

HIGH COURT OF KERALA

KERALA STATE HIGHER JUDICIAL SERVICE (PRELIMINARY) EXAMINATION-2019

QUESTION BOOKLET

Date of Examination: 1/8/2020

Roll Number:

Maximum Marks - 150 (2 marks each)

Duration: 2 Hours (10 am To 12.00 noon)

INSTRUCTIONS TO THE CANDIDATES

1. Candidates should write their Roll Number in their Question Booklets at the space provided for the purpose.
2. This Question Booklet contains 75 Objective Type Multiple Choice questions carrying two marks each. One mark will be deducted for each incorrect answer.
3. Candidates ***should not open*** their Question Booklets before 10 am . After opening the Question Booklet at 10 am. ensure that it contains 75 questions in serial order from 1 to 75. If there is any missing or illegibly printed question, the matter should be brought to the notice of the invigilator immediately and the Question Booklet should be got replaced.
4. In each question, four options are given as (A), (B), (C) and (D) Answers to the questions should be marked in the separate OMR Answer Sheet by darkening the appropriate bubble/s against the question number in the OMR Answer Sheet. Generally one answer will be correct. In such cases, if more options are marked as correct, it will be treated as incorrect answer. Some questions have multiple correct answers. For such Questions all the correct answers should be marked/indicated by darkening the appropriate bubbles. If any candidate darkens any of the wrong answer options or darkens only a part of the correct answer options, it will be treated as incorrect answer.
5. The candidates should use only BLACK/BLUE Ballpoint pen for filling the various entries and marking answers in the OMR Answer Sheet. Use of pencil, Gel pen or sketch pen and use of any colour ink other than black/blue is not permitted.
6. No candidate will be allowed to leave the examination hall without handing over the OMR Answer Sheet to the invigilator. Candidates can take the Question Booklet with them.
7. Answer Key will be published in the website www.hckrecruitment.nic.in after the examination.
8. Strict compliance of instructions is essential. Any malpractice or attempt to commit any kind of malpractice in the examination will result in summary disqualification of the candidate.

1. Which among the following ingredients makes an agreement, a contract, if it is made with?
 - A). Lawful condition
 - B). Lawful intention
 - C). Lawful purpose
 - D). Lawful object
2. A continuing guarantee under the Contract Act extends to:
 - A). Multiple transactions
 - B). Series of transactions
 - C). Transactions with a common Purpose.
 - D). Independent transactions
3. Which among the following is not an ingredient of mesne profits ?
 - A). Profits received by person in wrongful possession
 - B). Interest
 - C). Profits due to improvements by person in wrongful possession
 - D). Profit which might have been received with due diligence
4. Which among the following is not a method of settlement contemplated under Section 89 of CPC.?
 - A). Arbitration
 - B). Judicial settlement
 - C). Adjudication
 - D). Conciliation
5. Which among the following is not a ground for a Revision under the Code of Civil Procedure?
 - A). Exercised a jurisdiction not vested by Law
 - B). Exercised jurisdiction illegally
 - C). Failed to exercise jurisdiction
 - D). Exercised jurisdiction injudiciously
6. Notice under Order XXI Rule 22 CPC is issued under which among the following circumstances?
 - A). When execution is made two years after decree
 - B). When execution is filed by an assignee of the decree

- C). Act of person of unsound mind D). Act of person drunken
Voluntarily
13. For which among the following offences, death sentence can be awarded?
- A). Murder committed by a life convict B). Waging war against Government of India
- C). Abetment resulting in mutiny D). Collecting arms for waging War against Government of India
14. Which among the following reliefs can be granted to a Muslim Woman under the Muslim Women (Protection of Rights on Divorce) Act 1986?
- A). Fair and reasonable provision B). Divorce
- C). Restitution of conjugal rights D). Mahr
15. Which among the following properties can be transferred under Section 6 of the Transfer of Property Act?
- A). Mere right to sue B). Right to future maintenance
- C). Vested right D). Spes successionis
16. Which among the transfers under the following sections of the Transfer of Property Act, is not an exception to the principle of "nemo dat quod non habet"?
- A). S.35 B). S.41
- C). S.43 D). S.13
17. In which among the following mortgages, personal undertaking by the mortgagor is essential ?
- A). Simple mortgage B). Equitable Mortgage
- C). English Mortgage D). Mortgage by conditional sale
18. In which among the following, right of foreclosure is available to a mortgagee ?
- A). English mortgage B). Mortgage by conditional sale

