

 H23



Test Booklet  
Series



1061

Number of Pages in Booklet : 32

Time : 2.00 Hours

Maximum Marks : 150

Number of Questions in Booklet : 150

Candidate Name

Candidate Roll No.

Candidate Signature

### INSTRUCTIONS TO CANDIDATES

1. Do not open this Question Booklet until asked to do so.
2. Do not leave the examination hall until the test is over and permitted by the invigilator.
3. Fill up the necessary information in the space provided on the cover of the Question Booklet and the Answer Sheet before commencement of the test.
4. Check for the completeness of the Question Booklet immediately after opening. There are 32 pages including the cover pages.
5. The duration of the test is 2 hours.
6. There are 150 objective type questions. Each question has four answer options marked (1), (2), (3) and (4).
7. Answers are to be marked on the OMR Answer Sheet, which is provided separately.
8. Choose the most appropriate answer out of the options and darken the oval completely, corresponding to (1), (2), (3) or (4) against the relevant question number.
9. Use only Blue/Black Ball Point Pen to darken the oval for marking your answer.
10. Do not darken more than one oval against any question, as scanner will read such marking as wrong answer.
11. Once an oval is darkened as answer to a question, it is final. Answer option once darkened cannot be changed. It is not permitted to change the answer option by erasing, using correction fluid, marking cross (×) in the oval or any other method whatsoever.
12. Each question carries equal marks. There is 25% Negative Marking for each wrong answer.
13. Rough work, if any, is to be done on the Question Booklet only. No separate sheet will be provided/used for rough work.
14. Calculator, mobile, electronic gadgets, etc., are not permitted inside the examination hall. Any candidate found with calculator, mobile, electronic gadgets etc. would be disqualified.
15. Candidate using unfair means in the test will be disqualified.
16. Candidate may take the Question Booklet after the completion of the test.
17. The right to exclude any question(s) from final evaluation rests with the testing authority.
18. Do not seek clarification on any item in the question booklet from the test invigilator. Use your best judgment.

- 1 A causes Z to go within a walled space and locks Z in. A is thus prevented from proceeding in any direction beyond the circumscribing line of wall. A has committed an offence under which section of IPC?
- (1) Section 339 (2) Section 340  
(3) Section 348 (4) Section 350
- 2 A finds a valuable ring on the road. Not knowing to whom the ring belongs and without attempting to discover the owner, A sells the ring immediately. A has committed which offence?
- (1) A has committed theft under section 378 IPC  
(2) A has committed dishonest misappropriation under section 403 IPC  
(3) A has committed criminal breach of trust under section 405-IPC  
(4) None of the above
- 3 At which stage is the offence of Attempt to Murder under section 307 IPC committed?
- (I) A, intending to murder Z by poison, purchases poison and mixes the same with food which remains in A's keeping.  
(II) A places that food on Z's table or delivers it to Z's servant to place it on Z's table.
- (1) After completion of stage (I) (2) After completion of stage (II)  
(3) All of the above (4) None of the above
- 4 Which of the following is not matched properly?
- (1) Sedition - 124-A IPC  
(2) 361 IPC - Kidnapping from lawful guardian  
(3) Section 304-B IPC - Dowry death  
(4) Section 357 IPC - Assault or criminal force to woman with intent to outrage her modesty.
- 5 Section 53 of the IPC does not envisage
- (1) Capital Punishment (2) Hard labour  
(3) Solitary Confinement (4) None of the above
- 6 A and Z are friends. A goes to Z's house and in Z's absence takes away a book without Z's consent. A was under the impression that he had Z's implied consent to take the book for purpose of reading it. Now A sells the book to B for his own benefit. A is guilty of
- (1) Theft (2) Dishonest misappropriation of property  
(3) Criminal breach of trust (4) None of the above
- 7 A is found in possession of counterfeit notes knowing the same to be counterfeit and intending to use the same as genuine. A is liable to be punished under
- (1) Section 489A (2) Section 489B  
(3) Section 489C (4) Section 489D

- 8 Section 303 of the IPC was struck down by the Hon'ble Supreme Court in  
(1) Hukum Singh vs. State of Punjab (2) Baldev Singh vs. State of Punjab  
(3) Mithu Singh vs. State of Punjab (4) Baljinder Singh vs. State of Punjab
- 9 Which of the following provisions criminalizes disclosure of identity of a rape victim?  
(1) Section 228 of IPC (2) Section 376 of IPC  
(3) Section 228 A of IPC (4) None of the above
- 10 Which one of the following is correct?  
(1) Theft can never be robbery  
(2) Extortion can never be robbery  
(3) In robbery, there is either theft or extortion  
(4) In robbery, there is neither theft nor extortion
- 11 The inquiry or trial pertaining to an offence under section 376, section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA or section 376DB of the Indian Penal Code (45 of 1860), the inquiry or trial shall be completed within a period of \_\_\_\_\_ from the date of filing of the charge sheet.  
(1) 2 months (2) 3 months  
(3) 4 months (4) 6 months
- 12 Which of the following judgments held that failure of issuance of notice under Section 41-A Cr. P.C is an essential ground in favour of the accused to become eligible for bail?  
(1) Shaik Ahmed vs. State of Telangana  
(2) Lalita Kumari vs. Govt. of U.P. & Ors  
(3) Satender Kumar Antil vs. Central Bureau of Investigation & Anr.  
(4) Anuradha Bhasin vs. Union of India
- 13 Default bail is sought under which section of Cr.P.C.?  
(1) Section 167(1) Cr.P.C. (2) Section 167(2) Cr.P.C.  
(3) Section 167(3) Cr.P.C. (4) Section 167(4) Cr.P.C.
- 14 Warrant case has been defined under  
(1) Section 2(x) Cr.P.C. (2) Section 2(l) Cr.P.C.  
(3) Section 2(w) Cr.P.C. (4) Section 2 (y) Cr.P.C.

- 15 Which of the following is true of a statement of a witness recorded under Section 161 of the Criminal Procedure Code, 1973?
- (1) Section 161 Cr.P.C. statement can be used only to contradict a witness's court testimony.
  - (2) Section 161 Cr.P.C. statement can be used to contradict or corroborate a witness's court testimony.
  - (3) Section 161 Cr.P.C. statement is useless in court.
  - (4) Section 161 Cr.P.C. statement can be used only by the Investigating Officer to conduct further investigation.
- 16 An offence though compoundable with the leave of the court cannot be compounded under Section 320 Cr.P.C.
- (1) If the person who would be competent to compound is dead.
  - (2) If the person who would otherwise be competent to compound is under the age of eighteen years of age or is an idiot or lunatic.
  - (3) If the accused by reason of a previous conviction liable to enhanced punishment.
  - (4) All the above
- 17 A is undergoing a sentence of imprisonment for life and is sentenced in a subsequent conviction for a term of imprisonment for life
- (1) The subsequent sentence will commence on expiration of the previous sentence of life imprisonment.
  - (2) The court can direct that the subsequent sentence shall run concurrently with the previous sentence.
  - (3) The subsequent sentence shall run concurrently with the previous sentence.
  - (4) Both (1) and (2)
- 18 A is charged by a Magistrate of the Second Class with, and convicted by him, of theft of property from the person of B.
- (1) A can be charged with and tried for theft on the same facts.
  - (2) A can be charged with and tried for robbery on the same facts.
  - (3) A can be charged with and tried for theft on the same facts with the consent of the Court by which he was first tried.
  - (4) All the above

