

## PROVISIONAL ANSWER KEY

Paper: Indian Civil Procedure Code and ... ( Paper I)  
Medium of Question: English  
Date of Examination: 22-02-2019

- Question1:-Where a plaintiff withdraws a suit without permission of the Court  
A:-He may bring a fresh suit upon same cause of action  
B:-He is precluded from bringing fresh suit upon same cause of action  
C:-He may bring fresh suit if the court subsequently permits  
D:-He may bring fresh suit if the immediate appellate court permits  
Correct Answer:- Option-B
- Question2:-If a compromise on which a decree is based is not lawful  
A:-No suit shall be to set aside the decree  
B:-Suit shall lie to set aside the decree  
C:-Suit shall lie to set aside the decree if the court grants leave  
D:-Suit shall lie to set aside the decree if both parties agrees  
Correct Answer:- Option-A
- Question3:-In which of the following cases a commission may be issued  
A:-For sale of movable property  
B:-To examine or adjust accounts  
C:-Both (1) and (2)  
D:-Neither (1) nor (2)  
Correct Answer:- Option-C
- Question4:-If a suit is instituted against a public officer  
A:-Government shall be joined as a party  
B:-Government need not be joined as a party  
C:-His head of the department shall be joined as a party  
D:-None of the above  
Correct Answer:- Option-A
- Question5:-Who framed the Kerala Civil Rules of practice?  
A:-The Kerala State Government  
B:-The Central Government  
C:-The Supreme Court  
D:-The High Court of Kerala  
Correct Answer:- Option-D
- Question6:-The term 'original petition' is defined in Civil Rules of practice in  
A:-R. 5(10)  
B:-R. 2(10)  
C:-R. 3  
D:-R. 5  
Correct Answer:- Option-A
- Question7:-The office hours of courts is  
A:-9.30 a.m. to 4.30 p.m.  
B:-10 a.m. to 5 p.m.  
C:-10.30 a.m. to 5 p.m.  
D:-10.30 a.m. to 5.30 p.m.  
Correct Answer:- Option-C
- Question8:-Through a decree the court determines  
A:-All matters of controversy  
B:-Any of the matters of controversy  
C:-All or any of the matters in controversy  
D:-Questions of fact only  
Correct Answer:- Option-C
- Question9:-The term "mesne profits" is defined in CPC in  
A:-S. 2(9)  
B:-S. 2(10)  
C:-S. 2(11)  
D:-S. 2(12)  
Correct Answer:- Option-D
- Question10:-The strength of panel of receivers is fixed by  
A:-High court  
B:-District court  
C:-State Government  
D:-Government pleader  
Correct Answer:- Option-B
- Question11:-Who among the following is a legal representative?  
A:-One who represents the estate of a deceased person  
B:-One who intermeddles with the estate of a deceased person  
C:-Person suing or being sued in a representative capacity on whom the estate of the deceased devolves  
D:-All the above  
Correct Answer:- Option-D
- Question12:-Among the following which one is not a mode of execution  
A:-Appointment of receiver  
B:-Appointment of commissioner  
C:-Arrest and detention  
D:-Attachment and sale  
Correct Answer:- Option-B
- Question13:-The provision in CPC enabling the courts to appoint the collector as the receiver is  
A:-O.XL R. 2  
B:-O.XL R. 3  
C:-O.XL R. 4  
D:-O.XL R. 5  
Correct Answer:- Option-D
- Question14:-In a case where the plaintiff omits to sue a portion of his claim, which of the following procedure is correct  
A:-He cannot sue later in respect of that claim  
B:-He can sue later in respect of that claim with leave of the court  
C:-He can sue later in respect of that claim if the defendant consents  
D:-None of the above  
Correct Answer:- Option-A
- Question15:-The provision in C.P.C enabling amendment of judgement is  
A:-S. 150  
B:-S. 151  
C:-S. 152  
D:-S. 153  
Correct Answer:- Option-C
- Question16:-When a party who ought to have been made a party has not been made a party it is a case of  
A:-Non-joinder  
B:-Mis joinder  
C:-Multifariousness  
D:-Res-subjudice  
Correct Answer:- Option-A
- Question17:-Upto what stage court may recall and examine witnesses  
A:-Before settlement of issues  
B:-Before closing of examination of witnesses

