

DE-7/2021/31

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-7/2021/31

Maximum : 100 marks

Time : 1½ hours

1. Kerala Court Fees and Suits Valuation Act came into force in :
(A) 1959 (B) 1960
(C) 1961 (D) 1962
2. If the suit contains prayer for main and ancillary relief, the court fee shall be paid for :
(A) Main relief only (B) Both main and ancillary relief
(C) Court shall fix the court fee (D) Discretion of plaintiff
3. Court fee paid under the Act shall be computed in accordance with :
(A) Chapter IV (B) Chapter VI
(C) Chapter IX (D) All the above
4. In which of the following cases, the court observed that “the mere possession of the properties and the fact that the granting of the relief will result in dispossession cannot by themselves be a reason for valuing the relief on the market value of the properties?”
(A) Sadasivan v. Chempakakutty Bharaty
(B) Kalu Parvathi v. G Krishnan Nair
(C) Kunhanunni v. Kunhanunni Moopil Nayar
(D) Rajendran v. State of Kerala
5. How many Articles in the Limitation Act 1963?
(A) 128 (B) 137
(C) 32 (D) 126
6. The final decision to pay proper fee in the High Court shall be decided by the :
(A) Taxing Officer (B) Chief Justice
(C) Court Fee Examiners (D) Judge who decide the case
7. Court fee payable in a suit for factum of adoption before the District Court shall be :
(A) Rupees Fifty (B) Rupees One Hundred and Fifty
(C) Rupees Five Hundred only (D) Rupees One Thousand only

8. Which of the following Section deals with payment of court fee in connection with Administration of suits?
- (A) Section 27 (B) Section 29
(C) Section 35 (D) Section 39
9. If the document is falling within two descriptions and out of which one of the description is special and the other is general, then the court fee shall be :
- (A) Fee applicable to the general (B) Fee applicable to the special
(C) Fee for both special and general (D) Court shall fix the court fee
10. Which of the following section excludes the limitation period for suits against trustees?
- (A) Section 9 (B) Section 10
(C) Section 12 (D) Section 6
11. Exclusion of time in computing the period of limitation in a legal proceedings is :
- (A) Time required for obtaining a copy of the award
(B) Starts from the day from which such period is to be reckoned
(C) Time taken by the office in drawing up a decree after a litigant has applied for its certified copy would not be treated as part of the time taken for obtaining the certified copy
(D) All the above
12. In which of the following cases, the Court observed that, in a suit for compensation the cause of action lies not in a specific act or omission but in the resulting damages, time begins to run from the date when plaintiff sustained the loss :
- (A) G. Krishna Reddy v. Sajjappa
(B) J.K. Shrivastava v. Vikram Shrivastava
(C) Kothari and Sons v. V. Krishna Rao
(D) Lala Ram v. Hari Ram
13. An easement right must be exercised under Limitation Act within a period of :
- (A) Two years (B) Three years
(C) 12 years (D) 20 years
14. In which of the following sections it says that, if a question of limitation arises, the instrument must be deemed to be made with reference to the Gregorian calendar :
- (A) Section 22 (B) Section 23
(C) Section 24 (D) Section 25

15. In the case of continuous breach of contract, the period of limitation starts at :
- (A) Violation of first contract (B) Violation of each contract
(C) Violation of the last contract (D) All the above
16. Provisions of Kerala Court Fees and Suit Valuation Act are applicable to :
- (A) Civil Courts (B) High Court
(C) Land Tribunal (D) All the above
17. In which of the following cases, the court held that, the court has power to extend the time for payment of 9/10th court fee beyond the period prescribed under the Act :
- (A) Shajahan v. Kamala Narayanan
(B) Sree Kumaran v. State of Kerala
(C) Ayyappan Manuvel v. Annai Joice
(D) Appikunju Meerasayu v. Meeran Pillai
18. Part VII of First division of the schedule of Limitation Act deals with :
- (A) Movable Property (B) Tort
(C) Trusts (D) Immovable property
19. Limitation Act is not applicable to :
- (A) Application under Religious Endowments Act
(B) Application under Section 151 of CPC
(C) Application for letters of administration
(D) All the above
20. Court fee payable in a suit for relief under Section 14 of The Religious Endowments Act is :
- (A) Rupees Ten (B) Rupees One hundred
(C) Rupees Five hundred (D) Rupees Fifty
21. In a suit for dissolution of partnership, can the Court abstains from passing of final decree if the party had not paid court fee fully :
- (A) Court can abstain from passing final decree
(B) Court shall pass final decree with condition to pay entire court fee
(C) Court fee shall be paid before issuing the copy of the judgement
(D) Court can recover the court fee from the assets of the plaintiff