- C). Simple mortgage
D). Equitable mortgage
19. Charge under section 100 of TP Act can be created by which among the following ?
- A). Negligence of a party
B). Act of parties
C). Operation of law
D). Insolvency of party
20. Donatia mortis causa means:
- A). A gift of entire property of donor
B). A gift anticipating insolvency
C). A gift in consideration of love and affection
D). A gift in contemplation of death
21. Principle of 'the rarest among rare cases' for awarding death sentence was laid down by the Supreme Court in which case ?
- A). Mithu v. State of Punjab
B). Swami Sradhanandha v. State
C). Bachan Singh v. State of Punjab
D). Maneka Gandhi v. Union of India
22. Which statutory provision does the rule in P.Kottayya v. King Emperor refers to ?
- A). Section 27 Indian Evidence Act
B). Section 302 IPC
C). Section 376 IPC
D). Section 303 IPC
23. In which type of commercial instrument under NI Act is the drawer both debtor to one and creditor to another ?
- A). Promissory Note
B). Hundi
C). Bill of Exchange
D). Bill of lading
24. What is the legal status of a contract prohibited by law ?
- A). Voidable contract
B). Illegal contract
C). Unlawful contract
D). Void contract

25. Under the Indian Evidence Act, which among the following need not be proved ?
- A). Admitted facts
B). When statutory presumptions are available
C). Facts judicially noticeable
D). Res Gestae
26. Oral admissions regarding contents of electronic records are not relevant under Section 22 A of Indian Evidence Act, except in one of the following circumstances. Identify.
- A). When the genuineness of electronic evidence itself is in question
B). When the contents of the electronic evidence is disputed
C). When the electronic evidence is not duly certified
D). When the source of electronic evidence is not admitted
27. Which among the following is not a public document under the Indian Evidence Act ?
- A). Document forming the acts of sovereign authority
B). Documents forming the records of act of official bodies and Tribunal
C). Public records of private documents
D). Certified copy of a public document
28. Plaintiff was rejected for not remitting the deficit court fee payable, in spite of directions. What will happen to the court fee paid ?
- A). Forfeited
B). Refunded in full
C). Refunded by half
D). Refunded by one third
29. Under the Hindu Succession Act, when there is a simultaneous death of two persons and it is uncertain as to who died first, for the purpose of succession, what will be the statutory presumption ?
- A). Both died at the same time
B). Younger survived elder
C). Elder survived younger
D). None of the above

30. Which provision of the Criminal Rules of Practice provides that while computing 15 days remand period prescribed in Section 167 (2) Cr.P.C., the day of Remand Order and day on which he is ordered to be produced shall be included ?
- A). Rule 15
B). Rule 20
C). Rule 22
D). Rule 26
31. Principle of approbate and reprobate is embodied in which provision of the Transfer of Property Act, 1882?
- A). Doctrine of Election
B). Rule against perpetuity
C). Transfer by ostensible owner
D). Feeding the grant by estoppel
32. Under S.11(11) of the Buildings(Lease and Rent Control) Act, a tenant engaged in any notified essential service is exempted from proceedings under the Act. What is the exception to it?
- A). When the landlord is engaged in defence services
B). When the landlord himself bonafide requires the building
C). When landlord is engaged in such notified employment and he requires building bonafide for his own occupation
D). When the landlord is employed in armed forces
33. What is the name given to a person to whom whole of the property of the donor is gifted ?
- A). Donatia mortis Causa
B). Absolute donee
C). Full donee
D). Universal donee
34. What is the ordinary sitting time of a Criminal Court under the Criminal Rules of Practice ?
- A). 10 am to 5 pm
B). 10 am to 5 pm with an interval not exceeding one hour
C). 11 am to 5 pm with an interval not exceeding one hour
D). 10 am to 1 pm and 2 pm to 5 pm

