 of CPC (D) 88 of CPC
47. Public nuisance within the meaning S. 91 of CPC is :
- (A) Nuisance in fact (B) Nuisance in law  
(C) Both (A) and (B) (D) Either (A) or (B)
48. Attachment before judgment can be ordered under order :
- (A) 38 Rule 1 (B) 38 Rule 5  
(C) 38 Rule 9 (D) 38 Rule 3
49. A temporary injunction can be granted to a party establishing :
- (A) Irreparable injury to him in the event of non grant of injunction  
(B) Balance of convenience in his favour  
(C) Prima Facie case in his favour  
(D) All the above
50. Injunction to restrain repetition or continuance of breach is provided :
- (A) Under Order 39 Rule 5 of CPC (B) Under Order 39 Rule 3 of CPC  
(C) Under Order 39 Rule 2 of CPC (D) Under Order 39 Rule 1 of CPC
51. The provision in IPC which was amended in 2002 is :
- (A) S. 21A (B) S. 35A  
(C) O.21 Rule 32 (D) O.21 Rule 66
52. Which of the following statement is true?
- (A) A court cannot decide its own jurisdiction  
(B) Even if the court finds that it has no jurisdiction to entertain a suit, it may grant injunction till the plaint is represented in the proper court.  
(C) A suit for fixation boundary alone not maintainable  
(D) By an agreement, the parties cannot confer jurisdiction on a court which does not have it

53. The pecuniary jurisdiction of a Munsiff court in executing a decree is :
- (A) Upto Rs. 1 lakh (B) Below Rs. 1 lakh  
(C) No limit (D) Upto 2 lakhs
54. Which of the following statements is not true?  
A question relating to satisfaction of a decree shall be determined by the executing court.
- (A) If it arises between the plaintiff and the defendant even if the suit is dismissed  
(B) If it arises between the plaintiff and the defendant when the suit is decreed  
(C) If it is with regard to the delivery of possession of properties to an auction purchaser in a court auction  
(D) If it arises between the decree holder and a creditor of the judgment debtor
55. A judgment debtor was ordered to be detained in Civil prison for four weeks in execution of a decree for money. Which of the following is not a ground to release him before the expiration of the said period?
- (A) The decree against him is otherwise fully satisfied  
(B) Govt. fails to deposit the subsistence allowance  
(C) The decree holder makes a request to the court that he may be released  
(D) The judgment debtor hays the amount mentioned in the warrant to the office in charge of the prison
56. The monthly salary of a judgment debtor against whom a decree for maintenance has been passed is Rs. 12,000/-. In execution of the decree what is the maximum amount which may be attached?
- (A) Rs. 1,200/- (B) Rs. 4,000/-  
(C) Rs. 3,666/- (D) Rs. 8,000/-
57. Under the CPC commencement of the constitution means :
- (A) 26.11.1949 (B) 26.1.1950  
(C) 1.1.1950 (D) None of the above
58. A court ordered striking out of matter in a written statement which it held, might delay the fair trial. The order is :
- (A) Illegal (B) Legal  
(C) Improper (D) None of the above
59. When the court orders that summons be served on the defendant, it shall direct the plaintiff to present on many copies of the plaint as there are defendants :
- (A) Within 7 days from the date of such order  
(B) Within 30 days from the date of such order  
(C) Within 7 days from the date of the filing of the plaint  
(D) Within 15 days from the date of the filing of the plaint



60. In a suit for partition, the Munsiff after passing the preliminary decree adjourned the case sine die. The procedure adopted is :
- (A) Irregular (B) Illegal  
(C) Legal (D) Improper
61. The document which need not be sent to the transferee court when a decree is sent for execution is :
- (A) Copy of the judgment  
(B) Copy of the decree  
(C) Certificate of non satisfaction  
(D) Copy of the order for the execution of the decree
62. Mesne profits means :
- (A) Share of profits carried by one of the co-owners  
(B) The profits received or might have received by a person in wrongful possession of an immovable property  
(C) Profits arising from an immovable property  
(D) Amount paid for equalization of shares
63. The provision in the CPC under which notice is issued to the judgment debtor to show cause why the decree should not be executed against him when E.P. is filed more than two years after the date of the decree is :
- (A) O. 21 Rule 16 (B) O. 2 Rule 50  
(C) O. 21 Rule 22 (D) O. 21 Rule 37
64. The period within which the deposit should be made Under Order 21 Rule 89 of CPC to set aside sale in execution is :
- (A) 15 days (B) 30 days  
(C) 60 days (D) 90 days
65. Provision relating to suits by or against a minor are contained in order :
- (A) XXXIV of CPC (B) XXXI of CPC  
(C) XXXIII of CPC (D) XXXII of CPC