22. What is the penalty against persons who sell stamps without authority?
- (A) Fine up to Rupees Five hundred (B) Fine up to Rupees Five Thousand
(C) Fine up to Rupees One Thousand (D) Fine up to Rupees Two thousand
23. Which of the following circumstance, the applicant can claim refund of Court fee?
- (A) Remanded by the appeal court for fresh hearing by the lower court
(B) Plaint rejected by the lower court
(C) Review of judgement on error apparent on face of the record
(D) All the above
24. What is the fee for attestation of private documents intended to be used outside India?
- (A) Rupees One hundred (B) Rupees Two hundred
(C) Rupees Ten (D) Rupees Fifty
25. Where the relief prayed for in the appeal is different from the relief claimed in the plaint, the court fee shall be paid for :
- (A) Relief claimed in the plaint and appeal
(B) Relief claimed in the appeal
(C) Relief claimed in the plaint
(D) Appeal court shall decide on court fee
26. Which of the following case the Supreme Court held that, “Rules of procedure, whatever they may be are to be applied only to matters to which they are made applicable by the legislature expressly or by necessary implication. They cannot be extended by analogy or reference to proceedings to which they do not expressly apply any of the provisions of the Limitation Act to matters which do not strictly fall within the purview of those provisions”?
- (A) A.S. Krishnappa Chettiar v. K.S.V.V Somiah
(B) Avinash Chander v. Hazura Singh
(C) Ayasami v. Samya
(D) Kerala State Electricity Board v. A.L Jacob & Sons
27. Exemption under Section 74 of Kerala Court Fee and Suit valuation Act is applicable to :
- (A) Lower courts only
(B) Appeal courts only
(C) Both Lower courts and appeal courts
(D) All judicial authorities

28. Which of the following is defined as 'Bond'?
- (A) Agreement to deliver grain (B) Agreement to repay loan
(C) Agreement to sell property (D) All the above
29. If the written instrument is stamped in an improper manner, the document shall be considered as :
- (A) Valid document (B) Invalid document
(C) Voidable document (D) Un stamped document
30. A sells a property to B for Rs. 500 which is subject to a mortgage to C for Rs. 1,000 and an unpaid interest Rs. 200. Stamp duty has to be paid for :
- (A) Rupees 500 (B) Rupees 1,000
(C) Rupees 1,500 (D) Rupees 1,700
31. Any person aggrieved by the fixation of fair value published by the Revenue Divisional Officer shall apply within :
- (A) 30 days (B) 60 days
(C) 90 days (D) One year
32. Stamp duty deducted shall be remitted to the government before :
- (A) The 30th day of the succeeding month (B) The 7th day of the succeeding month
(C) The 15th day of the succeeding month (D) The 5th day of the succeeding month
33. In which of the following cases, the court proposed test to determine cancellation of adhesive stamp :
- (A) Unnikrishnan C.E, Advocate v. State of Kerala
(B) South Indian Bank Ltd v. Venkataraman Chettiar
(C) Board of Revenue v. Managing Director, Santhi Plantations Pvt. Ltd
(D) Lona v. Dada Haji Ibrahim Hilari and Company
34. Whether the future prospects of a land can be taken as a criterion to fix higher stamp duty :
- (A) Relevant criterion (B) Not a relevant criterion
(C) Collector shall decide (D) Government shall decide

35. Which of the following sections is applicable to admission of improperty stamped instruments?
- (A) Section 34 (B) Section 35
(C) Section 36 (D) Section 37
36. The Limitation Act is considered as :
- (A) Substantive Law
(B) An adjective Law
(C) Adjective as well as substantive in nature
(D) All the above
37. Maximum Stamp Duty payable in Equitable mortgage :
- (A) Rupees Ten Thousand (B) Rupees One Thousand
(C) Rupees Five thousand (D) 2% of the value
38. In the case of a stamp paper on which no instrument has been executed by any of the parties thereto, the application for relief shall be submitted :
- (A) Within six months (B) Within two months
(C) Within one month (D) Within 3 months
39. What are the duties of the ministerial staff under the Act?
- (A) Maintenance of records
(B) Collection of all fees
(C) Duties imposed by the Presiding Officer of the Court
(D) All the above
40. Judge who had interest in litigation shall :
- (A) Transfer the case to the competent court
(B) Transfer the case to the Superior Court
(C) Refer the matter to the High Court
(D) Not act as a party to the dispute