- 19 While being examined in court, a prosecution witness makes a statement which belies the prosecution case. The prosecutor declares the witness 'hostile' and opts to cross-examine him. Which of the following is true ?
- (1) The entire testimony of such witness must be discarded by the court, since the prosecution witness has not supported the case of the prosecution.
  - (2) The court must itself ask the witness as to why he has not supported the prosecution case and enquire into the cause for hostility.
  - (3) The matter must be adjourned for the prosecutor to brief the witness and bring him back for his examination-in-chief on a subsequent date.
  - (4) The entire testimony of the witness need not be discarded; and the court is entitled to rely upon such parts of the testimony as it may find admissible, credible and trustworthy, whether it be consistent with the case of the prosecution or the defence.
- 20 In the course of investigation, the investigating officer induces an employee to steal documents from the office of the accused. The stolen documents are sought to be adduced in evidence in the course of trial. Which of the following does the law mandate?
- (1) The court must refuse to admit the documents in evidence, since these were stolen from the office of the accused.
  - (2) The court must first decide the provenance of the documents and then consider if they are to be admitted in evidence.
  - (3) The documents are admissible in evidence regardless of how they were obtained.
  - (4) The court must direct registration of an FIR, alleging the offence of theft against the employee, with the Investigating Officer as co-accused.
- 21 An accused in police custody makes a self-incriminating statement. Article 20(3) of the Constitution of India grants to an accused the right against self-incrimination. Therefore, such statement made by an accused can never be used against him in the course of trial unless:
- (1) Such statement was made in the presence of some prosecution witness.
  - (2) Such statement was made in the presence of some other defence witness.
  - (3) Such statement was made after the accused was read his Miranda warnings as prescribed in *Miranda vs. Arizona* 384 US 436 (1965), as accepted by the Indian Supreme Court.
  - (4) Such statement contains information that relates distinctly to the discovery of a relevant fact.

- 22 X is tried for the offence of criminal breach of trust in relation to company property, which it is alleged, was entrusted to him only for company use. Several subordinates of X appear as defence-witnesses at the trial, and depose that X was a person of high integrity and character, and would never be so petty as to misuse company property for personal use. Which of the following statements is accurate?
- (1) Being a criminal case, previous good character of X is wholly irrelevant.
  - (2) Being a criminal case, X is entitled to acquittal solely based on the proof of his previous character.
  - (3) Before character-evidence given by the witnesses is accepted, the character of the witnesses themselves must be proved.
  - (4) Being a criminal case, character evidence is very weak evidence and cannot outweigh the positive evidence against X which proves his guilt.
- 23 Which of the following statements is true regarding procedure to be followed by a Special Judge in conducting trial under Section 6 of the Prevention of Corruption Act, 1988?
- (1) May take cognizance without accused being committed to him for trial
  - (2) Shall follow the procedure prescribed for trial of warrant cases by Magistrates under the Cr.P.C.
  - (3) Shall exercise all powers exercisable by a District Judge under the Criminal Law Amendment Ordinance, 1944
  - (4) All of the above
- 24 Which of the following is not a public servant under Section 2(c) of the Prevention of Corruption Act, 1988?
- (1) A court appointed Liquidator
  - (2) Office bearer of a residential welfare association (RWA)
  - (3) Arbitrator appointed by a public authority
  - (4) None of the above
- 25 X and Y were officials posted in the Department of Agriculture during the year 2021-22. In 2023, on the complaint of a private citizen it is revealed that there was department wide corruption during the COVID pandemic in the year 2021. X has since retired and Y is now posted in the Department of Health. What is the previous sanction required under Section 19 of the Prevention of Corruption Act, 1988 for taking cognizance of the offence punishable by X and Y?
- (1) Sanction is required to prosecute X, not Y.
  - (2) Sanction is not required to prosecute X or Y.
  - (3) Sanction is required to prosecute both X and Y.
  - (4) Sanction is required to prosecute Y, but not X.

- 26 What is true of offences committed by commercial organisations under Section 9 of Prevention of Corruption Act, 1988?
- (1) It includes a body which is incorporated outside India and carries on a part of its business in India
  - (2) A company is liable to be punished with fine if any person associated with it commits an offence under Section 8 to obtain business for the company irrespective of whether such person is prosecuted thereunder
  - (3) A director is liable to be proceeded against for an offence committed by a company only if it is proved that it was committed with his consent or connivance
  - (4) All of the above
- 27 Any person or organisation which offers or receives a child for adoption without following the provisions or procedures for adoption, as provided under the Juvenile Justice (Care and Protection of Children) Act, 2015, and Rules thereunder, would open himself/itself to punishment under Section 80:
- (1) To imprisonment for a term which may extend upto three years or a fine of rupees one lakh or both
  - (2) To a fine of fifty thousand rupees
  - (3) To imprisonment upto seven years
  - (4) To imprisonment of three years and fine of rupees fifty thousand rupees
- 28 Which of the following is not true?
- (1) An accused is not a child if at the time of commission of the offence, the age of the child is not below 16 years
  - (2) If the child is above 16 years but under 18 years of age, an inquiry can be held into the heinous nature of the offence
  - (3) The inquiry is to be conducted for a preliminary assessment with regard to the mental and physical capacity to commit such an offence
  - (4) After such inquiry the Board can also transfer the case to the Children's Court for trial
- 29 The Juvenile Justice (Care and Protection of Children) Act, 2015 provides:
- (1) For a Juvenile Justice fund to be created for the welfare and rehabilitation of the children
  - (2) Setting up of a State Child Protection Society and District Child Protection Unit
  - (3) Child Welfare Police Officer and Special Juvenile Police Unit
  - (4) All of the above
- 30 'A' being a teacher, calls his student after class to the staff room and after shutting the room, puts his penis into the child's mouth. He commits:
- (1) Penetrative sexual assault
  - (2) Aggravated sexual assault
  - (3) Aggravated penetrative sexual assault
  - (4) None of the above

- 31 'A' is 17 years old and is a student of Class XI. He is attracted to 'B', who is a fellow student. He follows her activities by constantly watching her in class and smiles at her with sexual intent. 'A' has committed the offence of:
- (1) Sexual assault
  - (2) Sexual harassment
  - (3) No offence at all
  - (4) Assault under Section 354A IPC
- 32 Which is not correct :
- (1) Death is the highest punishment provided for an offence under the Protection of Children from Sexual Offences Act, 2012
  - (2) The minimum punishment for aggravated penetrative sexual assault is twenty years rigorous imprisonment
  - (3) The maximum punishment prescribed for penetrative sexual assault is life imprisonment
  - (4) A sentence of fine only can be awarded to a person found guilty of sexual harassment
- 33 Which one is not correct:
- (1) Media personnel are obliged to provide all information to the Special Juvenile Police Unit or the local police if they come across any material or object which is sexually exploitative of a child
  - (2) A doctor can take a call to report a case to the police where the doctor conducts a medical termination of pregnancy of a minor girl who has been involved in consensual sexual intercourse resulting in the pregnancy
  - (3) Any person, being in charge of an institution, who fails to report the commission of an offence under the Act by his subordinate, is liable to be punished with imprisonment for a minimum period of one year under Section 21.
  - (4) Any person, other than the child itself, who makes a false complaint, about the commission of an offence under the Act, also commits an offence and can be subject to punishment upto six months imprisonment or fine or both
- 34 Which of the following is incorrect:
- (1) When there are no funds in the account and "stop payment" instructions have been issued, a complaint for dishonour of the cheque can be filed.
  - (2) The bank's slip or memo bearing the official mark denoting dishonour of a cheque, will be a prima facie evidence of the fact of such dishonour.
  - (3) It shall be presumed, unless proved to the contrary, that the holder of a cheque, received the cheque for discharge of a legally enforceable debt or liability.
  - (4) It is a valid defence against prosecution that the drawer had no reason to believe at the time of issuance of the cheque that it would be dishonoured on presentment.

35 Which is not correct:

- (1) A director would not be liable simply because they are holding that position.
- (2) A Managing Director can be made liable because of their position .
- (3) Even if the complaint is quashed against the company, the complaint will be maintainable against the directors.
- (4) The vicarious liability upon the director is a legal fiction created by S.141 of the Act.

