

FINAL ANSWER KEY

Paper: Various related Acts (Paper II)
Date of Examination: 21-08-2019

Question1:-The law of limitation is a

- A:-Procedural law
- B:-Substantive law
- C:-Neither Substantive nor Procedural law
- D:-Both Substantive and Procedural law

Correct Answer:- Option-A

Question2:-The Limitation Act, 1963 extends

- A:-Whole of India including Jammu and Kashmir
- B:-Whole of India excluding Jammu and Kashmir
- C:-Whole of India excluding Union Territories
- D:-None of the above

Correct Answer:- Option-B

Question3:-The Limitation Act, 1963 applies only to

- A:-Tribunals
- B:-Labour courts
- C:-Any proceedings which can be initiated in a court of law
- D:-Quasi-judicial bodies

Correct Answer:- Option-C

Question4:-The term 'applicant' under the Limitation Act refers to

- A:-Petitioner
- B:-Any person through whom an applicant derives his right to apply
- C:-Any person whose estate is represented by the applicant as executor, administrator or other representative
- D:-All the above

Correct Answer:- Option-D

Question5:-Which of the following is correct as per the Limitation Act?

- A:-Application includes a petition
- B:-Bill of exchange excludes a hundi and a cheque
- C:-Both 1 and 2
- D:-None of these

Correct Answer:- Option-C

Question6:-The objective of the law of limitation is

- A:-there should be an end to litigation
- B:-the law assists the vigilant and not the one who sleeps over his rights
- C:-all the above
- D:-none of these

Correct Answer:- Option-C

Question7:-"The law of limitation bars an action and not a defence". The above statement is

- A:-True
- B:-False
- C:-Neither True nor False
- D:-Both 1 and 2

Correct Answer:- Option-A

Question8:-The provision of the Limitation Act does not apply to writ petitions under Article 32 or Article 226 of the constitution. The reason writ petition is not a

- A:-suit
- B:-appeal
- C:-an application

D:-all the above

Correct Answer:- Option-D

Question9:-Expiry of the period of limitation when the court is closed is provided in

A:-Section 2

B:-Section 3

C:-Section 4

D:-Section 5

Correct Answer:- Option-C

Question10:-Extension of the prescribed period under section 5 of the Limitation Act excludes the following

A:-Application under order XXII of CPC

B:-Application under order XXI of CPC

C:-Application under order XX of CPC

D:-None of these

Correct Answer:- Option-B

Question11:-Choose the correct option from the following according to the Limitation Act,

A:-The provisions under this Act do not apply to criminal proceedings except where express provisions have been made for that purpose

B:-The provisions under this Act does not apply to criminal proceedings at all

C:-The provisions under this Act applies only to criminal proceedings

D:-The provisions under this Act applies both to criminal and civil proceedings

Correct Answer:- Option-A

Question12:-The general rule under Section 3 of the Limitation Act is subject to the exceptions of legal disability provided in

A:-Sections 6 and 7

B:-Sections 5 and 6

C:-Sections 4 and 5

D:-None of these

Correct Answer:- Option-A

Question13:-Choose the correct option from the following :

A:-Every suit, appeal or application filed after the prescribed period of limitation shall be dismissed by the court

B:-Delay in preferring appeals and application can be condoned provided the applicant satisfies the court that he had sufficient cause

C:-Both 1 and 2

D:-None of the above

Correct Answer:- Option-C

Question14:-Computation of period of limitation is dealt in

A:-Sections 12 to 24

B:-Sections 10 to 25

C:-Sections 12 to 20

D:-None of these

Correct Answer:- Option-A

Question15:-Section 27 of the Limitation Act speaks of

A:-Postponement of limitation

B:-Extinguishment of right to property

C:-Starting point of limitation

D:-None of these

Correct Answer:- Option-B

Question16:-The effect of death on or before the accrual of the right to sue under the Limitation Act is

A:-The period of limitation shall be computed from the time his legal representative capable of instituting a suit or application

B:-The period of limitation ends with the deceased person

C:-The Limitation Act does not apply in such cases

D:-Within three years in all situations

Correct Answer:- Option-A

Question17:-The limitation period for the recovery of immovable property is

- A:-10 years
- B:-3 years
- C:-5 years
- D:-12 years

Correct Answer:- Option-D

Question18:-Consider the following cogent ground in support of the law of limitation and choose the correct option :

- (a) Long dormant claims have more of cruelty than justice in them
- (b) A person with good cause of action should pursue it with reasonable diligence.