35. The crucial difference between Res judicata and issue of estoppel is:
- A). Res judicata relates to finality of litigation but issue estoppel relates to finding on an issue
 - B). Resjudicata is an absolute Rule but issue estoppel is a matter of prudence
 - C). Res judicata bars a second proceeding, but issue estoppel does not
 - D). Res judicata is substantive in nature, issue estoppel is procedural
36. An item mentioned in a Will is converted into another item by the donor during his life time. What is that act known as :
- A). Redemption
 - B). Pre-emption
 - C). Ademption
 - D). Revocation
37. Which among the following is a decree incapable of execution ?
- A). Declaratory decree
 - B). Decree of Injunction
 - C). Mortgage decree
 - D). Final Decree
38. An easement to draw 20 buckets of water from a well is attached to a property. The owner dies and one half of the property devolves on each of his two sons. How the easement will devolve ?
- A). Each son will get right to draw 20 buckets of water
 - B). Each son will get right to draw 10 buckets of water
 - C). Each son will get right to draw 20 buckets of water but the total shall not exceed 20 buckets
 - D). Easement will be extinguished
39. Might and ought principle is found in which among the following ?
- A). Section 11 CPC
 - B). Order 23 Rule 1 (4) CPC
 - C). Section 482 Cr.P.C
 - D). Section 27 Indian Evidence Act

C). Article 230

D). Article 236

46. Which among the following is not a ground for dissolution of a Muslim Marriage ?
- A). Husband treats the wife with cruelty
 - B). Husband has been sentenced to imprisonment for five years
 - C). Whereabouts of the husband is not known for a period four years
 - D). Husband has been insane for two years
47. Whom among the following cannot execute a privileged Will ?
- A). Soldier employed in an expedition
 - B). Soldier in actual war fare
 - C). Mariner at Sea
 - D). A policeman on duty
48. Which among the following is not a ground for setting aside an Arbitral Award under the Arbitration and Conciliation Act ?
- A). Arbitral Award was not valid under any law
 - B). A party was under some incapacity
 - C). Party giving application was not given notice of appointment of arbitrator
 - D). There was an error apparent on the face of record
49. Which one among the following refers to an onerous gift under the Indian Succession Act ?
- A). When the obligation under the gift is difficult to be performed
 - B). When the gift imposes an obligation on legatee
 - C). Invalid gift
 - D). Void gift
50. Which among the following is not defined as an offence under the Protection of Children from Sexual Offences Act?
- A). Sexual Assault
 - B). Aggravated sexual assault
 - C). Aggravated Sexual harassment
 - D). Penetrative sexual assault

51. Under Section 6 of the Specific Relief Act, what is the prerequisite for claiming relief?
- A). Title over property
 - B). Prior possession over the property
 - C). Ownership over property
 - D). Continued possession over the property
52. Which among the following is not an ingredient of acknowledgment under section 18 of the Limitation Act, 1963 ?
- A). It should be in writing
 - B). It should be made before the expiry of limitation period
 - C). It should be signed by the party against whom right is claimed
 - D). A portion of the claim should be paid
53. The Special Court contemplated under section 20B of the Specific Relief Act is constituted to try disputes relating to which among the following ?
- A). Apartment projects
 - B). Infrastructure projects
 - C). National Highways
 - D). Roads and Bridges
54. Section 5 of the Limitation Act does not apply to which among the following?
- A). Original Suit
 - B). Application under OXXI CPC
 - C). Applications in pending suits
 - D). Applications in pending appeals
55. Principle of Res ispa Loquitor is commonly employed in which among the following?
- A). Motor Accident Claims
 - B). Damages Suits
 - C). Land Acquisition Cases
 - D). Suits on tort
56. Failure to comply with the requirements under Section 50 of the NDPS Act would render....
- A). The recovery suspect and the proceedings doubtful

