

SAMPLE MCQ'S QUESTIONBANK ON CODE OF CIVIL PROCEDURE

1. Which of the following deals with the time for inspection when notice given in the Code of Civil Procedure?
 - A. Order 16, Rule 12
 - B. Order 4, Rule 13
 - C. Order 6, Rule 10
 - D. Order 11, Rule 17
2. Which of the following deals with the statement and production of evidence in the Code of Civil Procedure?
 - A. Order 12, Rule 5
 - B. Order 14, Rule 20
 - C. Order 18, Rule 2
 - D. Order 11, Rule 7
3. Which of the following deals with the right to challenge non-appealable orders in appeal against decrees in the Code of Civil Procedure?
 - A. Order 43, Rule 1A
 - B. Order 31, Rule 9
 - C. Order 22, Rule 18
 - D. Order 9, Rule 10
4. In order for that a decision in a former suit may operate as res judicata, the court which may decide that suit must have been?
 - I. A civil court of competent jurisdiction
 - II. A court of exclusive jurisdiction
 - III. A court of concurrent jurisdiction 'competent to try the subsequent suit'
 - IV A court of limited jurisdiction competent to try the issue raised in the subsequent suit
 - A. Either I or III
 - B. Either II or III
 - C. Either III or IV

D. All of these

5. In transaction for transfer or delivery of the property attached, where the contract is executed and registered before attachment, the mischief of sub-s (1) shall not apply. However in which of the following situation it applies?

A. Where the property is transferred and registered after attachment

B. Where the property is transferred before attachment but registration takes place after the attachment

C. Both (A) and (B)

D. None of these

6. The court to amend a decree is the court that passed it. Where an appeal is preferred from a decree of a court of first instance the Appellate Court may:

A. Dismiss the appeal under O. 41, r 11(1), without issuing any notice to the respondents

B. Confirm, reverse or vary the decree of the court of first instance (O. 41, r 32)

C. Either (A) or (B)

D. None of these

7. Which of the following tests are to be applied in cases where the plea of bar of the suit under O. 2, r 2 is raised?

A. Whether the cause of action in the previous suit and that in the subsequent suit are identical

B. Whether the relief claimed in the subsequent suit could have been given in the previous suit on the basis of the pleadings filed in that suit

C. Whether the plaintiff omitted to sue for a particular relief on the cause of action which had been disclosed in the previous suit

D. All of these

8. An order under O. 33, r 11 directing the pauper plaintiff to pay the Court-fees can only be made in which of the following cases?

I. Where the plaintiff fails in the suit

II. Where the plaintiff is dispaupered under r 9

III. Where the suit is withdrawn

IV. Where the suit is dismissed under the circumstances specified in cl. (a) or cl. (b)

A. I, III, IV

B. II, IV

C. III, IV

D. All of these

9. The words 'it appears to the Central Government' which is the consenting authority, makes it clear that:

A. The decision granting the consent is open to question by the court

B. The decision granting the consent is final

C. Either (A) or (B)

D. None of these

10. The word 'resides' used in s. 19 of the Code of Civil Procedure means:

A. Natural persons

B. Companies

C. Tort

D. None of these

11. A sues B for a declaration of title to land and obtains a decree. A then sues C for possession. C contends that B is owner and that he is in possession as B's tenant.

A. The defence is not barred

B. The defence is barred

C. Either (A) or (B)

D. None of these

12. A decree in a suit against certain members of a sect alleged to be wrongdoers in their individual capacity cannot operate as res judicata in a subsequent suit against the other members of the sect. The wrong complained of in the former suit was that the defendants carried an idol in procession through certain streets and that such processions were in violation of plaintiff's rights.

A. The suit was against the defendants in their individual capacity, and not as representing the sect to which they belonged

B. The suit was not as representing the sect to which the defendants belonged

C. Both (A) and (B)

D. None of these

13. A sues B to recover one of two properties left by C, on the ground that he and not B is his heir. Thereafter, he applies to amend his plaint for including the second property left out in the plaint as originally filed. B opposes the application for amendment which is disallowed by the court. A suit by A against B to recover the second property as heir of C would be barred under rule 2:

A. On the ground that A is to be taken to have omitted to sue for it in the first suit

B. He made an attempt to include it in that suit which was foiled by the opposition of B

C. Both (A) and (B)

D. None of these

14. Where certain properties have been ordered to be partitioned by a decree in an earlier suit, but possession has not yet been delivered and it is not argued that the earlier decree had become unenforceable:

A. A fresh suit can be brought for partition of those properties on the ground that the earlier decree has not been enforced

B. A fresh suit cannot be brought for partition of those properties on the ground that the earlier decree has not been enforced

C. Either (A) or (B)

D. None of these

15. X sues A and B on a promissory note executed by A, B is A's nephew, and he is joined as a defendant on the ground that A and B are members of a joint Hindu family, and that the note was for a debt binding on the family. None of the defendant appears at the hearing and an ex parte decree is passed against both the defendants.

The decree against A proceeds on the ground that the note was passed by him and against B on the ground that the debt was incurred for a family purpose. B applies for an order to set aside the decree, alleging that the summons was not served upon him and that the debt in respect of which the note was passed by A was not incurred for a family purpose. It is not disputed that the amount was actually advanced to A.