C:-Before closing of hearing of arguments  
D:-At any stage of a suit  
Correct Answer:- Option-D

Question18:-Provision in CPC enabling the court to enlarge time is  
A:-S. 148  
B:-S. 148-A  
C:-S. 149  
D:-S. 150  
Correct Answer:- Option-A

Question19:-In the matter of marking of documents third party documents are marked as  
A:- "X\_1, X\_2, X\_3" etc  
B:- "A\_1, A\_2, A\_3" etc  
C:- "B\_1, B\_2, B\_3" etc  
D:- "C\_1, C\_2, C\_3" etc  
Correct Answer:- Option-A

Question20:-Who among the following is competent to attest a vakalath?  
A:-Judicial officer  
B:-Village officer  
C:-Gazetted officer  
D:-All the above  
Correct Answer:- Option-D

Question21:-According to which Act process fee shall be levied  
A:-Kerala Civil Courts Act  
B:-Limitation Act  
C:-Court fees Act  
D:-None of the above  
Correct Answer:- Option-C

Question22:-Who should sign the warrant of arrest?  
A:-Judge  
B:-Chief ministerial officer  
C:-Either (1) or (2)  
D:-Neither of the above  
Correct Answer:- Option-C

Question23:-The provision in Civil Rules of practice enabling examination of witnesses in camera is  
A:-R. 137  
B:-R. 138  
C:-R. 139  
D:-R. 140  
Correct Answer:- Option-B

Question24:-The mode of attachment of property in the custody of court or public officer is  
A:-By notice to such court or officer  
B:-By seizure  
C:-Either (1) or (2)  
D:-None of the above  
Correct Answer:- Option-A

Question25:-Which authority is entitled to declare the language of subordinate courts?  
A:-Supreme court  
B:-High court  
C:-State Government  
D:-Central Government  
Correct Answer:- Option-C

Question26:-Who among the following person is not entitled to exemption from personal appearance?  
A:-Judges of High court  
B:-Judges of Supreme Court  
C:-MLA  
D:-Minister  
Correct Answer:- Option-C

Question27:-Judgements of courts other than small cause courts shall contain  
A:-Concise statement of the case  
B:-Points for determination  
C:-Decision and reason for decision  
D:-All the above  
Correct Answer:- Option-D

Question28:-Women, who according to the customs and manners of the country, ought not to be compelled to appear in public shall be exempt from personal appearance as per  
A:-S. 132  
B:-S. 131  
C:-S. 133  
D:-S. 141  
Correct Answer:- Option-A

Question29:-A representative suit may be instituted by one or more persons  
A:-Without the permission of the court  
B:-With the permission of the court  
C:-After public notice  
D:- (2) and (3)  
Correct Answer:- Option-D

Question30:-Which authority is competent to exercise revisionary jurisdiction?  
A:-Supreme Court  
B:-High Court  
C:-District Court  
D:-All the above  
Correct Answer:- Option-B

Question31:-Where an appeal is dismissed for appellant's default the option left to the appellant is  
A:-Bring a fresh appeal  
B:-Filing an application for re-admission of appeal  
C:-Approach the higher court  
D:-None of the above  
Correct Answer:- Option-B

Question32:-Which one of the following is a power of an appellate court?  
A:-To remand a case  
B:-To take additional evidence  
C:-To decide a case finally  
D:-All the above  
Correct Answer:- Option-D

Question33:-All orders, notices and other documents required by CPC to be given to or served on any person shall be served  
A:-In the manner provided for the service of summons  
B:-Direct service  
C:-By Post  
D:-Through messenger  
Correct Answer:- Option-A

Question34:-Which among the following alternative dispute redressal mechanisms may be utilized by a court for out of court settlement?  
A:-Arbitration  
B:-Conciliation  
C:-Mediation  
D:-All the above

Correct Answer:- Option-D

Question35:-Which among the following is not a ground for review?