- B). The recovery of contraband suspect and vitiates the conviction, if the same is recorded only on the basis of the recovery
- C). The recovery suspect, but the prosecution can sustain the recovery by other materials
- D). The compliance suspect, but will not cast doubt on the recovery.
57. Motor Accidents Claims Tribunals are constituted to adjudicate claims for compensation in respect of motor accidents resulting in -
- A). Bodily injuries and damages to property of any person
- B). Death, bodily injuries and damages to vehicles of any person
- C). Death, bodily injuries, damages to property and vehicles of any person
- D). Death or bodily injuries to person or damages to property of third party
58. In India, right to property is a
- A). Fundamental Right B). Constitutional Right
- C). Statutory Right D). Natural Right
59. Select the most appropriate meaning of 'Quid pro quo' ;
- A). Something for nothing B). Nothing for something
- C). Something for something D). Something for everything
60. The options under Section 50 of the NDPS Act should be informed to the suspects by the detecting officer when-
- A). He proposes to conduct a vehicle search
- B). He proposes to conduct search of a bag carried by the suspect
- C) He proposes to arrest the accused
- D). He proposes to conduct a body search
61. A statute refers to “automobiles, trucks, tractors and such other vehicles”. Court is called upon to decide whether Aeroplane will fall within the above definition. Which is the interpretative tool to be used?

- A). Noscitur a sociis
B). Ejusdem generis
C). Golden Rule of interpretation
D). Liberal interpretation
62. Under the Civil Rules of Practice, if the party in a partition suit fails to produce the amount required for engrossing the final decree on stamp paper, what will be the consequence ?
- A). Final decree application will be dismissed
B). Final decree application will be closed
C). Records will be consigned to the record room without drawing up final decree
D). Final decree application will be adjourned sine die
63. What is the meaning of the maxim "Actus curiae neminem gravabit"
- A). Every Act has a remedy
B). Curable defects can be ignored
C). Act of court shall prejudice no one
D). Act of God has no remedy
64. Article 136 of the Constitution of India can be invoked against ?
- A). All judgments and awards of Courts and Tribunals
B). All judgments and orders of all courts in India
C). All Judgments of High Courts
D). Any Judgment, decree, determination or sentence or order of any court or Tribunal
65. Profit a Prendre is a
- A). Personal Profit
B). Profit from land
C). Approtionable profit
D). Future profit
66. Which among the following form the basic structure of Constitution of India as laid in Kesavanda Bharathi's case?
- A). Supremacy of Constitution
B). Fundamental Duties
C). Secular character of Constitution
D). Citizenship

67. Principle of Prospective overruling was considered in which among the following decisions ?
- A) . Menaka Gandhi v. Union of India B). Golaknath v.State of Punjab
- C). Olga Tellis v. Union of India D). R.C.Cooper v. Union of India
68. When can a leading question be asked without permission of the court ?
- A). In Chief Examination B). In Cross examination
- C). In re-examination D).When witness is declared hostile
69. Presumption under Section 90 of the Indian Evidence Act can be drawn when ?
- A). A document of thirty year old is produced from proper custody
- B). There is no reason to doubt its genuineness
- C). A registered document is produced from proper custody
- D) . Circumstances indicate its existence probable
70. Which former Judge of Supreme Court authored the book “Neither Roses Nor Thorns”
- A). Justice H.R.Khanna B). Justice K.K.Mathew
- C). Justice M.H.Kania D). Justice P.N.Shagonila
71. Select the Statutes which provide for presumption regarding culpable mental state of an accused.
- A). POCSO Act B). NDPS Act.
- C). Indian Penal Code D). SC/ST (Prevention of Corruption) Act.
72. Which proviso among General exceptions under IPC offers legal immunity to a registered medical practitioner who provides treatment to a patient in certain exceptional cases, even without consent?
- A), Section 90 IPC B). Section 91 IPC

- C). Section 95 IPC
D). Section 92 IPC
73. In which case did Supreme Court allow passive Euthanasia ?
- A). Menka Gandhi v. Union of India
B). R.C. Cooper v. Union of India
C). Aruna Shanbaug v. Union of India
D). PUDR V. Union of India.
74. Principle of "Volenti non fit injuria" is contained in which section of IPC ?
- A). S.90 - 94 IPC
B). S. 87 - 89 IPC
C). S. 96 - 100 IPC
D). S.43 - 49 IPC
75. What is meant by adjective law?
- A). Procedural law
B). Substantive law
C). Penal law
D). Taxation law