- A. The decree against A must be set aside
- B. The decree against B must be set aside
- C. Both (A) and (B)
- D. None of these

16. A sues B for recovery of possession of certain immovable property. The defence is that B is the full owner of the property. Pending the suit, B is adjudged insolvent and his estate vests in the official assignee. Because the order of adjudication operates:

- A. As a statutory transfer of the interest of the insolvent in the subject-matter of the suit to the official assignee
- B. As a non-statutory transfer of the interest of the insolvent in the subject-matter of the suit to the official assignee
- C. Either (A) or (B)
- D. None of these

17. Bar to further suit is dealt under which of the following in the Code of Civil Procedure?

- A. Section 11
- B. Section 16
- C. Section 13
- D. Section 12

18. Which of the following deals with the transfer of decree in the Code of Civil Procedure?

- A. Section 41
- B. Section 36

C. Section 39

D. Section 52

19. Which of the following has been repealed by s. 7 of the Code of Civil Procedure (Amendment) Act 66 of 1956 in the Code of Civil Procedure?

I. Section 68

II. Section 69

III. Section 70

IV. Section 71

V. Section 72

A. I, III, IV

B. II, III, V

C. III, IV, V

D. All of them

20. No order under section 47 to be refused or modified unless decision of the case is prejudicially affected under which of the following in the Code of Civil Procedure?

A. Section 90A

B. Section 95A

C. Section 99A

D. Section 101B

21. Which of the following deals with matters for which rules may provide in the Code of Civil Procedure?

A. Section 122

B. Section 103

C. Section 128

D. Section 129

22. Which of the following sections of the Code of Civil Procedure has been repealed by the Repealing and Amending Act, 1952 (48 of 1952)?

A. Section 145

B. Section 154

C. Section 148

D. Section 153

23. Which of the following deals with the copy of plaint annexed to summons in the Code of Civil Procedure?

A. Order 5, Rule 2

B. Order 2, Rule 2

C. Order 6, Rule 10

D. Order 4, Rule 8

24. Which of the following deals with where the subject- matter of the suit is immovable property in the Code of Civil Procedure?

A. Order 5, Rule 30

B. Order 9, Rule 12

C. Order 7, Rule 3

D. Order 10, Rule 22

25. Which of the following deals with the procedure when party fails to present written statement called for by Court in the Code of Civil Procedure?

A. Order 5, Rule 30

B. Order 8, Rule 10

C. Order 6, Rule 10

D. Order 10, Rule 22

26. Which of the following deals with the order for inspection in the Code of Civil Procedure?

A. Order 11, Rule 18

B. Order 4, Rule 13

C. Order 6, Rule 10

D. Order 13, Rule 22

27. Which of the following deals with power to order any point to be proved by affidavit in the Code of Civil Procedure?

A. Order 12, Rule 5

B. Order 14, Rule 20

C. Order 19, Rule 1

D. Order 11, Rule 7

28. Which of the following deals with the inquiry as to whether applicant is an indigent person in the Code of Civil Procedure?

A. Order 44, Rule 3

B. Order 31, Rule 9

C. Order 22, Rule 18

D. Order 9, Rule 10

29. Which of the following are the principal rules as to concurrent jurisdiction?

I. Concurrent as to pecuniary limit and the subject matter

II. Competency of the former court to be determined as on the date of the 'former suit' and not as on the date of the 'subsequent suit'

III. Competency of the trial court determination

IV. Competence of court when there is a court with preferential jurisdiction

V. Both the suits are in revenue court, but appeals lie to different authorities

A. I, III

B. II, IV, V

C. I, IV, V

D. All of these

30. In which of the following ways section 73 differs from the corresponding section 295 of the Code of Civil Procedure, 1882?

I. The words, 'where assets are held by a court,' have been substituted for words, 'whenever assets are realised by sale or otherwise in execution of a decree.'

II. The words, 'before the receipt of such assets,' have been substituted for the words, 'prior to the realisation'

III. The words, 'by which such assets are held' are omitted after the words 'made application to the court'

IV. The word, 'passed' has been added after the word, 'money'

V. The words, 'interest in,' in cl. (b) have been substituted for the words, 'right against' to bring the wording of that clause into line with the Transfer of Property Act, 1882. This is a mere verbal alteration

A. I, III

B. II, IV

C. IV, V

D. All of these

31. If a right or a liability is created by a statute, which of the following situations may arise?

A. The statute may create a specific forum for its enforcement

B. If no machinery is provided for enforcement, civil courts can entertain the suits besides the suit of which cognizance is expressly barred

C. Both (A) and (B)

D. None of these

32. Order 5, r 26 provides for summons to be served:

A. By sending it to the political agent appointed by the Central Government in exercise of its foreign jurisdiction

B. Through a court established or continued with power to serve a summon issued under the code

C. Through a court declared by the notification issued by the Central Government, situated in such foreign territory to be one service by which would be deemed to be valid, where there is no such court

D. All of these

33. Which of the following are the essential requirements of a debt?

A. An ascertainable or readily calculable amount

B. An absolute unqualified and present liability in regard to that amount with the obligation to pay forthwith or in future within time

C. That the obligation must have accrued and must be subsisting and should not be that which are accruing

D. All of these

34. The words 'any court exercising original jurisdiction' under s. 96 of the Code of Civil Procedure has to be read to mean that:

- A. If the original jurisdiction has been exercised by any court, the decree passed shall be deemed to be a decree by against the court exercising original jurisdiction
- B. If the original jurisdiction has been exercised by any court, the decree passed shall be deemed to be void by a court exercising original jurisdiction
- C. If the original jurisdiction has been exercised by any court, the decree passed shall be deemed to be a decree by a court exercising original jurisdiction
- D. None of these

35. The word 'prescribed' used in s. 107 of the Code of Civil Procedure means:

- A. The rules contained First Schedule
- B. The rules under s. 122 and s. 125 of the Code of Civil Procedure
- C. Both (A) and (B)
- D. None of these

36. Nine Akali Sikhs sue for the removal of the mahant of a religious institution. The suit is dismissed on the ground that the institution is a Hindu Dera and not a Sikh Gurudwara. Subsequently, and after the passing of the Sikh Gurudwara Act, 1925, 64 Sikh sue for a declaration that the institution is Sikh Gurudwara.