- A:-Discovery of new and important matter or evidence
- B:-Exceeding jurisdiction
- C:-Error apparent on the face of the record
- D:-Any other sufficient reasons

Correct Answer:- Option-B

Question36:-The power to deal with resistance to execution of decree for possession of immovable property is mentioned in

- A:-S. 72
- B:-S. 73
- C:-S. 74
- D:-S. 75

Correct Answer:- Option-C

Question37:-The plea of counter-claim is set up by

- A:-The defendant
- B:-The plaintiff
- C:-The legal representative
- D:-Receiver

Correct Answer:- Option-A

Question38:-Where assets are held by court and more than one persons have applied for execution of decree for the payment of money passed against the same judgement debtor, the procedure adopted by the court is called

- A:-Adjustment
- B:-Rateable distribution
- C:-Set-off
- D:-Progressive reduction

Correct Answer:- Option-B

Question39:-Power to detain in civil prison of persons disobeying temporary injunction is mentioned in

- A:-O.XXXIX R. 1
- B:-O.XXXIX R. 2
- C:-O.XXXIX R. 2A
- D:-O.XXXIX R. 3

Correct Answer:- Option-C

Question40:-What is the ground under which a court may appoint a receiver?

- A:-Reasonable
- B:-Fair
- C:-Just
- D:-Just and convenient

Correct Answer:- Option-D

Question41:-Attachment before judgement may be made by the court

- A:-At any stage of a suit
- B:-As part of execution of decree
- C:-Either (1) or (2)
- D:-During appellate stage

Correct Answer:- Option-A

Question42:-Which is the maximum period for which a judgement-debtor may be detained in civil prison in execution of a decree for payment of money exceeding two thousand rupees, but not exceeding five thousand rupees?

- A:-Six months
- B:-Six weeks
- C:-Three months
- D:-Three weeks

Correct Answer:- Option-B

Question43:-Which among the following orders is non-appealable?

- A:-An order under S. 35-A
- B:-An order under O.VII R. 10
- C:-An order under S. 35-B
- D:-An order under O.XI R. 21

Correct Answer:- Option-C

Question44:-For ordering arrest before judgement, the satisfaction of the court regarding the existence of grounds there of is by

- A:-Affidavit
- B:-Otherwise
- C:-Either (1) or (2)
- D:-By oral evidence

Correct Answer:- Option-C

Question45:-Where a judgement debtor is arrested as part of execution of a money decree, and he pays the decretal amount and costs of arrest to the arresting officer the procedure to be adopted by the latter is

- A:-Release him at once
- B:-Report to the court which issued warrant
- C:-Hand over the judgement debtor to jail superintendent and deposit the amount with the court
- D:-An arresting officer is not authorised to receive decretal amount directly from the judgement debtor

Correct Answer:- Option-A

Question46:-Where the suit is against a corporation, the summons may be served

- A:-On the secretary
- B:-Principal officer
- C:-Any director
- D:-All the above

Correct Answer:- Option-D

Question47:-What happens to the suit if either party dies between conclusion of the hearing and pronouncement of judgement?

- A:-Suit will not abate
- B:-Suit will abate
- C:-Proceedings will be stayed
- D:-Can be proceeded by impleading legal representatives

Correct Answer:- Option-A

Question48:-What is the procedure to be followed by a minor plaintiff on attaining majority?

- A:-the suit will be stayed
- B:-the suit will be dismissed
- C:-the minor plaintiff may elect whether he will proceed with the suit
- D:-the fate of the suit is decided by the court

Correct Answer:- Option-C

Question49:-The mode of execution of a decree for restitution of conjugal rights is

- A:-Attachment of property
- B:-Arrest and detention in civil prison
- C:-Either (1) or (2)
- D:-None of the above

Correct Answer:- Option-A

Question50:-The provision in CPC enabling transfer of decree to another state is

- A:-S. 39
- B:-S. 40
- C:-S. 41
- D:-S. 42

Correct Answer:- Option-B

Question51:-Which among the following is a power of the commissioner?