36 A cheque is issued by W to discharge the legal liability of her husband H. The cheque was drawn by her on her own account. The cheque was returned on presentment for insufficiency of funds. The payee can file the complaint against:

- (1) H, for whose liability the cheque was issued.
- (2) W, as she was the drawer of the cheque.
- (3) Against both, H and W.
- (4) No complaint can be filed under S.138 of the Act and only a case of cheating can be filed against H and W.

37 The phrase 'cheek by jowl' means

- |                            |                         |
|----------------------------|-------------------------|
| (1) To be self-satisfied   | (2) Very close together |
| (3) To show rude behaviour | (4) A facial expression |

38 The blanks in the sentences below can be filled in the correct order as:

- (i) You need to \_\_\_\_\_ more judgements to prove your point.
- (ii) The factory \_\_\_\_\_ needs to be examined carefully.
- (iii) The mangled car was a horrible \_\_\_\_\_.

- |                        |                       |
|------------------------|-----------------------|
| (1) Site, sight, cite  | (2) Site, cite, sight |
| (3) Cite, sight, sight | (4) Cite, site, sight |

39 Which of the following is spelt incorrectly?

- |             |              |
|-------------|--------------|
| (1) Receive | (2) Receipt  |
| (3) Acheive | (4) Perceive |

40 The sentence, "Neither Ravi nor John have done their work" can be corrected as:

- (1) Neither Ravi nor John has done his work.
- (2) Neither Ravi nor John has done their work.
- (3) Neither Ravi nor John have done his work.
- (4) No change.

- 41 The blanks in the following sentences can be filled in the correct order as:
- (i) The cattle \_\_\_\_\_ grazing in the field.
  - (ii) Village folk \_\_\_\_\_ up early in the morning.
  - (iii) Every boy and girl \_\_\_\_\_ given a prize.
- (1) Is, are, are (2) Are, is, is  
(3) Are, are, is (4) Are, are, are
- 42 Which player won the women's singles Wimbledon lawn tennis title for the year 2023?
- (1) Ons Jabeur (2) Marketa Vondrousova  
(3) Elena Rybakina (4) Ash Barty
- 43 Which word from amongst the following describes a person who loves to travel
- (1) Hodophile (2) Melanophile  
(3) Opacarophile (4) Raconteur
- 44 How many gold medals has India won in total in the history of the Olympic Games?
- (1) 9 (2) 10  
(3) 11 (4) 12
- 45 The Hindi Movie "Omkara" by Vishal Bhardwaj is an adaptation of which one of the following Shakespearean plays?
- (1) Othello (2) Hamlet  
(3) Macbeth (4) King Lear
- 46 The "Torres del Paine" National Park is situated in
- (1) Chile (2) Spain  
(3) France (4) Switzerland
- 47 Who is the Director of the American fantasy movie "Barbie" which was recently released in July 2023?
- (1) Margot Robbie (2) Sofia Coppola  
(3) Issa Rae (4) Greta Gerwig
- 48 On which date did Russia invade Ukraine in the ongoing Russia – Ukraine War?
- (1) 17<sup>th</sup> February 2022 (2) 20<sup>th</sup> February 2022  
(3) 24<sup>th</sup> February 2022 (4) 26<sup>th</sup> February 2022
- 49 Which, amongst the following, states the correct types of "B" Vitamins?
- (1) B1, B2, B3, B5, B6, B7, B9 and B12  
(2) B1, B2, B3, B4, B5, B6, B9 and B12  
(3) B1, B2, B3, B4, B5, B6, B7 and B12  
(4) B1, B2, B3, B5, B6, B7, B8 and B12

- 50 Which Constitutional Amendment provided for Economically Weaker Sections (EWS) Reservations?  
(1) 105<sup>th</sup> Amendment (2) 103<sup>rd</sup> Amendment  
(3) 101<sup>st</sup> Amendment (4) 100<sup>th</sup> Amendment
- 51 The 5 judges' judgment of the Hon'ble Supreme Court of India in the matter of "Common Cause (A Registered Society) – vs – Union of India and Another" reported as (2018) 5 SCC 1 is with regards to:  
(1) Euthanasia (2) Rights of Transgenders  
(3) Environment Laws (4) Prevention of Money Laundering
- 52 Which Article of the Constitution of India mandates that the State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country?  
(1) Article 47 (2) Article 48  
(3) Article 48-A (4) Article 49
- 53 Which Article of the Constitution of India mandates Courts not to inquire into proceedings of the Parliament?  
(1) Article 118 (2) Article 122  
(3) Article 119 (4) Article 121
- 54 Which Judge gave a dissenting judgment in the matter of "Vivek Narayan Sharma and Others – vs – Union of India and Others popularly known as the "Demonetisation Case"?  
(1) Justice S. Abdul Nazeer (2) Justice B.R. Gavai  
(3) Justice A.S. Bopanna (4) Justice B.V. Nagarathna
- 55 The matter of "A.K. Gopalan – vs – State of Madras with Union of India" as Intervener, reported as AIR 1950 SC 27, was decided by a Bench of the Supreme Court of India comprising:  
(1) 4 judges (2) 5 judges  
(3) 6 judges (4) 7 judges
- 56 How many Fundamental Duties are enumerated in Article 51-A of the Constitution of India?  
(1) 9 (2) 10  
(3) 11 (4) 12

- 57 Which kind of dispute of an Individual Workman is deemed to be an industrial dispute where no other workmen nor any union are party to the dispute?
- (1) Suspension of an individual workman.
  - (2) Dispute regarding work conditions of an individual workman.
  - (3) Dispute regarding seniority.
  - (4) Discharge, dismissal, retrenchment or otherwise termination of services of an individual workman.
- 58 Within how many days a Notice has to be given to the Workmen by the Employer in case of any changes proposed to be effected in respect of a matter specified under Schedule 4 of the Industrial Disputes Act, 1947?
- (1) 25 days
  - (2) 21 days
  - (3) 30 days
  - (4) 60 days
- 59 Under which provision of the Industrial Disputes Act, 1947 can a workman claim full wages last drawn by him during pendency of proceedings in higher courts?
- (1) Section 17-A
  - (2) Section 17-B
  - (3) Section 21
  - (4) Section 25-H
- 60 What does the Second Schedule of the Industrial Tribunals Act, 1947 deal with?
- (1) Industries which may be declared to be Public Utility Service.
  - (2) Matters within the jurisdiction of Industrial Tribunals.
  - (3) Matters within the jurisdiction of Labour Courts
  - (4) Unfair Labour Practices
- 61 "Adolescent" under Minimum Wages Act, 1948 means \_\_\_\_\_?
- (1) A person who has completed his 18<sup>th</sup> year of age.
  - (2) A person who has completed 16<sup>th</sup> year of age but has not completed his 18<sup>th</sup> year.
  - (3) A person who has completed 14<sup>th</sup> year of age but has not completed his 16<sup>th</sup> year.
  - (4) A person who has completed 14<sup>th</sup> year of age but has not completed his 18<sup>th</sup> year.
- 62 Which provision of the Minimum Wages Act, 1948 covers payment by an employer for overtime by an employee?
- (1) Section 15
  - (2) Section 12
  - (3) Section 13
  - (4) Section 14
- 63 What is the maximum wage period for payment of wages?
- (1) 1 month
  - (2) 40 days
  - (3) 55 days
  - (4) 60 days