- A. The suit is barred by res judicata as in the former suit, the plaintiffs were a sect of religious reformers and were not litigating on behalf of the general body of Sikhs
- B. The suit is not barred by res judicata as in the former suit, the plaintiffs were a sect of religious reformers and were litigating on behalf of the general body of Sikhs
- C. The suit is not barred by res judicata as in the former suit, the plaintiffs were a sect of religious reformers and were not litigating on behalf of the general body of Sikhs
- D. None of these

37. A, alleging that he is the proprietor of a village, sues B, C and D for ejectment. The defence is that A is not the proprietor and that part of the village belongs to B,

C and D, and the rest to X, Y and Z. The court finds that A is not the proprietor, and A's suit is dismissed. A then sues, X, Y and Z and also B, C and D for declaration that he is the proprietor of the village and for possession.

A. The question of A's title to the village is res judicata so as to bar the suit against B, C and D, who were parties to the former suit, but it is not res judicata so as to bar the suit against X, Y and Z who were not parties to the former suit

B. It cannot be said that B, C and D litigated in the former suit in respect of a private right claimed in common for them and X, Y and Z. They set up only their own right to a part of the property and as to the rest they alleged that it belonged to X, Y and Z

C. Both (A) and (B)

D. None of these

38. Where a promissory note is payable by installments, and two or more installments have become due, and the holder of the note sues only for one of the installments and omits to sue for the other installments

A. He can afterwards sue for these installments

B. He cannot afterwards sue for these installments

C. Either (A) or (B)

D. None of these

39. The assignee of the holder of a life estate sued for declaration of title and injunction, immediately after the death of the life estate-holder. The suit for declaration of title was decreed, but the suit for injunction was dismissed after holding that the possession was with the defendants only. Subsequently, the assignee of the life estate filed a suit for possession on the strength of the title. The bar of O. 2, r 2 was raised by the defendant.

A. The bar under O. 2, r 2 is not applicable to the subsequent suit

B. In the first suit the plaintiffs could not claim the recovery of possession as they had sought only an injunction, claiming themselves to be in possession

C. Both (A) and (B)

D. None of these

40. A sued to recover a house from B and certain lands from C. The suit was decreed ex parte against both defendants. B applied to set aside the ex parte decree and having settled the dispute with A applied to withdraw his petition. C then applied to be transposed as petitioner.

- A. C should have filed his own petition to set aside the ex parte decree
- B. C is needed to file his own petition to set aside the ex parte decree
- C. Claims against the two defendants are distinct
- D. Both (A) and (C)

41. A, B, C, D and E are jointly and severally liable for Rs. 1,000 under a decree obtained by F. A obtains a decree for Rs. 100 against F singly and applies for execution to the Court in which the joint decree is being executed.

- A. F may treat his joint-decree as a cross-decree O. 21 r. 18
- B. F cannot treat his joint-decree as a cross-decree O. 21 r. 18
- C. Either (A) or (B)
- D. None of these

42. In a case, A applies for leave to sue as a pauper. On the day fixed for the hearing of the application. A, alleging that he has succeeded in negotiating a loan for the payment of the Court-fees, pays the necessary Court-fees.

- A. The application is thereupon numbered and registered as a plaint.
- B. The application for leave to sue as a pauper having been made in good faith, and not on the day on which the Court-fees were paid
- C. Both (A) and (B)
- D. None of these

43. Which of the following deals with the power of Supreme Court to transfer suits, etc. in the Code of Civil Procedure?

- A. Section 18
- B. Section 20
- C. Section 25
- D. Section 28

44. Which of the deals with enforcement of decree against legal representative in the Code of Civil Procedure?

- A. Section 46
- B. Section 52
- C. Section 45
- D. Section 49

45. Which of the following deals with suits against foreign Rulers, Ambassadors and Envoys in the Code of Civil Procedure?

- A. Section 90
- B. Section 86
- C. Section 92
- D. Section 82

46. Which of the following deals with appeals to Federal Court in the Code of Civil Procedure?

- A. Section 116
- B. Section 111A
- C. Section 108
- D. Section 100

47. Miscellaneous proceedings are dealt under which of the following in the Code of Civil Procedure?

- A. Section 140
- B. Section 103
- C. Section 132
- D. Section 141

48. Which of the following deals with conduct of suit in the Code of Civil Procedure?

- A. Order 1, Rule 11
- B. Order 12, Rule 2
- C. Order 3, Rule 6
- D. Order 14, Rule 8

49. Which of the following deals with simultaneous issue of summons for service by post in addition to personal service in the Code of Civil Procedure?

- A. Order 7, Rule 14
- B. Order 9, Rule 12
- C. Order 6, Rule 10
- D. Order 5, Rule 19A

50. Which of the following deals with the written Statement in the Code of Civil Procedure?

- A. Order 8, Rule 1
- B. Order 4, Rule 13
- C. Order 6, Rule 10
- D. Order 10, Rule 22

51. No decree to be set aside without notice to opposite party under which of the in the Code of Civil Procedure?

- A. Order 5, Rule 30
- B. Order 4, Rule 13
- C. Order 6, Rule 10
- D. Order 9, Rule 14

52. Original documents to be produced at or before the settlement of issues under which of the following in the Code of Civil Procedure?

- A. Order 13, Rule 1
- B. Order 4, Rule 13
- C. Order 6, Rule 10
- D. Order 9, Rule 22

53. Which of the following deals with officers, soldiers, sailors or airmen cannot obtain leave may authorize any person to sue or defend for them in the Code of Civil Procedure?