41. Local limits of the jurisdiction of any Munsiff's Court shall be fixed by :
- (A) High Court (B) State Government
(C) Government and High Court (D) Legislative department
42. Objectives of the Kerala Civil Courts Act is :
- (A) Consolidate and amend law relating to all courts in the State of Kerala
(B) Consolidate and amend law relating to civil courts in the State of Kerala
(C) Consolidate and amend law relating to all subordinate courts in the State of Kerala
(D) Consolidate and amend law relating to civil suits in the State of Kerala
43. Temporary discharge of duties of District Judge is explained in :
- (A) Section 11(1) (B) Section 13
(C) Section 11(2) (D) Section 16
44. Court fee payable in a suit for sums payable periodically is governed by the provisions of :
- (A) Suits for Accounts (B) Suits for money
(C) Suits for relief of several grants (D) Suits not otherwise provided for
45. Which of the following case the court observed that, Kerala Court Fees and Suits valuation Act does not allow a person to set off court fee against any liability due from the Government?
- (A) Nadesan V. Dinesan
(B) State of Kerala v. Umesh Rao
(C) Mercy Rose v. State of Kerala
(D) Manmathankutty v. State of Kerala
46. The limitation period under the Act can be extended :
- (A) Applicant was misled by any order of the High Court
(B) In all suits
(C) Discretion of the Court
(D) All the above

47. Which of the following statement is not applicable under Section 19 of the Limitation Act?
- (A) Debt does not include money payable under a decree
 - (B) Receipt of rent or produce in a usufructuary mortgage
 - (C) The burden to prove acknowledgment in on the plaintiff
 - (D) None of the above
48. The effect of acknowledgment in writing under the Limitation Act is not applicable to :
- (A) Acknowledgment in respect of liability property
 - (B) After the expiry of the period of limitation
 - (C) Mortgage to get an extended period to suit for foreclosure
 - (D) All the above
49. Which of the following statement is correct if document is improperly stamped?
- (A) Does not create bar against the instrument
 - (B) Any instrument so stamped subsequently, it shall be deemed to have been stamped from the date of payment of stamp duty
 - (C) Admissibility of the document can be challenged at any stage of the trial
 - (D) All the above
50. Provisions of Court Fees Act have to be interpreted in favour of :
- (A) Government
 - (B) Litigant
 - (C) Respondent
 - (D) Welfare of the public
51. Court Fee for possession of Immovable property under section 9 of specific Relief Act shall be:
- (A) Market value of the property
 - (B) 1/3rd of the Market Value of the property
 - (C) 1/10th of the Market value of the property
 - (D) 1% of the Market value of the property
52. Provision for suits for compensation for acts not actionable without special damage is applicable to :
- (A) All suits
 - (B) No need of specific injury
 - (C) Act which does not give rise to cause of action
 - (D) All the above

53. What are the circumstances in which the period of limitation is different from the schedule of the Act?
- (A) Section 25 (B) Section 27
(C) Section 29 (D) Section 21
54. The limitation period for suit to enforce payment of money secured by a mortgage is :
- (A) Three years (B) Twelve years
(C) Thirty years (D) None of the above
55. Territorial jurisdiction of a Subordinate Judge's Court shall be fixed by :
- (A) The Government of Kerala
(B) High Court of Kerala
(C) Government of Kerala in consultation with the High Court
(D) District Judge in consultation with the High Court of Kerala
56. Who has power to correct the erroneous order of the Collector under Stamp Act?
- (A) Chief Controlling Revenue Authority
(B) Chief Secretary to the Government
(C) Land Tribunal
(D) Collector who committed erroneous order
57. Time requisite for obtaining a copy of the award shall be construed :
- (A) Strictly (B) Liberally
(C) Discretion of the authority (D) Equitable manner
58. In order to say that a suit may not be barred by any length of time, it is necessary that :
- (A) There must be a trust for a specific purpose
(B) The property must have vested in a person
(C) The suit must be to follow property in the family
(D) All the above
59. What is the pre-requisite condition for granting benefit under Section 13 of the limitation Act?
- (A) Guilty of negligence (B) Bona fide
(C) Good faith (D) All the above