- A:-Examine the parties and any witness
- B:-Call for and examine documents
- C:-Enter upon any land or building mentioned in the order

D:-All the above  
Correct Answer:- Option-D

Question52:-At whose move courts orders security for costs from the plaintiff  
A:-On the application of defendant  
B:-Court of its own motion  
C:-Either (1) or (2)  
D:-Application by government pleader  
Correct Answer:- Option-C

Question53:-Which type of orders may be passed by a court in exercise of its inherent power?  
A:-Orders necessary for ends of justice  
B:-Orders necessary to prevent abuse of the process of the court  
C:-Either (1) or (2)  
D:-None of the above  
Correct Answer:- Option-C

Question54:-What amount of money shall be deposited by a purchaser of immovable property in court sale immediately?  
A:-50% of purchase money  
B:-25% of purchase money  
C:-10% of purchase money  
D:-5% of purchase money  
Correct Answer:- Option-B

Question55:-Which is the nature of payment ordered by a Court when false or vexatious claims or defences are raised?  
A:-Compensatory costs  
B:-Exemplary costs  
C:-Nominal costs  
D:-General costs  
Correct Answer:- Option-A

Question56:-Which among the following is a ground for setting aside a court sale?  
A:-Material irregularity in publishing or conducting sale  
B:-Fraud in publishing or conducting sale  
C:-Either (1) or (2)  
D:-None of the above  
Correct Answer:- Option-C

Question57:-In which of the following suit a court is empowered to pass preliminary decree and final decree  
A:-Defamation suit  
B:-Suit for damages  
C:-Suit for declaration  
D:-Suit for partition  
Correct Answer:- Option-D

Question58:-Which among the following is a condition precedent for second appeal to High court?  
A:-Irregular exercise of jurisdiction  
B:-Satisfaction of the high court that the case involves a substantial question of law  
C:-Lack of jurisdiction  
D:-Non-compliance of principles of natural justice  
Correct Answer:- Option-B

Question59:-Who among the following may institute a suit in the case of public nuisance?  
A:-Advocate General  
B:-Two or more persons with leave of court  
C:-Either (1) or (2)  
D:-District collector  
Correct Answer:- Option-C

Question60:-Which of the following statements is correct?  
A:-Alien friends may sue as if Indian citizens  
B:-Alien enemies residing in India may sue with the permission of central government  
C:-Alien enemies residing in a foreign country not entitled to sue  
D:-1) (2) and (3) are correct  
Correct Answer:- Option-D

Question61:-Where there are more defendants than one, and any of the defendants is not at issue with the plaintiff on any question of fact or law, the procedure to be followed is  
A:-Pronounce judgement at once for or against such defendant and suit shall proceed only against other defendants  
B:-Continue the suit as in a normal case  
C:-Direct the plaintiff to institute fresh suit against other defendants  
D:-Make the defendant exparte  
Correct Answer:- Option-A

Question62:-In an interpleader suit the real dispute is between  
A:-Plaintiff and defendant  
B:-The defendants  
C:-State and defendant  
D:-One of the plaintiffs and defendants  
Correct Answer:- Option-B

Question63:-When a court is not required to frame and record issues  
A:-where the defendant is set exparte  
B:-where the defendant at the first hearing makes no defence  
C:-where the defendant is government or public officer  
D:-where it is a suit for money  
Correct Answer:- Option-B

Question64:-Materials from which issues may be framed  
A:-Allegations made on oath by the parties  
B:-Allegations made in the pleadings  
C:-Contents of documents produced by either party  
D:-All the above  
Correct Answer:- Option-D

Question65:-In a suit against government or public officer under which circumstance the requirement of two months' notice may be dispensed with  
A:-In a money suit  
B:-In a suit for specific performance  
C:-In a suit to obtain immediate and urgent relief  
D:-In a suit relating to rights over property  
Correct Answer:- Option-C

Question66:-In CPC discovery may be by  
A:-Interrogatories  
B:-Inspection of documents  
C:-Either (1) or (2)  
D:-Finding out a material object  
Correct Answer:- Option-C

Question67:-Upto what stage of a suit, it may be abandoned by the plaintiff.  
A:-At any stage  
B:-Before settlement of issues  
C:-Before hearing of arguments  
D:-Before discovery and inspection  
Correct Answer:- Option-A

Question68:-Who is treated as agent of government for the purpose of receiving processes against the government?  
A:-Public officer  
B:-Government pleader  
C:-District collector  
D:-Head of the department  
Correct Answer:- Option-B

Question69:-Which of the following is a suit of a civil nature?