- 64 Payment of undisbursed wages in case of death of an employed person is envisaged under which section of the Payment of Wages Act, 1936?
- (1) Section 25 (2) Section 25-A  
(3) Section 22 (4) Section 24
- 65 Which Section of the Employee's Compensation Act, 1923 deals with "special provisions relating to captains and other members of crew or aircraft"?
- (1) Section 15 (2) Section 15A  
(3) Section 15 B (4) Section 17A
- 66 Within how many days of the service of the notice by the Commissioner, an employer is required to submit a statement giving the circumstances attending the death of the employee?
- (1) 15 (2) 30  
(3) 45 (4) 60
- 67 Which of the following is NOT mentioned in the list of notifiable diseases under Schedule III of Factories Act, 1948?
- (1) Toxic anaemia (2) Pneumonia  
(3) Anthrax (4) Asbestosis
- 68 What is the minimum number of workers required in a factory for the appointment of Safety Officers as per Section 40B of the Factories Act, 1948?
- (1) Two fifty or more (2) Five hundred or more  
(3) Seven fifty or more (4) One thousand or more
- 69 Which Section of the Payment of Gratuity Act, 1972 deals with "determination of the amount of gratuity"?
- (1) Section 4 (2) Section 5  
(3) Section 6 (4) Section 7
- 70 Under Section 7A(1) of the Payment of Gratuity Act, 1972, the appropriate government can appoint how many Inspector/Inspectors for the purposes of this Act?
- (1) Only 1 (2) Only 3  
(3) Only 4 (4) As many as it deems fit

- 71 Mr. X died intestate on 30.04.1990 leaving behind his self-acquired immovable property. The said property was inherited by his sole legal heir i.e., his son Mr. Y.
- (1) The said property becomes the self-acquired property of Mr. Y. His children will not get any right by birth in the said property.
  - (2) The said property becomes ancestral property in hands of Mr. Y. His children will get a right by birth in the said property.
  - (3) He will inherit 50% of the property as his personal property and 50% of the property as coparcenary property. His children will have a share by birth in 50% of the property.
  - (4) He will inherit 75% of the property as his personal property and 25% of the property as coparcenary property. His children will have a share by birth in 25% of the property.
- 72 Mr. D died intestate on 01.10.2000 leaving behind a residential house, which is admittedly a coparcenary property. He was survived by a son and a daughter. Disputes arise between the parties leading to a civil suit for partition being filed by the daughter on 01.10.2006:
- (1) Both son and daughter will succeed to the coparcenary property in equal shares i.e., 50:50.
  - (2) Only son will succeed to the coparcenary property as the sole owner i.e., 100%.
  - (3) Only daughter will succeed to the coparcenary property as the sole owner, 100%.
  - (4) The son had a pre-existing right of 50% share since it's a coparcenary property. Thus, Mr. D only had 50% share in the property; and this 50% share will be inherited by the son and daughter equally i.e., 25:25.
- 73 Mr. X died intestate on 01.10.2012 leaving behind a dwelling house wholly occupied by members of his family. He was survived by his widow, two (2) married sons, one (1) unmarried daughter and one (1) married daughter. His married daughter filed a suit for partition of the dwelling house claiming 1/5<sup>th</sup> share in the said house.
- (1) The civil suit for partition is not maintainable until the two (2) married sons of Mr. X choose to divide their respective shares.
  - (2) The civil suit for partition is not maintainable until the widow of Mr. X is alive.
  - (3) The civil suit for partition filed by the married daughter is maintainable.
  - (4) The civil suit for partition is not maintainable at the instance of the married daughter.
- 74 A Father "F" dies in 2001 and is survived by one son, two daughters and a wife. The grandson files for partition of immovable property of "F" against the son (his father) without impleading the two daughters of "F" (Plaintiff's aunts). The suit for partition is:
- (1) liable to be dismissed for non-joinder as the two daughters (aunts) as they are necessary parties to the suit;
  - (2) liable to be rejected as the plaintiff has no locus standi to file the suit;
  - (3) maintainable as the two aunts are not necessary parties to the suit;
  - (4) maintainable as non-joinder of the two daughters is not a fatal defect as they can be impleaded under Order 1 Rule 10 CPC.

- 75 A Hindu male dies intestate. The property shall devolve on the Class I heirs as per the Schedule I under the Hindu Succession Act, 1956. Who is not a Class I heir?
- (1) Father
  - (2) Widow
  - (3) Mother
  - (4) Daughter of a pre-deceased daughter.
- 76 Mr. A died on 01.10.2010 in Mumbai, while he was on vacation, leaving behind a registered Will dated 25.12.2005. He had a fixed place of abode in Delhi and he left behind properties in Delhi which have value in excess of Rs. 10 crores. The petition for probate can be filed:
- (1) Only before the High Court of Delhi within whose jurisdiction the testator had a fixed place of abode and since the value of the properties owned by the testator is more than Rs. 2 crores.
  - (2) Only before the concerned District Judge at Delhi, within whose jurisdiction the testator had a fixed place of abode.
  - (3) Only before the concerned District Judge at Mumbai, within whose jurisdiction the testator had expired.
  - (4) Either before High Court at Delhi or concerned District Judge at Delhi within whose jurisdiction the testator had a fixed place of abode since the said Courts have concurrent jurisdiction.
- 77 Mr. X, who was unmarried, was employed overseas. He executed a Will dated 01.10.2005 with respect to his properties and bequeath the same to his sister Ms. Y. Mr. X got married to Ms. A on 01.10.2010 and unfortunately passed away in an accident on 01.12.2015.
- (1) The Will dated 01.10.2005 is valid and will bind his estate.
  - (2) The Will dated 01.10.2005 stood revoked by his marriage to Ms. A on 01.10.2010.
  - (3) The Will dated 01.10.2005 is valid and it could have been revoked by Mr. X in writing only by executing a revocation deed.
  - (4) The Will dated 01.10.2005 is valid and could have been revoked by Mr. X only by executing a subsequent Will.
- 78 A Will may be revoked by :
- (1) another Will or Codicil;
  - (2) by some writing declaring an intention to revoke the same and executed in the manner in which the unprivileged Will is executed;
  - (3) by burning, tearing or destroying the Will by testator with an intention to revoke;
  - (4) all the above.
- 79 When a borrower prefers an Appeal before the Debt Recovery Appellate Tribunal, the Appellate Tribunal:
- (1) has the absolute discretion to waive off the pre-deposit of the due amount.
  - (2) has limited discretion to direct a pre-deposit amount from 50% to 25% of the amount of debt due, which is inclusive of interest.
  - (3) has discretion to reduce the pre-deposit amount to 75% of the amount of debt due (excluding interest).
  - (4) has limited discretion to direct a pre-deposit amount from 50% to 25% of the amount of debt due which is exclusive of interest.

- 80 A secured creditor may initiate recovery proceedings under the Recovery of Debt and Bankruptcy Act, 1993:
- (1) against the corporate debtor who is under moratorium under the Recovery of Debts under the Recovery of Debts and Bankruptcy Act, 1993.
  - (2) When the security interest of the corporate debtor is under the liquidation process.
  - (3) against the guarantor of the corporate debtor during the moratorium period against the Corporate Debtor.
  - (4) All of the above
- 81 The secured creditor makes an application in writing to the Chief Metropolitan Magistrate (CMM) or the District Magistrate (DM) for taking possession or control of the secured asset under Section 14 of SARFAESI Act, 2002.
- (1) The CMM/DM shall pass suitable orders for the purpose of taking possession of the secured assets within a period of thirty days from the date of application which for the reasons to be recorded may be extended upto a maximum of 60 days.;
  - (2) There is no time limit for passing the order but it should be made expeditiously;
  - (3) The period of 30 days granted to the CMM/DM from the date of the application for passing the orders is not extendable;
  - (4) The period of 30 days granted to the CMM/DM from the date of the application for passing the orders, for the reasons to be recorded may be extended upto a maximum of 90 days.
- 82 Where any borrower makes default in repayment of secured debt or any installment thereof and the account is classified as a Non-Performing Asset under Section 13 of SARFAESI Act, 2002; then the secured creditor may require the borrower to discharge of its liabilities:
- (1) within 90 days from the date of Notice;
  - (2) within 60 days from the date of Notice;
  - (3) immediately on default of payment when the debt is due;
  - (4) within 30 days from the date of Notice.
- 83 When is the borrower said to be in default with respect to debt securities under the SARFAESI Act, 2002?
- (1) Non-payment of debts after a notice of 90 days;
  - (2) Non-payment of debts after a notice of 60 days;
  - (3) Immediately after the debt is due;
  - (4) Non-payment of debt after a notice of 30 days;
- 84 In case of disobedience of any injunction order made under Order 39 Rule 1 and 2, the court under Order XXXIX Rule 2A may
- (1) Order attachment of the property of person guilty of disobedience
  - (2) Order detention of person guilty of disobedience in civil prison
  - (3) Both (1) and (2)
  - (4) None of the above