- A. Order 12, Rule 1
- B. Order 28, Rule 1
- C. Order 19, Rule 6

D. Order 17, Rule 10

54. Which of the following instances of order are decrees?

I. An order rejecting an application for leave to sue in forma pauperis for no suit has till then been filed

II. An order refusing leave to institute for accounts of religious endowment

III. An order under the Indian Trusts Act, 1882 dismissing an application for the removal of trustee

IV. An order on a settlement case under s. 104 (2) of the Bengal Tenancy Act 3 of 1898 as the proceeding is instituted not by a plaint but by an application

V. An order made on an application to the District Court under s. 84 (2) of the Madras Religious Endowments Act 2 of 1927

A. I, III

B. II, V

C. II, IV, V

D. All of these

55. Interest that may be awarded to a plaintiff in a suit for money according to the period for which it is allowed may be divided as:

A. Interest accrued to the institution of the suit on the principal sum adjudged (as distinguished from the principal sum claimed)

B. Additional interest on the principal sum adjudged, from the date of the suit to the date of decree, 'at such rate as the court deems reasonable'

C. Further interest on the principal sum adjudged from the date of the decree to the date of the payment or to such earlier date as the court thinks fit, at the rate not exceeding six percent per annum

D. All of these

56. Which of the following instances can be held to be final orders?

I. An order of a High Court dismissing an appeal for the appellant's failure to furnish order

II. An order that an appeal had abated

III. An order in a revision reversing the dismissal of a suit and restoring it to the file of the lower court when such an order had the effect of reinstating a primary decree

IV. An order refusing an application under s. 45 of the Specific Relief Act 1 of 1877

V. An order passed by a High Court in insolvency proceedings

A. II, III

B. I, IV

C. I, V, VI

D. All of these

57. Under s. 89 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 possible settlement and the same for:

I. Arbitration

II. Conciliation

III. Judicial settlement including settlement through Lok Adalat

IV. Mediation

A. I, III

B. II, III

C. III, IV

D. All of these

58. The object of discovery is:

A. To elicit admissions

B. To obviate the necessity to produce lengthy evidence

C. To expedite disposal

D. All of these

59. Decree-holder is:

A. Any person in whose favour a decree has been passed

B. An order capable of execution has been made

C. Either (A) or (B)

D. None of these

60. The words 'it appears to the Central Government' which is the consenting authority in s. 86 of the Code of Civil Procedure makes it clear that:

A. The decision granting the consent is open to question by the court

B. The decision granting the consent is final

C. Either (A) or (B)

D. None of these

61. A sues B for rent; B pleads abatement of rent on the ground that the area is less than that entered in the lease. The court finds that the area is greater than that shown in the lease.

A. The finding as to the excess area is not res judicata for it is only ancillary to the direct and substantial issue whether the area is equal to that shown in the lease; or less

B. The finding as to the excess area is res judicata for it is ancillary to the direct and substantial issue whether the area is equal to that shown in the lease; or less

C. The finding as to the excess area is not res judicata for it is ancillary to the direct and substantial issue whether the area is equal to that shown in the lease; or less

D. None of these

62. A agrees to sell his property to B for Rs. 2,000 to be paid to A on the execution of the conveyance. The purchase-money payable to A is not a 'debt' owing to him by B until the conveyance is executed.

A. It can be attached before the execution of the conveyance in execution of a decree against A

B. It cannot be attached before the execution of the conveyance in execution of a decree against A

C. Either (A) or (B)

D. None of these

63. The defendant, the editor and proprietor of a newspaper, published articles which referred to the 'Calcutta Police', without naming individuals. The plaintiffs,

six of the members of the Calcutta Police force, jointly sued the editor for damages, alleging that the articles were directed against them, and that they constituted a libel. Here a libel was in the same words, and in the same documents, but of different persons.

- A. The plaintiffs could not all be joined in one suit
- B. There cannot in such cases be said to be one or the same cause of action
- C. Both (A) and (B)
- D. None of these

64. A sues B for specific performance of an agreement for the sale to him of B's land, and obtains a decree. In execution of the decree, A is put in possession of a portion only of the land, as it is found that the rest of the land did not belong to B, but to B's son.

- A. A subsequent suit by A against B for recovery of a portion of the price to the extent of the son's share is not barred under rule 2, the cause of action being the same
- B. A subsequent suit by A against B for recovery of a portion of the price to the extent of the son's share is not barred under rule 2, the cause of action being entirely distinct
- C. Either (A) or (B)
- D. None of these

65. A, a Hindu, claiming as the heir of his uncle, sues the executors of his uncle's widow for property left by the widow, alleging that the same belonged to the estate of his uncle, and that the widow had no power to dispose it off by will. The court holds that the widow had power to do away the property under the will.

- A. A will not be allowed to amend the plaint by adding that even if the widow had the power to dispose of the property by her will
- B. A was entitled to the residue as his uncle's heir as the same was left to charitable objects of an unspecified and general character, and could not, therefore, be legally applied to charity
- C. Both (A) and (B)

D. None of these

66. A applies to be appointed guardian of the person of X, The application is opposed by B who claims that he has been appointed guardian by the will X's father. Meanwhile, B dies. B's representative is not entitled to continue the proceedings. A's claim based on a personal trust does not survive the claimant's representative. It is different, however, where the claim is not based on a personal trust.

A. The legal representative of the deceased is entitled to continue the proceeding

B. The legal representative of the deceased is entitled to contend that the applicant is not a proper person to be appointed guardian

C. Both (A) and (B)

D. None of these

67. On the last day of the period of limitation prescribed for the institution of a suit, A applies for leave to sue as a pauper. The application is heard a fortnight later. It transpires at the hearing of the application that A was possessed of sufficient means to enable him to pay the Court-fees. Before an order is made under this rule rejecting the application, A pays the necessary Court-fees, and the application is thereupon converted into a plaint.