- A:-Only (a) is correct
- B:-Only (b) is correct
- C:-Both (a) and (b) correct
- D:-Both (a) and (b) wrong

Correct Answer:- Option-C

Question19:-"The Limitation Act, 1963 is a complete code and is exhaustive in respect of all matters and hence No Court can travel beyond the Provisions of the Act".

The above statement is

- A:-True
- B:-Wrong
- C:-False
- D:-None

Correct Answer:- Option-A

Question20:-In the case of fraud or mistake, the period of limitation is

- A:-Three years in all situations
- B:-It shall not begin until the plaintiff has discovered the fraud or mistake
- C:-It could with reasonable diligence discover it in the case of concealed document
- D:-Both 2 and 3

Correct Answer:- Option-D

Question21:-In suits relating to movable property the period of limitation is

- A:-one year
- B:-three years
- C:-five years
- D:-no limitation

Correct Answer:- Option-B

Question22:-What is the period of limitation for filing an appeal to the High Court?

- A:-60 days
- B:-90 days
- C:-30 days
- D:-no limitation

Correct Answer:- Option-B

Question23:-What is the period of limitation for filing an appeal in any other court except High Court and supreme Court?

- A:-30 days
- B:-90 days
- C:-60 days
- D:-50 days

Correct Answer:- Option-A

Question24:-An application for setting a side ex parte decree can be made within 30 days from the date of Decree. The above statement is

- A:-wrong
- B:-correct
- C:-60 days

D:-no period is prescribed

Correct Answer:- Option-B

Question25:-The term 'sufficient cause' in the Limitation Act refers to

A:-Sickness of counsel

B:-Strike by Advocates

C:-Death of relative of a party

D:-All the above

Correct Answer:- Option-D

Question26:-The period of limitation for the Review of the judgement other than the Supreme Court is _____ days from the judgement or order.

A:-60 days

B:-30 days

C:-90 days

D:-one month

Correct Answer:- Option-B

Question27:-Earlier an action taken or order made by the authority is illegal, ultravires or void the law of limitation does not apply to it and a suit for declaration or for setting aside such order can be filed at any time. But this decision was overruled by the Supreme Court in

A:-Union Carbide Corporation V Union of India (1991) 4SCC584

B:-State of Punjab V Ajit Singh ISLR96(P&H)

C:-State of Punjab V Rani Singh (1986) 3SLR 379

D:-None of these

Correct Answer:- Option-A

Question28:-The period of limitation for special leave petition to the Supreme Court if the High Court refuses to grant certificate of fitness for appeal is

A:-Sixty days

B:-Ninety days

C:-Thirty days

D:-No period of limitation

Correct Answer:- Option-A

Question29:-Under the Kerala Civil Courts Act, 1957 the following are recognized as a civil court

A:-District court

B:-Subordinate Judge's court

C:-Munsiff's court

D:-All the above

Correct Answer:- Option-D

Question30:-'District Courts' are established under the Kerala Civil Courts Act

A:-By the Government by notification in the Gazette by dividing the state into civil districts

B:-By the High Courts

C:-By the Constitution

D:-None of these

Correct Answer:- Option-A

Question31:-The original pecuniary limits of the Munsiff court as per the Kerala Civil Courts Act, 1957 was

A:-Twenty Five Thousand

B:-Not exceeding Fifteen thousand

C:-One lakh rupees

D:-No pecuniary limits

Correct Answer:- Option-B

Question32:-The Pecuniary limit of the subordinate Judge's court as per the Kerala Civil Courts Amendment 2012 is