- 85 As per section 100(1) of CPC, second appeal lies to High Court on  
(1) Substantial question of law (2) Substantial question of fact  
(3) Both (1) and (2) (4) None of the above
- 86 Where would a suit for compensation for wrongs to a person be instituted, if the wrong is committed within territorial jurisdiction of one court and the defendant resides within the territorial jurisdiction of another court?  
(1) Place where the wrong took place (2) Place where the defendant resides  
(3) Either of the two places (4) At both places
- 87 The maximum permissible time within which written statement can be filed in a 'commercial suit' from the date of service of summons is  
(1) 120 days (2) 180 days  
(3) 90 days (4) 30 days
- 88 The plaintiff, as owner, instituted a suit for declaration as null and void, of a sale deed of immovable property in favour of defendant and for cancellation of the said sale deed and for the relief of permanent injunction to restrain the defendant from dispossessing the plaintiff from the property. The suit for the relief of declaration of sale deed as null and void and for cancellation thereof is dismissed on merits. The court,  
(1) is entitled to decree the suit for relief of permanent injunction, if finds the plaintiff in possession of the property.  
(2) is entitled to decree the suit for relief of permanent injunction, irrespective of whether the plaintiff is in possession of immovable property or not.  
(3) is not entitled to grant relief of permanent injunction because no injunction against the true owner or title holder and in favour of a person in unlawful possession can be granted.  
(4) is entitled to decide the suit for relief of permanent injunction irrespective of the findings on the issue of declaration and cancellation.
- 89 Plaintiff institutes a suit for specific performance of an Agreement for Sale of immovable property and in the alternative for recovery of damages in the sum of Rs.2.5 crores. The plaintiff, after more than three years of the institution of the suit but before the commencement of trial applies for amendment of the plaint to enhance the claim for damages to that for Rs.5 crores. The application for amendment:-  
(1) is barred by Order II Rule 2 of the CPC.  
(2) is barred by principles of *constructive res judicata*.  
(3) is neither barred by Order II Rule 2 CPC, nor by principles of *constructive res judicata* or by law of limitation.  
(4) is barred by principle of *res judicata*.

- 90 In execution of decree for recovery of money, immovable property of a judgment debtor was attached, auctioned and sold. Objections were filed by a person who had purchased the property from the judgment debtor prior to institution of the suit in which decree was passed and who was in possession of the property. The court finds that auction was held on 18.10.2011, but the auction purchaser deposited 25% of the bid amount on 03.11.2011 and balance 75% of the bid amount was deposited by the auction purchaser on 04.11.2011.
- (1) The objections will be allowed and the auction and sale set aside for the reason of delay on the part of auction purchaser.
  - (2) The property having already been auctioned and sold, the objections will be dismissed.
  - (3) The property having already been auctioned and sold, the executing court will proceed to put the auction purchaser in possession by dispossessing the objector from the property.
  - (4) The objections will be decided on merits, there being no delay on the part of auction purchaser.
- 91 An application for correction of decree passed by the Court of Additional District Judge, Delhi and appeal where-against has been dismissed on merits by the High Court of Delhi, can be filed,
- (1) only before the Additional District Judge, Delhi, which passed the decree.
  - (2) only before the High Court of Delhi.
  - (3) only before the Supreme Court
  - (4) before either of the courts, in the discretion of the party seeking correction.
- 92 Mr. X holds himself out to be the owner of a residential apartment and leases the said residential apartment to Mr. Y for a monthly rent of Rs. 20,000/-. In the suit for eviction and recovery of arrears of rent filed by Mr. X against Mr. Y, a defence is set up in the written statement that Mr. X is not the owner and it is in fact his wife Mrs. X, who is the registered owner of the residential apartment. Mr. Y produces a certified copy of the sale deed evidencing the ownership of Mrs. X.
- (1) The civil suit filed by Mr. X is not maintainable as he is not the owner of the apartment. The civil suit for eviction can only be maintained by Mrs. X.
  - (2) The civil suit filed by Mr. X is not maintainable as Mrs. X has not been impleaded as a co-plaintiff in the said suit.
  - (3) The civil suit filed by Mr. X is maintainable as Mr. Y has not disputed that the premises were let out to him by Mr. X. Mr. Y is estopped from disputing the title of Mr. X.
  - (4) The relief for eviction by Mr. X is not maintainable as but the relief for recovery of arrears of rent is maintainable.

93 A suit is filed by Mr. A for recovery of Rs. 5,00,000/- against Mr. B. Mr. A relies upon a letter dated 01.10.2020 issued by Mr. B in his hand writing admitting that an amount of Rs. 5,00,000/- is due and payable. Mr. B denies that the letter has been written in his hand writing.

- (1) Mr. A will have to lead evidence of the persons acquainted with the handwriting of Mr. B or lead evidence of an expert to prove that the said letter is in the handwriting of Mr. B.
- (2) Mr. A will not be allowed to rely on this letter unless Mr. B unequivocally admits it.
- (3) Mr. A will have to file a criminal complaint against Mr. B for denying his handwriting on the letter and await the outcome of the proceedings in the criminal complaint before proceeding with the trial in the civil suit.
- (4) The said letter can be relied upon Mr. A in his examination as PW-1 without seeking any independent evidence of the proof of handwriting.

94 A Will shall not be used as evidence,

- (1) until one attesting witness at least has been called for the purpose of proving its execution, if there be any attesting witness alive and capable of giving evidence.
- (2) until the propounder thereof has proved the same.
- (3) until all the attesting witnesses have been called for the purpose of proving its execution, if capable of giving evidence.
- (4) until registered.

95 A plaintiff pleads destruction of the original of a document relied upon and alongwith the plaint files a true photocopy of the said document. The defendant disputes the document. The plaintiff, to prove the document by secondary evidence is, required to

- (1) file an application to the Court for permission to lead secondary evidence.
- (2) without filing any application for permission to lead secondary evidence, prove destruction of the original.
- (3) without filing any application for permission to lead secondary evidence, prove the copy to be a true copy of the original.
- (4) Both (2) and (3) above.