A. The application not having been made in good faith, the suit will be deemed to have been instituted on the day on which the Court-fees were paid, and not on the day on which the application was filed

B. The Court-fees having been paid after the expiration of the period of limitation, the suit is time-barred

C. Both (A) and (B)

D. None of these

68. Which of the following deals with the institution of suits in the Code of Civil Procedure?

A. Section 18

B. Section 20

C. Section 22

D. Section 26

69. Which of the following deals with the liability of ancestral property in the Code of Civil Procedure?

A. Section 46

B. Section 50

C. Section 53

D. Section 49

70. Which of the following deals with style of foreign Rulers as parties to suits in the Code of Civil Procedure?

A. Section 90

B. Section 88

C. Section 87

D. Section 82

71. Plea of res-judicata:

(A) has to be specifically raised

(B) need not be specifically raised

(C) is for the court to see of its own

(D) neither (a) nor (b) but only (c).

72. Constructive res-judicata is contained in:

(A) explanation III to section 11

(B) explanation IV to section 11

(C) explanation VI to section 11

(D) explanation VII to section 11.

73. Principle of res-judicata applies:

(A) to suits only

(B) to execution proceedings

(C) to arbitration proceedings

(D) to suits as well as execution proceedings.

74. A decision on issue of law:

(A) shall always operate as res-judicata

- (B) shall never operate as res-judicata
- (C) may or may not operate as res-judicata
- (D) either (a) or (b).

75. A decision on an issue of law operates as res-judicata:

- (A) if the cause of action in the subsequent suit is the same as in the former suit, only when the decision on the point of law is correct
- (B) if the cause of action in the subsequent suit is the same as in the former suit, even though the decision on the point of law is erroneous
- (C) if the cause of action in the subsequent suit is different from that in the former suit, even though the decision on the point of law is correct
- (D) all the above.

76. A decision in a suit may operate as res-judicata against persons not expressly named as parties to the suit by virtue of explanation:

- (A) II to section 11 of CPC
- (B) IV to section 11 of CPC
- (C) VI to section 11 of CPC
- (D) VIII to section 11 of CPC.

77. Res-judicata does not operate:

- (A) between co-defendants
- (B) between co-plaintiffs
- (C) against a per-forma defendant
- (D) none of the above.

78. In which of the following cases res-judicata is not applicable:

- (A) consent/compromise decrees
- (B) dismissal in default
- (C) both (a) & (b)
- (D) neither (a) nor (b).

79. Principle of res-judicata is:

- (A) mandatory
- (B) directory

(C) discretionary

(D) all the above.

80. With respect to the principle of res-judicata which of the following is not correct:

(A) ex-parte decree will operate as res-judicata

(B) writ petition dismissed on merits operates as res-judicata

(C) writ petition dismissed in limine operates as res-judicata

(D) both (a) & (c).

81. In a suit, where the doctrine of res-judicata applies, the suit is liable to be:

(A) stayed

(B) dismissed

(C) may be stayed & may be dismissed

(D) both (a) & (c).

82. A decision or finding given by a court or a tribunal without jurisdiction:

(A) can operate as res-judicata under all circumstances

(B) cannot operate as res-judicata

(C) can operate as res-judicata under certain circumstances only

(D) may operate as res-judicata or may not operate as res-judicata.

83. On production of a certified copy of the foreign judgment, the presumption as to the competency of the court, under section 14 of CPC is a:

(A) presumption of fact

(B) presumption of fact & law both

(C) rebuttable presumption of law

(D) irrebuttable presumption of law.

84. Validity of a foreign judgment can be challenged under section 13 of CPC:

(A) in a civil court only

(B) in a criminal court only

(C) in both civil and criminal court

(D) neither in civil nor in criminal court.

85. Under section 13 of CPC, a foreign judgment can be challenged on the grounds of:

- (A) competency of the court pronouncing the judgment
- (B) being obtained by fraud
- (C) sustaining a claim founded on a breach of law in force in India
- (D) all the above.

86. How many grounds of attack the foreign judgment have been provided under section 13 of CPC:

- (A) seven
- (B) six
- (C) five
- (D) four.

87. On the ground of jurisdiction, under section 13 of CPC:

- (A) only a judgment in personam can be challenged
- (B) only a judgment in rem can be challenged
- (C) both judgment in personam and judgment in rem, can be challenged
- (D) neither a judgment in personam nor judgment in rem can be challenged.

88. A person who institutes a suit in foreign court and claims a decree in personam, after the judgment is pronounced against him:

- (A) can always challenge the judgment on the ground of competency
- (B) can never challenge the judgment on the ground of competency
- (C) can challenge the judgment on the ground of competency under certain circumstances
- (D) either (a) or (c).

89. Under section 15 of CPC, every suit shall be instituted in:

- (A) the district court
- (B) the court of the lowest grade
- (C) the court of higher grade
- (D) all the above.

90. Section 15 of CPC lays down:

- (A) a rule of procedure
- (B) a rule of jurisdiction
- (C) a rule of evidence
- (D) all the above.

91. Under section 16 of CPC, a suit relating to immoveable property can be filed in a court within whose local jurisdiction:

- (A) the property is situate
- (B) the defendant voluntarily resides or personally works for gain
- (C) the defendant voluntarily resides or carries on business
- (D) either (a) or (b) or (c).