- A:-Suit in which right to property is contested
- B:-Suit in which right to office is contested
- C:-Both (1) and (2)
- D:-Neither (1) or (2)

Correct Answer:- Option-C

Question70:-In a case where res subjudice is attracted what happens to the subsequent suit

- A:-Subsequent suit will be dismissed
- B:-Subsequent suit will be returned
- C:-Court will not proceed with trial of subsequent suit
- D:-Will decide one after the other

Correct Answer:- Option-C

Question71:-The biggest order in CPC is

- A:-O.XXI
- B:-OXLI
- C:-O.XX
- D:-OXI

Correct Answer:- Option-A

Question72:-Any matter which might and ought to have been made a ground of defence or attack in a former suit shall be deemed to have been directly and substantially in issue in such suit. This principle is called

- A:-Constructive res judicata
- B:-Actual res judicata
- C:-Estoppel
- D:-Res-subjudice

Correct Answer:- Option-A

Question73:-Issuing notice to garnishee under O.XXI R. 46 A CPC is related to

- A:-Issuing of summons
- B:-Execution of decree
- C:-Discovery
- D:-Impleading legal representative

Correct Answer:- Option-B

Question74:-A ruler of a foreign state may sue or be sued

- A:-In his own name
- B:-Name of the ambassador
- C:-In the name of his state
- D:-None of the above

Correct Answer:- Option-C

Question75:-The presumption to be drawn in the case of a foreign judgment is

- A:-It is not obtained by fraud
- B:-It is a judgement on merits
- C:-Judgement is passed in compliance with natural justice
- D:-It is pronounced by a court of competent Jurisdiction

Correct Answer:- Option-D

Question76:-A defendant to whom summons has been issued may appear

- A:-In person
- B:-By a pleader duly instructed
- C:-By a pleader accompanied by some person able to answer all such questions
- D:-In any of the above ways

Correct Answer:- Option-D

Question77:-Where a suit is relating to or compensation for wrong to immovable property, and the property is situated within the jurisdiction of different courts, the suit may be instituted

- A:-In the court within whose jurisdiction any portion of the property is situated
- B:-In the court within whose jurisdiction majority of the property is situated
- C:-In the court within whose jurisdiction the defendant resides
- D:-In the court within whose jurisdiction the defendant personally works for gain

Correct Answer:- Option-A

Question78:-If objection as to misjoinder of causes of action has not been taken

- A:-It may be taken at the appellate stage
- B:-It may be taken at the execution stage
- C:-It is deemed to have been waived
- D:-It may be take at the revisional stage

Correct Answer:- Option-C

Question79:-In a reference to High Court, the question being referred is

- A:-Question of fact
- B:-Question of law or usage having force of law
- C:-Mixed question of law and fact
- D:-Constitutional question

Correct Answer:- Option-B

Question80:-Upto which stage objection as to jurisdiction may be raised

- A:-At any stage
- B:-Appellate stage
- C:-Before hearing of arguments
- D:-Before settlement of issues

Correct Answer:- Option-D

Question81:-What courts may order sale of immovable property in execution of decree?

- A:-Any court other than court of small cause
- B:-Any court
- C:-District court
- D:-Execution court

Correct Answer:- Option-A

Question82:-Where several courts having jurisdiction to try a suit are subordinate to different high courts, the application for transfer shall be made to

- A:-Either of the High courts
- B:-The high court within whose subordination the court in which the suit brought is situated
- C:-The Supreme court
- D:-None of the above

Correct Answer:- Option-B

Question83:-The duration for which a caveat shall remain in force is

- A:-Thirty days
- B:-Sixty days
- C:-Ninety days
- D:-One twenty days

Correct Answer:- Option-C

Question84:-Which provision enables a court to order interest in a decree for payment of money?