60. Which of the following section says the period of limitation shall not run against the plaintiff or the applicant until such fraud or mistake is discovered or it could have been discovered with reasonable diligence?
- (A) Section 14 (B) Section 18
(C) Section 23 (D) Section 17
61. Market value of agricultural land in a suit for interpleader suit is :
- (A) Rupees One thousand
(B) Ten times of the annual gross profit of the land
(C) Value of the property fetches on the date of institution of the suit
(D) All the above
62. Which of the following circumstance, the plea of Limitation cannot be raised?
- (A) Hearing of suits before framing of issues
(B) In second appeal
(C) In an appeal
(D) None of the above
63. Adhesive stamp affixed on any instrument shall be cancelled, so that it cannot be used again:
- (A) Section 6 (B) Section 8
(C) Section 9 (D) Section 12
64. Kerala Civil Courts Act, divide the state into :
- (A) Civil districts (B) Revenue districts
(C) Taluks (D) All the above
65. Court fee payable in a suit between two defendants who fight for a claim over a particular good is governed by :
- (A) Section 49 (B) Section 50
(C) Section 51 (D) Section 53

66. Which of the following case the court observed that, financial difficulty is not a reason for seeking exemption from payment of additional court fee to entertain a statutory appeal?
- (A) Ismail v. State of Kerala
 - (B) Chackolas spinning and Weaving Mills Ltd v. State of Kerala
 - (C) Jacob C.K v. State of Kerala
 - (D) Gopalan Nair V. Krishnan Nair
67. The limitation period for suits for the seaman's wages is :
- (A) Three years from the beginning of the voyage
 - (B) Three years from the date of default
 - (C) Three years from the end of the voyage
 - (D) Three years from the knowledge of default
68. The provision for refund of excess court fee paid is applicable to :
- (A) Suits
 - (B) All petitions
 - (C) Writs
 - (D) All the above
69. Maximum penalty for not duly stamped instrument is :
- (A) Same as the proper stamp duty
 - (B) Two times of the proper stamp duty
 - (C) Five times of the actual stamp duty
 - (D) Ten times of the actual stamp duty
70. Offences under Kerala Stamp Act shall try in the court of :
- (A) Asst. Sessions Court
 - (B) Chief Judicial Magistrate Court
 - (C) Judicial First Class Magistrate Court
 - (D) Special courts entrusted by the Government
71. Delay in filing petition can be condoned :
- (A) Plaintiff's counsel going abroad
 - (B) Delay in filing appeal by government due to gross negligence of the agent of government
 - (C) Due to medical treatment of the petitioner
 - (D) All the above

72. Any claim by way of a counter-claim shall be treated as a separate suit and shall be deemed to have been instituted on the date on which the counter-claim is made in the court :
- (A) Section 4 (B) Section 5
(C) Section 3 (D) Section 9
73. Applicant under limitation Act includes :
- (A) Administrator of the property
(B) A petitioner
(C) Person who represents the property of another
(D) All the above
74. What is the limitation period for filing a Revision petition under the Limitation Act?
- (A) 120 days (B) 60 days
(C) 90 days (D) None of the above
75. Section 5 of Limitation Act is applicable to :
- (A) Suits (B) Appeals
(C) Execution of Decrees (D) All the above
76. Where the disability continues up to the death of a person, his legal representative may institute the suit or make the application within the same period after the death :
- (A) Section 4 (B) Section 5
(C) Section 6 (D) Section 7
77. “Vigilantibus non dormientibus jura subveniunt” means :
- (A) The law does not compel a man to do what he cannot possibly perform
(B) An act of court shall not prejudice anyone
(C) Interest of state requires a period be put to the litigation
(D) Law will not help those who sleep over their rights
78. The purpose of Limitation Act is based on the presumption that :
- (A) A right exercised for a long time is in existence
(B) The law assist the person who is aware about their right
(C) Bars the remedy and not the right
(D) All the above

79. Which of the following is an exception to Section 9 of Limitation Act?
- (A) Exclusion of time of proceeding *bona fide* in court without jurisdiction
 - (B) Exclusion of time in cases where leave to sue or appeal as a pauper is applied for
 - (C) In computing the period of limitation, the time during which the defendant has been absent from India is excluded
 - (D) All the above
80. While computing the period of limitation for an application to set aside an award, the time requisite for obtaining a copy of the award shall be excluded :
- (A) Section 14
 - (B) Section 10
 - (C) Section 12
 - (D) Section 9
81. Effect of limitation period on death of a person on or before the accrual of the right to sue is :
- (A) Period of limitation shall be computed from the time when there is a legal representative of the deceased capable of instituting a suit
 - (B) Period of limitation shall be computed from the time when a suit is instituted against the legal representative
 - (C) Period of limitation will not run where there is no person competent to sue or being sued
 - (D) All the above. Section 16
82. First legislation on the subject of Limitation was came into operation in the year :
- (A) 1859
 - (B) 1862
 - (C) 1908
 - (D) 1963
83. The Limitation period has to be interpreted with reference to :
- (A) Gregorian Calendar
 - (B) The Hebrew Calendar
 - (C) Revised Julian Calendar
 - (D) The Christian calendar
84. The maximum period of limitation provided under the Limitation Act :
- (A) 30 years
 - (B) 60 years
 - (C) 20 years
 - (D) 12 years