92. Suit in respect of immoveable property, where the entire relief sought can be obtained through the personal obedience of the defendant, can be instituted in a court within whose local jurisdiction:

- (A) the property is situate
- (B) the defendant voluntarily resides or carries on business
- (C) the defendant voluntarily resides or personally works for gain
- (D) all the above.

93. Place of institution of suit in respect of immoveable property, situated within the jurisdiction of different courts, has been provided:

- (A) under section 17 of CPC
- (B) under section 18 of CPC
- (C) under section 19 of CPC
- (D) under section 20 of CPC.

94. Section 18 of CPC provides for:

- (A) place of institution of suit in respect of immoveable property where the property is situate in the jurisdiction of one court
- (B) place of institution of suit in respect of immoveable property where the property is situate in the jurisdiction of different court
- (C) place of institution of suit in respect of immoveable property where the local limits of jurisdiction of courts are uncertain

(D) all the above.

95. Place of suing in respect of suits for compensation for wrongs to persons or moveable property has been dealt with:

(A) under section 18 of CPC

(B) under section 19 of CPC

(C) under section 20 of CPC

(D) under section 21 of CPC.

96. A suit for compensation for wrong done to the person or to moveable property, where the wrong was done within the local jurisdiction of one court and the defendant resides within the local limits of another court:

(A) can be instituted in the court within whose local jurisdiction the wrong has been committed

(B) can be instituted in the court within whose local jurisdiction the defendant resides

(C) either (a) or (b) at the option of the plaintiff

(D) anywhere in India.

97. 'X' residing in Delhi, publishes statements defamatory to 'Y' in Calcutta. 'Y' can sue 'X' at:

(A) Delhi

(B) Calcutta

(C) anywhere in India

(D) either in Delhi or in Calcutta.

98. Suits under section 20 of CPC can be instituted where the cause of action arises:

(A) wholly

(B) partly

(C) either wholly or in part

(D) only (a) and not (b) or (c).

99. In cases where there are more than one defendant, a suit can be instituted in a court within whose local jurisdiction:

(A) each of the defendant at the time of commencement of the suit, actually & voluntarily resides or carries on business or personally works for gain

(B) any of the defendant, at the time of the commencement of the suit, actually & voluntarily resides, or carries on business, or personally works for gain and the defendant(s) not so residing etc. acquiesce

(C) both (a) & (b) are correct

(D) only (a) & not (b).

100. A suit for damages for breach of contract can be filed, at a place:

(A) where the contract was made

(B) where the contract was to be performed or breach occurred

(C) anywhere in India

(D) both (a) and (b).

101. A suit relating to partnership may be instituted at a place:

(A) where the partnership was constituted

(B) where the partnership business was carried on

(C) where partnership accounts are maintained

(D) all the above.

102. A suit relating to partnership dissolved in a foreign country can be filed at a place:

(A) in foreign country

(B) where the parties to the suit reside in India

(C) both (a) & (b)

(D) all over India.

103. Objection as to the place of suing:

(A) can only be taken before the court of first instance at the earliest possible opportunity

(B) can be taken before the appellate court for the first time

(C) can be taken before the court of revision for the first time

(D) all the above.

104. Section 21 of CPC cures:

- (A) want of subject-matter jurisdiction
- (B) want of pecuniary jurisdiction
- (C) want of territorial jurisdiction
- (D) both (b) and (c).

105. A suit to set aside a decree on the ground of lack of territorial jurisdiction is barred:

- (A) under section 21 of CPC
- (B) under section 21A of CPC
- (C) under section 22 of CPC
- (D) under section 23 of CPC.

106. Parties by their consent/agreement:

- (A) can confer jurisdiction on a court, where there is none in law
- (B) can oust the jurisdiction of the court where there is one in law
- (C) can oust the jurisdiction of one of the courts when there are two courts simultaneously having jurisdiction in law
- (D) all the above.

107. Section 20 of CPC does not apply to:

- (A) arbitration proceedings
- (B) civil proceedings
- (C) both (a) & (b)
- (D) neither (a) nor (b).

108. Agreement between the parties to institute the suit relating to disputes in a particular court:

- (A) does not oust the jurisdiction of other courts
- (B) may operate as estoppel between the parties
- (C) both (a) & (b)
- (D) neither (a) nor (b).

109. In cases of the commercial contracts between parties of two different countries, the jurisdiction of the court shall be governed by:

- (A) lex loci contractors

- (B) lex loci solutions
- (C) les situs
- (D) rule of freedom of choice i.e., intention of the parties.

110. A corporation, under section 20 of CPC, is deemed to carry on business at:

- (A) its principal office in India
- (B) its subordinate office in India
- (C) both (a) & (b)
- (D) either (a) or (b).

111. In case of a cause of action arising at a place where a corporation has a subordinate office, the corporation is deemed to carry on business:

- (A) its principal office in India
- (B) its subordinate office where the cause of action did arise
- (C) both (a) & (b)
- (D) either (a) or (b).

112. In every plaint, under section 26 of CPC, facts should be proved by:

- (A) oral evidence
- (B) affidavit
- (C) document
- (D) oral evidence as well as document.

113. According to section 27 of CPC summons to the defendant to be served on such date not beyond:

- (A) 30 days from the date of institution of suits
- (B) 60 days from the date of institution of suits
- (C) 45 days from the date of institution of suits
- (D) 90 days from the date of institution of suits

114. The court may impose a fine for default upon a person required to give evidence or to produce documents directed under section 30(b) of CPC, and such fine as per section 32(c) not to exceed:

- (A) Rs.500
- (B) Rs.1,000

(C) Rs.5,000

(D) Rs.10,000.