A:-Two lakh rupees

B:-Twenty-Five thousand

C:-Twenty lakhs

D:-No pecuniary limits

Correct Answer:- Option-C

Question33:-The subordinate Judge's court and Munsiff court are established by

A:-The Government in consultation with the High court

B:-The Government by notification in the Gazette

C:-Both 1 and 2

D:-None of the above

Correct Answer:- Option-C

Question34:-The location of the subordinate civil courts are fixed by the

A:-Government in consultation with the High Court

B:-High Court

C:-Government alone

D:-None of these

Correct Answer:- Option-A

Question35:-Appeals from Decrees and orders of District court or Subordinate Judge's court shall lie to the

A:-Supreme Court

B:-High Court

C:-District Court

D:-All the above

Correct Answer:- Option-B

Question36:-What is the procedure in trying suits or hearing appeals from suits where the judges are interested?

A:-The same judge can try such suits

B:-The superior court may transfer such suits

C:-No District or Subordinate Judge shall hear such suits

D:-Both 2 and 3

Correct Answer:- Option-D

Question37:-In the event of death of the District judge or any incapacity or illness, his duties are discharged by

A:-Chief-Judicial magistrate

B:-Additional District Judge

C:-Munsiff

D:-High court Judge

Correct Answer:- Option-B

Question38:-The general control over all the civil courts in any district is upon the

A:-District Judge

B:-High Court

C:-Subordinate Court Judge

D:-Government

Correct Answer:- Option-A

Question39:-Duties of Ministerial officers of a court are decided by

A:-High Court

B:-Government

C:-Presiding Officer of the Court

D:-None of these

Correct Answer:- Option-C

Question40:-High court may permit the civil courts under its control to adjourn for a period not exceeding

A:-60 days

B:-30 days

C:-90 days

D:-none of these

Correct Answer:- Option-A

Question41:-During adjournment of a civil court _____ shall nominate a District judge for each district.

- A:-Government
- B:-High Court
- C:-District court
- D:-Supreme court

Correct Answer:- Option-B

Question42:-Every rule that is made under this Act shall be laid before _____.

- A:-High Court
- B:-District Court
- C:-Legislative Assembly
- D:-None of these

Correct Answer:- Option-C

Question43:-The authority empowered to prescribe the form of seal of a civil court is

- A:-High Court
- B:-District court
- C:-Government
- D:-All the above

Correct Answer:- Option-C

Question44:-Which among the following is not correct for the application of the Kerala court fees and suit Valuation Act?

- A:-Documents presented before an officer serving under the Central government
- B:-Sub-Courts
- C:-Civil courts
- D:-High courts

Correct Answer:- Option-A

Question45:-The term 'Court' in Kerala court fees and suit Valuation Act means

- A:-Civil / Criminal courts
- B:-Revenue
- C:-Tribunals
- D:-All the above

Correct Answer:- Option-D

Question46:-What is the amount of fee to be paid on plaint at the time of institution of suit?

- A:-1/10th of the amount of fee chargeable
- B:-1/3rd of the amount of fee chargeable
- C:-Whole amount of fee chargeable
- D:-1/5th of the amount of fee chargeable

Correct Answer:- Option-A

Question47:-Time given to the petitioners to pay the court fee under the Kerala Court fee and suit valuation act is

- A:-three months time
- B:-six months time
- C:-one month time
- D:-no time

Correct Answer:- Option-C

Question48:-The provisions for levy of fee in courts and public offices is dealt under

- A:-Section 6
- B:-Section 7
- C:-Section 4 and 4A
- D:-None of these

Correct Answer:- Option-C

Question49:-"For the valuation and court fees, the plaintiff cannot put a lower valuation for valuing the relief and a higher valuation for the purpose of jurisdiction". It was so held in

A:-State of Maharashtra V Mistri Lal AIR 1964 SC457

B:-Jaya Motion Pictures Ltd V New Theatres, Palai 1956 KLT SN 21 (OB)