96 Whoever contravenes any rules or regulations made under Information Technology Act, for the contravention of which no penalty has been separately provided, shall be liable to

- |                         |                          |
|-------------------------|--------------------------|
| (1) 1 year imprisonment | (2) 2 years imprisonment |
| (3) Pay Rs. 25,000      | (4) Pay Rs. 50,000       |

- 97 Which of the following is the Appellate Tribunal for the purposes of the provisions of Information Technology Act, 2000?
- (1) Telecom Disputes Settlement and Appellate Tribunal
  - (2) Central Administrative Tribunal
  - (3) National Company Law Appellate Tribunal
  - (4) None of the above
- 98 Provisions of Information Technology Act apply to offences committed by persons outside India if the offence involves
- (1) computer and computer network located outside India
  - (2) computer and computer network located in India
  - (3) both (1) and (2)
  - (4) None of the above
- 99 'A' holds a lease from 'B', terminable on three months' notice. 'C', without any authority from B, gives a notice of termination to A.
- (1) Such notice is invalid as against A only if A can show that he did not receive the notice.
  - (2) Such notice is valid as against A as A cannot challenge the authority of C to give such notice on behalf of B.
  - (3) Such notice is valid as against A if B ratifies the same.
  - (4) Such notice is not binding on A as B cannot ratify the same.
- 100 'A' obtains a contract from the government to provide security services in one of the offices. Later it is discovered that A had given a bribe to one of the officers in the Tender Committee to obtain the contract. Government cancels the contract.
- (1) such cancellation of contract is invalid and A can seek specific performance of the contract.
  - (2) though the cancellation of contract is valid, government must pay A for the security services provided by A before the termination of contract.
  - (3) A is not entitled to claim even for the security services provided by it to the government prior to the date of the termination of the contract.
  - (4) A is entitled to claim damages from the government for wrongful termination of the contract.

- 101 'A' contracts to supply to 'B', an Iranian Company, 10,000 MT of rice by 01.04.2021. The agreement provides that in case the Government of India prohibits export of rice, the contract shall stand terminated with respect to the unshipped quantity as on the date of the prohibition order. A supplies 5,000 MT rice by 01.04.2021. A and B execute an addendum to the contract extending the time of supply of balance rice, on the same terms and conditions, by 31.12.2021. Before any further supply could take place, the Government of India bans export of rice vide Order dated 01.06.2021. B files a Suit against A seeking specific performance of the contract.
- (1) B is entitled to a decree of specific performance.
  - (2) B is entitled to only a decree of damages against A.
  - (3) B is entitled to a decree of specific performance as also damages against A.
  - (4) B is not entitled to any relief against A.
- 102 'A' and 'B' enter into an agreement providing that in case of a dispute in relation to the agreement, the same shall be referred to arbitration under aegis of the Singapore International Arbitration Centre and the seat of arbitration shall be at Singapore. Later, A filed a suit seeking declaration that the arbitration clause was illegal.
- (1) The arbitration agreement is void in terms of Section 28 of the Contract Act.
  - (2) The arbitration agreement is unlawful in terms of Section 23 of the Contract Act.
  - (3) The arbitration agreement is not illegal or void.
  - (4) The arbitration agreement is not illegal but is voidable at the option of A.
- 103 'A' enters into a contract with 'B' to manufacture brake paddles exclusively for B. A, during the subsistence of the agreement, starts manufacturing brake paddles for C. B files a suit seeking injunction against B manufacturing brake paddles for C.
- (1) The contract of exclusive manufacture is void in terms of Section 27 of the Contract Act.
  - (2) The contract is unlawful in terms of Section 23 of the Contract Act.
  - (3) The contract is voidable at the option of A.
  - (4) The contract is valid and enforceable.
- 104 'A' agrees to sell his house to 'B' for a consideration of Rs. 1 crore. On the date of the transaction, the market value of the house was Rs. 5 crores.
- (1) The contract is void as it is without adequate consideration.
  - (2) The contract is voidable as it is without adequate consideration.
  - (3) The contract is valid and binding.
  - (4) The contract shall be enforced only if B agrees to pay Rs. 5 crores to A.
- 105 Which of the following is not correct about a minor in relation to a partnership firm?
- (1) He cannot become a partner.
  - (2) He can be admitted to the benefits of partnership.
  - (3) He is personally liable for the acts of the firm.
  - (4) He can elect to become or not to become a partner within six months upon attaining majority.

- 106** A files a suit commercial suit against B claiming recovery of Rs. 5 crores from B without instituting pre-institution mediation. There is no urgent relief sought in the Suit. Which of the following statements is correct?
- (1) The suit shall be rejected under Rule 11 of Order VII of CPC.
  - (2) A will be referred to mediation, while issuing summons to B in the Suit.
  - (3) A will be asked to institute pre-institution mediation, while keeping the Suit pending for the result thereof.
  - (4) Summons in the Suit shall be issued and on appearance of B, the parties shall be referred to mediation.
- 107** The defendant, instead of filing his written statement to a commercial suit, filed an application under Order VII Rule 11 of the CPC. The application was dismissed by the Court, however, in the meantime 150 days had passed since the service of summons of the Suit on the defendant. Defendant prayed that he be granted one week to file the Written Statement.
- (1) The court shall grant him the time to file written statement exercising its powers under Section 151 of the CPC.
  - (2) As it was the fault of the court that the application of the defendant under Order VII Rule 11 of the CPC remained pending for a long period, the Court shall grant extension of time to the defendant to file his written statement.
  - (3) The court cannot grant extension of time to the defendant to file the Written Statement, 120 days having passed from the service of summons on him.
  - (4) The court shall condone the delay in filing the written statement as the defendant has shown just cause for not filing the written statement within time.
- 108** Aggrieved of the judgment and decree passed in a Commercial Suit, the defendant filed an appeal to the Commercial Division of the High Court. Which of the following is correct?
- (1) The period of limitation for filing such appeal shall be governed by Article 116 and 117 of the Limitation Act.
  - (2) The period of limitation for filing such appeal shall be governed by Section 13(1A) of the Commercial Courts Act, 2015 and Section 5 of the Limitation Act shall also not apply.
  - (3) The period of limitation for filing such appeal shall be governed by Section 13(1A) of the Commercial Courts Act, 2015, however, if there is a delay in filing the appeal, the same can be condoned under Section 5 of the Limitation Act for sufficient cause shown.
  - (4) There is no period of limitation prescribed for filing of the appeal.

- 109 A files a suit for recovery of money lent to B. B files a counter claim in the Suit. For purposes of determining 'specified value' of the commercial dispute, which of the following is to be taken into account:-
- (1) the principal amount lent by A to B.
  - (2) the claim in the suit and the counter-claim.
  - (3) the money sought to be recovered up to the date of the filing of the Suit.
  - (4) the suit claim or the counter-claim, whichever is higher.
- 110 Under Order XIII A of the CPC as applicable to Commercial Disputes,
- (1) Court can give a judgment only in favour of the plaintiff.
  - (2) Court can give a judgment only in favour of the defendant.
  - (3) Court cannot dismiss part of the claim.
  - (4) Court can give a judgment in favour of the plaintiff or the defendant, as the case may be.
- 111 An order allowing an application under Section 8 of the Arbitration and Conciliation Act, 1996 is:
- (1) not appealable under Section 13 of the Commercial Courts Act.
  - (2) is appealable under Section 13 of the Commercial Courts Act.
  - (3) is appealable under Section 13 of the Commercial Courts Act only if filed within the period of 60 days.
  - (4) is appealable under Section 13 of the Commercial Courts Act if there is no arbitration agreement in existence between the parties.
- 112 'A' raises a claim of Rs. 5 crores in arbitration. 'B' raises a counter-claim of Rs. 2 crores in the said arbitration. A final award of Rs. 4 crores is passed in favour of 'A'. 'Specified Value' for determining the jurisdiction of the Court shall be:
- |                   |                   |
|-------------------|-------------------|
| (1) Rs. 5 crores; | (2) Rs. 7 crores; |
| (3) Rs. 3 crores; | (4) Rs. 4 crores  |
- 113 In a claim for compensation in case of a death due to an accident arising out of use of motor vehicle,
- (1) compensation cannot be granted unless the Claimants show that the motor vehicle was being driven in a rash and negligent manner.
  - (2) compensation can be granted even where the claimants are unable to establish that the death was due to any wrongful act or neglect or default of the driver/owner of the motor vehicle.
  - (3) compensation can be granted only if the police has filed a charge-sheet against the driver/owner of the motor vehicle involved in the accident.
  - (4) compensation can be granted only if a FIR is registered by the police accusing the driver of the motor vehicle of driving the same in a rash or negligent manner.