115. Under section 39(4) of CPC, the court passing the decree is:

(A) authorised to execute such decree against any person outside local limits of its jurisdiction

(B) authorised to execute such decree against any property outside the local limits of its jurisdiction

(C) either (a) or (b)

(D) neither (a) or (b).

116. A private transfer or delivery of the property attached under section 64(2) shall not be void if:

(A) made in pursuance of any contract for such transfer or delivery entered into and registered before the attachment

(B) made in pursuance of any contract for such transfer or delivery entered into and registered after the attachment

(C) made in pursuance of any contract for such transfer or delivery entered into before the attachment but registered after the attachment

(D) either (a) or (b) or (c).

117. The court under section 89(1) of CPC can refer the dispute for:

(A) arbitration or conciliation

(B) conciliation or mediation

(C) mediation or Lok Adalat

(D) arbitration or conciliation or Lok Adalat or mediation.

118. The court can award compensation against plaintiff under section 95 of CPC, not exceeding:

(A) Rs.10,000 or the limits of its pecuniary jurisdiction whichever is less

(B) Rs.10,000 or the limits of its pecuniary jurisdiction whichever is more

(C) Rs.50,000 and this amount not to exceed the limits of its pecuniary jurisdiction

(D) Rs.50,000 and this amount to exceed the limits of its pecuniary jurisdiction whichever is more.

119. Under section 100A of the CPC, where any appeal from an original or appellate decree or order is heard and decided by a single judge of a High Court:

- (A) no further appeal shall lie from the judgment and decree of such single judge
- (B) further appeal shall lie under the Letters Patent for the High Court
- (C) further appeal shall lie with the leave of the Supreme Court
- (D) further appeal shall lie before the Division Bench of the High Court.

120. Second appeal shall not lie from any decree, as provided under section 102 of CPC when the subject matter of the original suit is for recovery of money not exceeding:

- (A) Rs.10,000
- (B) Rs.25,000
- (C) Rs.50,000
- (D) Rs.1,00,000.

121. Under the code of civil procedure, 1908 the detailed procedure with regard to the matters

dealt under the sections are specified in

- A. Regulations
- B. Notifications
- C. Orders
- D. Ordinances

122 A decree becomes final

- A. When it conclusively determines the right of the parties
- B. When no appeal has been preferred against the decree.
- C. Both A & B
- D. Neither A nor B

123 Which of the following is correct with respect of mesne profit

- A. Wrongful possession of the immoveable property is the essence of mesne profit.
- B. It can be claimed in form of compensation or damages.

- C. A person in wrongful possession and enjoyment of an immoveable property Is liable for mesne profit
- D. All of the above.
- 124 The word Jurisdiction of courts implies.
- A. jurisdiction over the subject matter of the suit.
- B. A power to make an order
- C. Both A & B
- D. None of the above.
- 125 Section 9 of the code of civil procedure talks about
- A. Presidency small causes court
- B. Courts to try all civil suits unless barred.
- C. Stay of suit
- D. Res Subjudice
- 126 Which of the following can be recognized as suit of civil nature
- A. Suit for dissolution of marriage
- B. Suit for breach of contract
- C. Suit for declaration
- D. All of the above.
- 127 The object of Res Subjudice is
- A. To protect a person from multiplicity of proceeding
- B. To avoid conflict of decisions
- C. To prevent inconvenience to the parties.
- D. All of the above.
- 128 In a suit, where the doctrine of res- judicata applies, the suit is liable to be
- A. Stayed.
- B. Dismissed
- C. May be stayed and may be dismissed
- D. None of the above.
- 129 A suit relating to partnership may be instituted at a place
- A. Where the contract was made

- B. Where the contract was performed
- C. Where the firm carries on business
- D. All of the above.

130 In a case where a notice is sent on correct address by RPAD however is returned back claiming Refused to accept, such notice is

- A. To be issued
- B. Deemed served
- C. Void.
- D. Illegal

131 The expenses for the service of summons to the defendant as per Order V rule 9 (3) have to be borne by

- A. The Plaintiff
- B. The Defendant.
- C. The Court.
- D. None of the above.

132 Under Order VI Rule 17, at any stage of the proceedings the court can allow to alter or amend pleadings to

- A. The Respondent.
- B. The Defendant.
- C. The Plaintiff.
- D. The Government.

133 In case of Failure to file written statement within 30 days, the defendant can be allowed to file the same on such other day specified by the court for reasons to be recorded in

writing, but within

- A. 90 Days.
- B. 45 Days,
- C. 60 Days.
- D. 15 Days

134 Objection as to place of suing can-----

- A. Only be taken opportunity. before the court of first instance at the earliest possible
- B. Be taken before the appellate court for the first time.
- C. Be taken before the court of revision for the first time.
- D. All of the above.
- 135 A decree may be executed by a
- A. Tehsildar.
- B. Collector.
- C. District Judge.
- D. Either by the court which passed it or by the court to which such decree is sent for execution.
- 136 The definition of decree means
- A. Casual Expression of an adjudication
- B. Informal expression of an adjudication
- C. Formal expression of an adjudication but shall not include any adjudication from which an appeal lies as an appeal from an order
- D. All of the above.
- 137 Which of the following is not a decree
- A. Dismissal in Default.
- B. Rejection of plaint.
- C. Both A & B
- D. Neither A Nor B
- 138 Legal Representative as far as civil suit is concerned shall mean
- A. Relative of the parties to the suit.
- B. CO sharer of the benefits assuming to the parties to the suit.
- C. Who in law represents the state of the deceased.
- D. All of the Above.
- 139 A Judgement contains
- A. Concise statement of fact
- B. The points for determination