C:-Panzy Fernandez V F.M. Queors AIR 1963 All 153 (FB)

D:-Saleem V Areofa Beeva 1985 KHC 394

Correct Answer:- Option-B

Question50:-What is the consequence in the case of a multifarious suit, the court fee chargeable is

A:-the lowest value of relief

B:-the aggregate value of the reliefs

C:-No value

D:-the highest value of the reliefs

Correct Answer:- Option-B

Question51:-The fee payable under this Act depends on the market value of any property. Such value is determined _____

A:-on the date of presentation of the plaint

B:-on a subsequent date

C:-on the basis of the property valued

D:-value prescribed by the party

Correct Answer:- Option-A

Question52:-State whether it is open to a defendant to claim set off or counter claim if that plea is barred by limitation

A:-No

B:-Yes

C:-Both

D:-None

Correct Answer:- Option-A

Question53:-The expression "Merits of the claim" under section 12 of the Kerala courts and suit Valuation Act refers to matters

A:-relating to the framers of the suit

B:-for determination in the suit

C:-cause of action

D:-none of these

Correct Answer:- Option-B

Question54:-Whether amount paid under this Act is fees or tax?

A:-tax

B:-neither court fee nor tax

C:-fees

D:-both court fee and tax

Correct Answer:- Option-C

Question55:-Objection as to insufficiency of court fee or improper valuation can be raised

A:-at any stage of the suit

B:-cannot be raised after the stage of recording evidence

C:-can be raised even after recording evidence

D:-cannot be raised at all

Correct Answer:- Option-B

Question56:-Whether the decision taken under Section 12 (1) could be reviewed :

A:-no

B:-yes

C:-only under 12 (1) and (2) can be reviewed

D:-none of these

Correct Answer:- Option-B

Question57:-Court-fee examiners to inspect the records of subordinate court are deputed by

A:-District court

B:-Government

C:-Registrar of High Court

D:-High Court

Correct Answer:- Option-D

Question58:-Which authority has got the jurisdiction to give direction with respect to payment of proper court fee at the appellate stage?

A:-The Appellate Court

B:-The Lower court

C:-Parties can decide

D:-None

Correct Answer:- Option-A

Question59:-"A decision under Section 18(1) of the court-fees act would be final". It was so held in

A:-Sukumaran Nair V Raghavan Nair 1970 KLT 718

B:-Gopalan Nambiar V Balkrishnan Nambiar 1972 KHC 241

C:-Sumithra V Kamala 1979 KML 44

D:-None of these

Correct Answer:- Option-A

Question60:-In a suit for money, the court fee shall be computed on the basis of _____ claimed.

A:-Amount not claimed

B:-Ad valorem court fee

C:-Amount actually claimed

D:-All the above

Correct Answer:- Option-C

Question61:-In a suit for movable property, the fee shall be computed based on

A:-where the subject-matter has a market value, on such value

B:-where it has no market value, on the amount at which the relief sought is valued in the plaint

C:-both 1 and 2

D:-none of these

Correct Answer:- Option-C

Question62:-In a suit for injunction and the relief sought is with reference to immovable property, the court fee is

A:-one-third of the market value of the property or Rs.500 whichever is higher

B:-one-half of the market value of the property or Rs.500 whichever is higher

C:-market value of the property or Rs.500 whichever is higher

D:-none of the above

Correct Answer:- Option-B

Question63:-Can the amendment of the court fees act have retrospective effect?