- 66.** A next friend under Order 32 Rule 8 of CPC can retire :
- (A) Without first procuring a fit person to replace him and without furnishing security for cost already incurred
  - (B) Not without first procuring a fit person to replace him but without furnishing security for costs already incurred
  - (C) Not without first procuring a fit person to replace him and also not without furnishing security for cost already incurred
  - (D) Without first procuring a fit person to replace him but not without giving security for costs already incurred
- 67.** While determining sufficient means of a person :
- (A) Property exempt from attachment in execution of a decree may or may not be excluded
  - (B) Property exempt from attachment in execution of a decree is not to be excluded
  - (C) Property exempt from attachment in execution of a decree is to be excluded
  - (D) None of these
- 68.** Summary procedure in relation to suits has been provided :
- (A) Under Order XLIV of CPC
  - (B) Under Order XXXVIII of CPC
  - (C) Under Order XXXVII of CPC
  - (D) Under Order XXXV of CPC
- 69.** A suit under order XXXVII can be filed on the basis of :
- (A) Promissory note
  - (B) Hundies
  - (C) Bills of exchange
  - (D) All the above
- 70.** Right to appeal from every original decree has been provided under section :
- (A) 100 of CPC
  - (B) 96 of CPC
  - (C) 95 of CPC
  - (D) 94 of CPC
- 71.** Under S. 96 of CPC appeal can be preferred against a decree :
- (A) By parties to the suit
  - (B) By stronger/third parties
  - (C) Both (A) and (B)
  - (D) All the above
- 72.** Review of a judgment has been provided under section :
- (A) 116 of CPC
  - (B) 115 of CPC
  - (C) 114 of CPC
  - (D) 112 of CPC
- 73.** Grounds for review have been provided under order :
- (A) 44 Rule 1 of CPC
  - (B) 43 Rule 1 of CPC
  - (C) 42 Rule 1 of CPC
  - (D) 47 Rule 1 of CPC

74. Under S. 115 of CPC the revisional jurisdiction is with :
- (A) The court of small causes (B) The court of the District Judge  
(C) The High Court (D) All the above
75. Doctrine of Restitution is contained in :
- (A) S. 149 of CPC (B) S. 148 of CPC  
(C) S. 145 of CPC (D) S. 144 of CPC
76. Right to lodge a caveat has been provided :
- (A) 148 B of CPC (B) 148 A of CPC  
(C) 148 of CPC (D) 147 of CPC
77. A caveat shall not remain in force after the expiry of :
- (A) 180 days (B) 90 days  
(C) 60 days (D) 30 days
78. In every plaint :
- (A) Facts shall be proved by affidavit or documents  
(B) Facts shall be proved by affidavit  
(C) Fact cannot be proved  
(D) Facts shall be proved by documents
79. Limitation for an appeal to the High Court from any decree or orders is :
- (A) 40 days (B) 60 days  
(C) 45 days (D) 90 days
80. Order XL deals with :
- (A) Sending of commissions (B) Appeals from original decrees  
(C) The appointment of Receivers (D) Guardian for minors
81. An attachment of property in consequence of disobedience or breach of injunction shall not remain in force :
- (A) For more than one year (B) For more than 2 years  
(C) For more than 6 months (D) For more than 3 months
82. Where the defendant is a minor, the Court shall :
- (A) Not appoint any one  
(B) Dismiss the suit  
(C) Direct a person in the family to represent the minor  
(D) Appoint a proper person to the guardian for the suit for such minor

83. Every sale in execution of a decree has been made by :  
(A) Sale by negotiation  
(B) Calling for offer by advertisement  
(C) Door to door  
(D) Public auction
84. The presumption as to foreign judgment is contained in :  
(A) S.13 (B) S.14  
(C) S.15 (D) S.16
85. Which is the court competent to make an order on a reference being made?  
(A) Supreme Court (B) High Court  
(C) Session Court (D) District Court
86. Every suit shall be instituted :  
(A) In the Supreme Court  
(B) In any court in the locality  
(C) In the Court of the lower grade competent to try it  
(D) In the District Court
87. Order means :  
(A) The formal expression of any decision of a civil court which is not a decree  
(B) A judgment  
(C) The decision of the police  
(D) A decree
88. The code of Civil Procedure 1908 is divided mainly as :  
(A) Procedural parts and schedule (B) Substantive parts and schedule  
(C) Procedural part and substantive part (D) Procedural parts and orders
89. CPC is applicable to whole of India except :  
(A) Jammu and Kashmir (B) Nagaland and Tribal areas  
(C) Both (A) and (B) (D) None of these
90. Pleadings must state :  
(A) Facts (B) Law  
(C) Evidence (D) All the above
91. Rule \_\_\_\_\_ of Civil Rules of practice deals with Original petition.  
(A) Rule 5 (10) (B) Rule 5 (11)  
(C) Rule 5 (9) (D) Rule 6

92. The term execution petition is defined in \_\_\_\_\_ of Civil Rules of practice.  
 (A) Rule 5(6) (B) Rule 5(10)  
 (C) Rule 7 (D) Rule 9
93. Form of affidavit is dealt in \_\_\_\_\_ Rule of Civil Rules of Practice.  
 (A) Rule 36 (B) Rule 43  
 (C) Rule 39 (D) Rule 10
94. Rule \_\_\_\_\_ of Civil Rules of practice deals with advancement of hearing.  
 (A) Rule 36 (B) Rule 37  
 (C) Rule 38 (D) Rule 35
95. Which Rule deals with appointment of a receiver?  
 (A) Rule 3 (B) Rule 8  
 (C) Rule 12 (D) Rule 169
96. Rule 179 deals with how many type of securities?  
 (A) 6 (B) 8  
 (C) 3 (D) 4
97. Which rule deals with form of judgment?  
 (A) R. 192 (B) R. 180  
 (C) R. 181 (D) R. 182
98. How many rules are there in Civil Rules of Practice, Kerala?  
 (A) 398 (B) 399  
 (C) 397 (D) 379
99. Rule 5 of Civil Rules of Practice deals with :  
 (A) Forms (B) Sitting of Courts  
 (C) Service of notice (D) Definitions
100. Cheque application is defined in Rule \_\_\_\_\_ of Civil Rules of practice, Kerala.  
 (A) Rule 5 (4) (B) Rule 5 (5)  
 (C) Rule 5 (3) (D) Rule 5 (1)

**SPACE FOR ROUGH WORK**

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