- C. The decision on the points of determination and the reasons thereof.
D. All of the above.
- 140 The jurisdiction of civil court can be differentiated on the basis of
A. Territorial
B. Pecuniary
C. Subject Matter.
D. All of the above.
- 141 The jurisdiction of civil court can be barred
A. Expressly
B. Impliedly.
C. Either expressly or impliedly.
D. None of the above.
- 142 Under section 102 of CPC, a second appeal shall not lie from any decree, where the subject matter of the original suit is for recovery of money not exceeding
A. 10000
B. 25000
C. 50000
D. 100000
- 143 In order to Reject a plaint under order VII rule 11 of CPC, the court is supposed to go through
A. Plaint only.
B. Written Statement Only.
C. Both A & B
D. None of the above.
- 144 As per order I Rule 3 of CPC several persons can be joined as plaintiff,
A. Where right arises out of the same act, in favour of such persons.
B. where any common question of law is involved.
C. Both A & B
D. Neither A Nor B

- 145 As per order 1, a necessary party is one in whose
- A. absence no order can be made effectively
 - B. absence an order can be made but whose presence is necessary for the complete decision of the case.
 - C. Both A & B
 - D. Neither A Nor B.
- 146 Pleading must state
- A. Fact and fact only.
 - B. Law.
 - C. Evidence.
 - D. Judgements of the Supreme Court.
- 147 The term Pleading means and includes
- A. Complaint only
 - B. Written Statement only.
 - C. Complaint and Written Statement only.
 - D. Complaint, Written Statement, Setoff & Counterclaim.
- 148 The defendant can claim set off in
- A. Any suit.
 - B. In recovery of money suit only.
 - C. In suit for declaration.
 - D. None of the above.
- 149 In a suit issues are framed by the court by looking into
- A. Complaint only
 - B. Written Statement only.
 - C. Both A & B
 - D. Evidence.
- 150 Who shall produce the evidence first
- A. Plaintiff
 - B. Defendant.
 - C. None of the above.

- D. Witness no. 1.
- 151 The provisions in relation to execution of decree can be found in
- A. Order XX
 - B. Order V
 - C. Order XI
 - D. Order XXI
- 152 In order to get a temporary injunction as per Order XXXIX Rule 1 of CPC, plaintiff must establish
- A. Prima facie case
 - B. Balance of convenience.
 - C. Irreparable loss.
 - D. All of the above.
- 153 To bring the legal representative of Deceased Defendant on record as the Defendant is the duty of
- A. Plaintiff
 - B. Defendant.
 - C. Court.
 - D. Bailiff.
- 154 Substitution of legal representative of either party who is deceased, is permissible
- A. When the right to sue survives
 - B. When the right to sue does not survives
 - C. When the suit is dismissed in default
 - D. None of the above.
- 155 To interplead means to litigate
- A. With each other.
 - B. With third party
 - C. With each other to settle a point concerning a third party
 - D. None of the above.
- 156 A Decree holder is a person

- A. Plaintiff.
 - B. Defendant.
 - C. In favour of Whom a decree has been passed.
 - D. Against whom court has passed a judgement.
- 157 Suit by Forma Popuris Means
- A. Suit by indigent person.
 - B. Suit by Formal Person.
 - C. Suit by Government.
 - D. Representative Suit.
- 158 A Caveat U/s 148 A is not effective on the expiry of
- A. 15 Days.
 - B. 90 Days.
 - C. 180 Days.
 - D. 30 Days.
- 159 In order to prove adverse possession against the Government one must hold the property without permission for -- years without disturbances.
- A. 12 years.
 - B. 20 Years.
 - C. 30 Years.
 - D. 3 years.
- 160 Which of the following is not a requirement of a valid acknowledgement
- A. To be in writing
 - B. Made before the expiration of period of limitation.
 - C. Signed by the person concerned.
 - D. In the handwriting of the person concerned.
- 161 Limitation for filing an appeal commences from
- A. The date of judgement.
 - B. The date of signing of the decree.
 - C. The date of application for copy of the judgement is made.
 - D. The date when the copy judgement is available to the party.

- 162 A time barred debt can be claimed as
- A. Set Off.
 - B. Counter Claim.
 - C. A suit.
 - D. None of the above.
- 163 Pleading can be amended
- A. Before settlement of issues.
 - B. Before conclusion of plaintiff's evidence, if plaintiff wants to amend the
plaint.
 - C. After filing of Written statement.
 - D. At any stage of the proceeding.
164. For instituting a suit against Government, a notice period under section 80
of CPC is
- A. 3 Months.
 - B. 2 Months.
 - C. 1 Month.
 - D. 15 Days.
165. Guardian at litem
- A. Is a person defending a suit on behalf of a minor.
 - B. A receiver.
 - C. A local commissioner.
 - D. All of the above.
166. Every suit shall be instituted in to the court of
- A. The District Court.
 - B. The court of the lower grade.
 - C. The court of Higher Grade
 - D. All of the above.
167. A judgement passed by the court can be reviewed on the ground of
- A. Discovery of new & important evidence, not within the knowledge of the
party concerned.

- B. Mistake of error of fact or law on the face of the record.
 - C. Both A & B.
 - D. Neither A nor B
- 168 An appeal from original decree lies
- A. On question of law
 - B. On question of fact.
 - C. Both Question of fact and law.
 - D. On Framing of Issues.
169. Jurisdiction of High Court under Section 100 of CPC is to entertain a second appeal which
- A. Involves a substantial question of law.
 - B. Involves simple question of law not necessarily substantial.
 - C. Involves a question of fact.
 - D. Involves a writ petition.
170. Under Section 96 of CPC, no appeal lies
- A. Against a Compromise Decree.
 - B. Against Decree in any suit cognizable by the court of small causes except on a question of law.
 - C. Both A & B.
 - D. Against ex parte decree.