- A:-S. 31
- B:-S. 32
- C:-S. 33
- D:-S. 34

Correct Answer:- Option-D

Question85:-Which is the period within which a decree is to be drawn from the date of judgement?

- A:-Fifteen days
- B:-Thirty day
- C:-Sixty days
- D:-Ninety days

Correct Answer:- Option-A

Question86:-Who among the following is a recognized agent?

- A:-Power of attorney holder
  - B:-Person carrying on trade or business for and in the name of party not resident within the jurisdiction of court
  - C:-Both (1) and (2)
  - D:-Neither (1) nor (2)
- Correct Answer:- Option-C

Question87:-A memorandum of appeal shall be accompanied with

- A:-Copy of decree
  - B:-Copy of exhibits
  - C:-Copy of written statement
  - D:-Copy of judgement
- Correct Answer:- Option-D

Question88:-The provision in CPC enabling courts to award costs is

- A:-S. 32
  - B:-S. 33
  - C:-S. 34
  - D:-S. 35
- Correct Answer:- Option-D

Question89:-Who may act as a next friend for a minor?

- A:-Any person of sound mind and majority
  - B:-Father
  - C:-Brother
  - D:-Any other relative or friend
- Correct Answer:- Option-A

Question90:-A decree may be transferred to another court for execution

- A:-On the application of the decree holder
  - B:-Court by its own motion
  - C:-Either (1) and (2)
  - D:-A decree can not be transferred at all
- Correct Answer:- Option-C

Question91:-Which among the following court is not competent to try a suit in a summary way?

- A:-High court
  - B:-District court
  - C:-City civil court
  - D:-Courts of small causes
- Correct Answer:- Option-B

Question92:-Provision for execution of decrees passed by courts in reciprocating territory is mentioned in CPC

- A:-S. 42
  - B:-S. 43
  - C:-S. 44
  - D:-S. 44A
- Correct Answer:- Option-D

Question93:-Where a suit is abated

- A:-N. fresh suit shall be brought on the same cause of action
  - B:-Fresh suit can be brought on same cause of action
  - C:-Fresh suit can be brought only with the leave of the court
  - D:-Fresh suit can be brought if the adverse party consents
- Correct Answer:- Option-A

Question94:-Precept is

- A:-A cross appeal filed before an appellate court
  - B:-Direction issued to another court to attach property in execution of decree
  - C:-A summons issued to a foreign national
  - D:-A direction issued to the process server
- Correct Answer:- Option-B

Question95:-Which one of the following is a ground for rejection of an application to sue as an indigent person?

- A:-Where the allegations do not show a cause of action
  - B:-Where any other person has entered into an agreement to finance the litigation
  - C:-Where any agreement is entered into respecting subject matter of the suit and some other person has obtained an interest thereon
  - D:-All the above
- Correct Answer:- Option-D

Question96:-Questions to be determined by a court executing a decree is mentioned in CPC in

- A:-S. 45
  - B:-S. 46
  - C:-S. 47
  - D:-S. 48
- Correct Answer:- Option-C

Question97:-The maximum period within which a defendant may file his written statement is

- A:-Thirty days
  - B:-Sixty days
  - C:-Ninety days
  - D:-One twenty days
- Correct Answer:- Option-C

Question98:-Who may raise the plea of set off ?

- A:-The plaintiff
  - B:-The defendant
  - C:-Either (1) or (2)
  - D:-District collector
- Correct Answer:- Option-B

Question99:-Which among the following property is exempted from attachment in execution of a decree?

- A:-Money
  - B:-Cheques
  - C:-Promissory note
  - D:-Tools of artisans
- Correct Answer:- Option-D

Question100:-Even after due service of summons to the defendant, if the plaintiff only appears on the date of first hearing

- A:-Court may make an order that the suit be heard exparte
  - B:-Adjourn the case
  - C:-Order repeated service of summons
  - D:-Pronounce judgement in favour of the plaintiff
- Correct Answer:- Option-A