**114** In a Claim petition, the Insurance Company is able to prove that the vehicle was which caused the accident was being driven by a person who was not holding a valid driving licence.

- (1) the insurance company shall be absolved of liability to pay compensation to the Claimants.
- (2) the insurance company shall have to pay the compensation to the claimants, but will be granted a right to recover the same from the owner of the vehicle.
- (3) the insurance company and the owner of the motor vehicle shall be liable to pay compensation in equal proportion to the Claimants.
- (4) the Claim Petition shall have to be dismissed by the Tribunal.

**115** A, who is the registered owner of the motor vehicle, transfers the same to B. However, he does not apply for transfer of the registration in favour of B. The motor vehicle meets with an accident, leading to death of a person.

- (1) As A has already sold the vehicle, he shall not be liable to pay compensation.
- (2) Only B is liable to pay the compensation.
- (3) A shall remain liable to pay the compensation as he remains the registered owner of the vehicle as on the date of the accident.
- (4) The claim petition shall be dismissed as both A and B cannot be made liable to pay compensation in the peculiar facts.

**116** In an inquiry before the Motor Accident Claims Tribunal, the Claimants must prove their claim

- (1) beyond reasonable doubt
- (2) on preponderance of probabilities
- (3) with strict burden of proof
- (4) onus of proof is on the driver of the offending vehicle.

**117** ABC Insurance Company, on receiving a cheque for the insurance premium from H, issues an insurance cover for the vehicle owned by H. The cheque is returned dishonoured for insufficiency of funds. The vehicle meets with an accident.

- (1) the insurance Company is not liable to pay the compensation amount.
- (2) the insurance Company is liable to pay the compensation amount.
- (3) the insurance Company will be liable to pay the compensation amount unless the policy was cancelled by it and intimation of such cancellation had reached insured before the accident.
- (4) the insurance Company will be liable to pay the compensation even though the policy was cancelled by it and intimation of such cancellation had reached insured before the accident.

- 118 Can an unregistered trade mark be assigned?
- (1) Yes, but the registration of the agreement is required
  - (2) Yes, unregistered trade mark can be assigned with or without the goodwill of the business.
  - (3) No, such assignment is not possible.
  - (4) Yes, but the said assignment has to be accompanying by the registered trade mark.
- 119 Which of the following is not a relevant criterion, as specified in the Trade Marks Act, for declaring a trade mark as a “well known trade mark” within the meaning of Section 2(1)(zg) of the Trade Marks Act?
- (1) extent to which the trade mark has been industrially applied in the class in respect of which it is registered.
  - (2) recognition of the trade mark in the relevant section of the public.
  - (3) geographical area of promotion of the trade mark
  - (4) extent to which intellectual property rights based on the mark have been successfully enforced.
- 120 Legislative provision(s) deeming registration to be prima facie evidence of validity is/are to be found in
- (1) the Trade Marks Act and the Designs Act
  - (2) the Trade Marks Act alone
  - (3) the Patents Act alone
  - (4) the Trade Marks Act, the Copyright Act and the Patents Act
- 121 Fill in the blanks : Continuous non-user under Section 47(1)(b) of the Trade Marks Act can be a ground to seek cancellation of the mark where the mark has been in continuous disuse for \_\_\_\_\_ from the date of registration and upto a date \_\_\_\_\_ prior to the date of application seeking cancellation
- (1) 3 years; 6 months
  - (2) 5 years; 6 months
  - (3) 5 years; 3 months
  - (4) 10 years; 3 months
- 122 If assignment of a copyright is executed in writing by the owner and author of the work but the period of assignment is not mentioned in the deed, then what is the legal effect?
- (1) It is not valid assignment
  - (2) It is deemed to be a perpetual assignment
  - (3) The assignment is considered to be valid for the entire term of copyright
  - (4) It is considered to be an assignment limited to a period of 5 years from the date of assignment.

- 123 In a Civil Suit filed by an exclusive licensee for infringement of copyright, is it necessary that owner of the work is to be a party
- (1) The owner is not necessary party
  - (2) Owner is a necessary party unless court directs otherwise
  - (3) Owner is to be arrayed as one of the plaintiff.
  - (4) The owner can be added as per the discretion of the court.
- 124 What act does not amount to infringement of copyright?
- (1) Importation of work into India.
  - (2) Doing anything which is in the exclusive domain of the owner.
  - (3) Displays the work by way of trade
  - (4) Fair dealing with any work
- 125 Ramlal is a famous painter. He paints a portrait in 1944. The portrait remains in his possession, and is first exhibited only in 1950. Ramlal dies on 29<sup>th</sup> February 1960. Till when will copyright in the portrait subsist?
- (1) 1<sup>st</sup> January 2004
  - (2) 1<sup>st</sup> January 2010
  - (3) 1<sup>st</sup> January 2020
  - (4) 31<sup>st</sup> December 2020
- 126 A owns a patent registered in Mumbai . B who is from Hyderabad filed an application for grant of Patent at Chennai. When published, A files an opposition under Section 25(1) of the Act opposing grant of B's patent. A also filed suit for infringement of Patent in the Delhi High Court invoking territorial jurisdiction on the basis of availability of product of B in Delhi. The opposition of A was allowed by the controller of Patent at Chennai. B wishes to challenge the order by filing an appeal. Which High Court would have jurisdiction to entertain the appeal?
- (1) Delhi High Court where suit is pending
  - (2) Mumbai High Court where A is carrying on its business and where A's patent is registered.
  - (3) High Court of Madras
  - (4) Hyderabad High Court where B is carrying on business.
- 127 Of the following, which is never patentable as an invention?
- (a) a mathematical or business method
  - (b) a mere new form of a known substance
  - (c) a computer program per se
  - (d) an invention which, in effect, is traditional knowledge
- (1) All the above
  - (2) (a), (b) and (d)
  - (3) (a), (c) and (d)
  - (4) (a) and (d)

- 128 Whether registration is necessary in order to protect rights by the owner of the Design under the Designs Act.
- (1) The registration is not necessary
  - (2) Common law remedy subsists in addition to registration under the Designs Act.
  - (3) Yes, Registration is prerequisite before any action for protection
  - (4) Pending the registration of Design, action can lie.
- 129 In which field of intellectual property is the judgment in *Bharat Glass Tube v. Gopal Glass Works Ltd.* An authoritative pronouncement?
- (1) trade marks
  - (2) designs
  - (3) patents
  - (4) copyright
- 130 Which of the following is not correct, regarding Section 6 of the Specific Relief Act, 1963?
- (1) The period of limitation, for filing a suit thereunder, is 6 months.
  - (2) No suit, against the Government, can be brought under the said Section.
  - (3) The order, or decree, passed under the said Section, is immune from challenge, by appeal as well as by review.
  - (4) It would be necessary for the plaintiff, in such a case, to prove absolute title to the property.
- 131 A contract, the performance of which involves the performance of a continuous duty
- (1) is never specifically enforceable.
  - (2) is not specifically enforceable only if the court cannot supervise such performance.
  - (3) is always specifically enforceable.
  - (4) is specifically enforceable at the discretion of the court.
- 132 Which of the following is not correct?
- (1) The plaintiff in a suit filed seeking perpetual injunction can also claim damages in addition.
  - (2) The plaintiff in a suit filed seeking mandatory injunction can in substitution for such relief seek damages.
  - (3) Plaintiff files a suit for perpetual injunction. The Court may, without a prayer of the plaintiff, instead grant damages.
  - (4) None of the above.
- 133 Which of the following is correct ?
- (1) A decree of declaration is binding on the parties to the Suit.
  - (2) A decree of declaration is binding in rem.
  - (3) A decree of declaration is binding to all those who claim a right in the property which is subject matter of the suit.
  - (4) A decree of declaration is not binding upon persons claiming through parties to the suit.