85. "Principles underlying the provisions of the Limitation Act are based on public policy aiming at justice, the principles of repose and peace and that long dormant claim have often caused more of cruelty than of justice in them", the above said observation was made in :
- (A) State of Rajasthan v. Rikhab chand
 - (B) A'Court v. Cross
 - (C) MP Raghavan Nair v. State Insurance Officer
 - (D) Richard Jaison v. Padmanabhan Nadar
86. When a new plaintiff or defendant is substituted or added, under the Limitation Act, the suit shall, as regards him :
- (A) Instituted from the date of adding him as party
 - (B) Court shall be deemed to have been instituted on any earlier date
 - (C) The court shall pass separate order regarding the newly added plaintiff or defendant
 - (D) All the above
87. Suits for possession of trust property, where the trust property does not have a market value, court fee for the purpose of jurisdiction of the court shall be :
- (A) Rupees One Thousand
 - (B) Amount as stated in the plaint
 - (C) Rupees Five thousand
 - (D) Rupees Two hundred
88. Limitation period to recover surplus collections received by the mortgagee after the mortgage has been satisfied :
- (A) Thirty years
 - (B) Twelve years
 - (C) Three years
 - (D) When the money sued for becomes due
89. The principle of limitation is based on :
- (A) *Interest republicae ut sit finis litium*
 - (B) *Divide et impera*
 - (C) *Adjournment sine die*
 - (D) *Casus fortuitous*

90. An order made on an application filed beyond the time prescribed for filing the same is :
- (A) A Decree (B) Order passed without jurisdiction
(C) An illegal order (D) All the above
91. Where the writing containing the acknowledgment is undated, oral evidence may be given of the time when it was signed?
- (A) Section 14 of the Limitation Act (B) Section 18 of the Limitation Act
(C) Section 20 of the Limitation Act (D) Section 16 of the Limitation Act
92. Which of the following is applicable to payment of balance Court Fee by the party?
- (A) Within 15 days from the date of framing of issues
(B) Within 30 days from the date of framing of issues
(C) Within 60 days from the date of framing of issues
(D) Within 45 days from the date of framing of issues
93. What is the meaning of *Lex non Cogit ad impossibilia*?
- (A) When law creates a limitation and the party is disabled to conform with his own default the law will not excuse
(B) When law creates a limitation and the party is disabled to conform without any default, the law will excuse him
(C) When a limitation is imposed and the party is disabled to conform without any default in him, the law will interpret strictly
(D) Law says, remedy in time bared suit is impossible
94. Which of the following section prescribes that the Collector shall make the repayment of the sum actually paid by the vendor for the stamps not required for use :
- (A) Section 48 (B) Section 51
(C) Section 47 (D) Section 52
95. What is the Stamp duty for unvalued agreement?
- (A) Nil (B) Rupees Five hundred
(C) Rupees Two hundred (D) Rupees One hundred

96. Which of the following statement is true to Section 8 of the Limitation Act?
- (A) At the time for which the period is to be reckoned, disability should not exist
 - (B) An exception to Section 6 and Section 7
 - (C) The applicant entitled to sue or apply should not be under disability
 - (D) All the above
97. Purpose of the Limitation Act :
- (A) Initiate litigations as early as possible
 - (B) Law should assist persons to aware about their rights
 - (C) Public policy fixing the life span of legal remedy
 - (D) All the above
98. Section 45 B of Kerala Stamp Act deals with :
- (A) The registering authority while registering an instrument can verify whether the consideration set forth in the instrument is below the fair value of the land or not
 - (B) Actual consideration passed is much higher than the fair value of the land
 - (C) Non-liability for loss of instruments send to the Collector
 - (D) Power of the authority to refund penalty
99. Plea of limitation can be raised in :
- (A) Appeal
 - (B) Second appeal
 - (C) Before framing issues
 - (D) All the above
100. In which of the following cases, the court observed that, the word government used in 73 A of Kerala Court Fees and Suits Valuation Act means Government of Kerala and not the Central Government :
- (A) Project Officer v. Smitha
 - (B) Chief Project Manager v. Aji Kurian
 - (C) Kerala water authority v. Valsan
 - (D) Palakkad Municipality v. N. Abdul Muthalif
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SPACE FOR ROUGH WORK

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