- 134 A newspaper publishes an article defaming the plaintiff. The limitation period to sue for compensation would be:
- (1) One year from when the article was published.
  - (2) Three years from when the article was published.
  - (3) Two years from when the article came to the knowledge of the plaintiff.
  - (4) Six years from when the plaintiff was denied employment because of the article.
- 135 Pursuant to a loan given by the plaintiff, the defendant defaulted. The prescribed limitation period to file a suit expired. However, the defendant thereafter, in writing acknowledged the debt. Which of the following statements is correct?
- (1) In case the plaintiff files a suit for recovery the suit would be time barred.
  - (2) The limitation for filing of a suit by the plaintiff is extended from the date of the said written acknowledgement.
  - (3) The plaintiff can now file a suit for recovery in case the default continues but cannot claim pendente lite interest.
  - (4) None of the above.
- 136 The plaintiff filed a suit after expiry of the prescribed limitation period as he was seriously unwell. He files the suit on recovering alongwith an application under Section 5 of The Limitation Act, pleading that there is sufficient cause for not filing the suit within time. Would the Court condone such delay:
- (1) As the plaintiff has shown sufficient cause, the delay would be condoned.
  - (2) It would depend whether the Court is satisfied about the bonafide of the contention of the plaintiff.
  - (3) The suit would be dismissed being time barred.
  - (4) None of the above.
- 137 Where part-payment on account of a debt is made before the expiration of the prescribed period of limitation, what is the effect of the same on the prescribed Limitation period.
- (1) It has no effect.
  - (2) A fresh period of Limitation shall be computed from the time of payment.
  - (3) A fresh period of limitation shall be computed from the time of payment if at least 50% of the payment is made.
  - (4) None of the above.
- 138 A sale of immovable property by execution of Sale Deed, without paying the entire sale consideration,
- (1) is void.
  - (2) is voidable, but only for a period of 3 years and only at the instance of the seller.
  - (3) is void, but only for a period of 12 years from the date of sale and only at the instance of seller.
  - (4) is valid, but the seller has a charge upon the property in the hands of the buyer, for the amount of the purchase money remaining unpaid and for interest on such amount from the date on which the possession has been delivered.

- 139** A sale of immovable property during the pendency of a suit in which any right to such immovable property is directly and specifically in question,
- (1) is barred by law.
  - (2) is void between the seller and the buyer.
  - (3) is binding on all the parties to the suit.
  - (4) does not affect the rights of any other party to the suit under any decree or order which may be made therein.
- 140** A transfer of immovable property made with intent to defeat or delay the creditors of the transferor,
- (1) is void *ab initio*.
  - (2) is voidable at the option of any creditor so defeated or delayed.
  - (3) is voidable at the option of transferor.
  - (4) is voidable at the option of transferor, transferee as well the creditor so defeated or delayed.
- 141** A lease of immovable property in Delhi, for commercial purposes, in the absence of a contract to the contrary, is terminable:-
- (1) on the part either of the lessor or the lessee, by a 15 days' notice.
  - (2) on the part either of the lessor or the lessee, by a 30 days' notice.
  - (3) only on the part of the lessor by a 15 days' notice.
  - (4) Only on the part of the lessee by a 15 days' notice.
- 142** Shyam Lal, in consideration of the monies borrowed from Ram Lal, under cover of his letter delivers to Ram Lal, documents of title of his immovable property in Delhi, with intent to create a security thereon. Neither is the said letter stamped as a mortgage nor is it registered. On Shyam Lal not repaying the monies, Ram Lal, after nearly 8 years of the date when the loan was made to Shyam Lal, institutes a suit to enforce payment of monies secured by mortgage. Shyam Lal takes a plea that the suit is time barred and should have been filed within 3 years of the date when the loan was made. The said suit,
- (1) is barred by time.
  - (2) is within time.
  - (3) is not maintainable as no relationship of mortgagor and mortgagee came into existence between Ram Lal and Shyam Lal.
  - (4) is not maintainable till the requisite letter is duly stamped and registered as a mortgage deed.

143 Which of the following statements is incorrect:-

- (1) The goods, which form the subject matter of a contract of sale may be either existing goods owned or possessed by the seller, or future goods.
- (2) There may be a contract for the sale of goods, acquisition of which by the seller depends upon a contingency which may or may not happen.
- (3) A contract for sale of goods not owned or possessed by the seller is void.
- (4) A contract to affect a present sale of future goods operates as an Agreement to Sell the goods.

144 Which of the following statements is correct:-

- (1) Where there is an Agreement to Sell goods on the term that the price is to be fixed by the valuation of a third party and such third party cannot or does not make such valuation, the Agreement is avoided.
- (2) The price in a contract of sale of goods may be fixed by the contract or may be left to be fixed in manner thereby agreed or may be determined by the course of dealing between the parties.
- (3) Where the price is not determined in accordance with the modalities agreed by the parties for determination thereof, the buyer is required to pay to the seller reasonable price of the goods.
- (4) All of the above.

145 In case of a warranty, the buyer can:

- |                            |                             |
|----------------------------|-----------------------------|
| (1) Repudiate the contract | (2) Claim damages only      |
| (3) Return the goods       | (4) Refuse to pay the price |

146 Consider the following statements:

While deciding a petition under Section 9 of the Arbitration and Conciliation Act, 1996, the Court –

- I. Can completely ignore the basic principles of Code of Civil Procedure, 1908.
- II. is strictly bound by the rigours of every procedural provision in CPC.
- III. has to see whether the Applicant has a good *prima facie* case and the balance of convenience is in favour of the interim relief.
- IV. power is wider than the powers given to a Court under the provisions of CPC.

Which of the above statements is/are correct?

- |                   |                    |
|-------------------|--------------------|
| (1) I, III and IV | (2) II, III and IV |
| (3) III and IV    | (4) II             |

**147** Consider the following statements with respect to the Fourth Schedule of the Arbitration and Conciliation Act, 1996, as applied to a 3-Member Arbitral Tribunal:-

- I. The highest fee that is payable per arbitrator under the Arbitration and Conciliation Act, 1996 is of Rs.30 lakhs.
- II. The ceiling limit of Rs.30 lakhs is inclusive of both the base amount and the variable amount of fees.
- III. The ceiling limit of Rs.30 lakhs in terms of the arbitral fee is applicable for each arbitrator individually and not the arbitral tribunal as a whole.
- IV. The ceiling limit of Rs.30 lakhs does not apply to the fixed component but applies only to the variable component.

Which of the above statements is/are correct?

- |                       |                   |
|-----------------------|-------------------|
| (1) III and IV        | (2) I and II.     |
| (3) I, II, III and IV | (4) I, II and III |

**148** An oral arbitration agreement:

- (1) may be recognised at the discretion of the arbitrators.
- (2) is not recognised as an Arbitration Agreement.
- (3) may be recognised depending upon the facts and circumstances of case to case.
- (4) may be recognised at the discretion of the parties.

**149** Where the challenge to the arbitrator is not successful:

- (1) The arbitral tribunal shall stay the proceedings giving opportunity to the party to take recourse to appropriate legal proceedings against the order.
- (2) The arbitral tribunal shall continue the arbitral proceedings but shall not make an arbitral award till the disposal of proceedings, if any, initiated by the party challenging the arbitration against the said order.
- (3) The arbitral tribunal shall continue the arbitral proceedings and make the award.
- (4) The arbitral tribunal shall continue the proceedings only with the consent of the party who has challenged the arbitrator.

**150** The interim measures by the Court can be ordered on an application by a party:

- (1) during the arbitral proceedings.
- (2) at any time before the enforcement of an award.
- (3) before the arbitral proceedings.
- (4) All of the above.

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