A:-no retrospective effect

B:-yes, if it is specifically stated to have retrospective effect

C:-only prospective effect

D:-both retrospective and prospective effect

Correct Answer:- Option-B

Question64:-The court fee computed on suits for possession under the specific Relief Act, 1877, is

A:-one-half of the market value of the property or Rs.150, whichever is higher

B:-market value of the property or Rs.150, whichever is higher

C:-one-third of the market value of the property or Rs.150, whichever is higher

D:-none of these

Correct Answer:- Option-C

Question65:-In a suit for specific performance whether with or without possession, the fee payable in a contract of sale is computed on the amount of

A:-consideration

B:-agreement

C:-average of the total amount

D:-all the above

Correct Answer:- Option-A

Question66:-In a suit relating to Public matters or Section 91 or Section 92 of the CPC 1908, the fee payable shall be

- A:-100 rupees
- B:-10 rupees
- C:-50 rupees
- D:-nil

Correct Answer:- Option-B

Question67:-Whether Revision challenging the finding of the trial court on question of valuation of the suit and jurisdiction is maintainable?

- A:-yes
- B:-no
- C:-both 1 and 2
- D:-neither 1 and 2

Correct Answer:- Option-A

Question68:-The fee-payable for copy or transactions of a judgement or order of a criminal court is

- A:-Rs.2 per page
- B:-Re.1.50 paise per page
- C:-Rs.5 per page
- D:-Rs.3 per page

Correct Answer:- Option-B

Question69:-Whether Municipality is exempted from paying court fee under this Act?

- A:-yes
- B:-no
- C:- municipality is Government
- D:-all the above

Correct Answer:- Option-B

Question70:-The legal benefit fund is levied in addition to court fee by the

- A:-District court
- B:-Government
- C:-Lawyer
- D:-High court

Correct Answer:- Option-B

Question71:-The application for probate or letters of administration received by the court shall be send to the

- A:-Government
- B:-Collector
- C:-Parties
- D:-None of these

Correct Answer:- Option-B

Question72:-"The Stamp Act is not a weapon against litigant and it is enacted to secure revenue for the State". It was so held in

- A:-Hindustan Ltd V M/S D.C. Co.1969 KHC 436
- B:-Nack Chand V Fattu AIR 1935 LAH 567
- C:-General controlling Authority V Pioneer Spinners AIR 1968 MAD 223
- D:-None of these

Correct Answer:- Option-A

Question73:-The term 'Bond' in Kerala Stamp Act, refers

- A:-any lease or licence
- B:-any instrument whereby a person obliges himself to pay money to another
- C:- an agreement between two parties
- D:-all the above

Correct Answer:- Option-D

Question74:-"Instrument creating pre-existing obligation is not a Bond". The above statement is

- A:-Correct

B:-Wrong

C:-Neither correct nor wrong

D:-None of these

Correct Answer:- Option-A

Question75:-'Collector' under the Kerala Stamp Act, means any

A:-Chief-officer in charge of the Revenue administration of a district

B:-Any officer appointed by the Government on this behalf

C:-Both 1 and 2

D:-None

Correct Answer:- Option-C

Question76:-When a document is presented for registration and the value as set-forth in the document is less than the fair value, the Registrar can

A:-refuse to register the document

B:-register the document

C:-ask him to remit the deficit stamp duty

D:-both 1 and 3

Correct Answer:- Option-D

Question77:-The expression 'duly stamped' under the Kerala Stamp Act with reference to terms 'Executed' and 'Execution' means

A:-signed

B:-signed and signature

C:-signature

D:-none of these

Correct Answer:- Option-B

Question78:-Who is the authority for fixation of fair value of land?

A:-Government

B:-Collector

C:-Revenue Divisional Officer

D:-Village Officer

Correct Answer:- Option-C

Question79:-"Fair value of land" means

A:-Fair value of land fixed under Section 28A

B:-Fair value of land fixed under Section 28

C:-Fair value of land fixed under Section 2

D:-All the above

Correct Answer:- Option-A

Question80:-"An award is an instrument within the meaning of the Stamp Act and is required to be stamped". This statement is

A:-wrong

B:-correct

C:-false

D:-none

Correct Answer:- Option-B

Question81:-Lease deed signed by the parties but not registered it is held to be a

A:-a valid document and unenforceable

B:-an invalid document but unenforceable

C:-a valid and enforceable document

D:-an invalid document and enforceable

Correct Answer:- Option-A

Question82:-The term 'settlement' as defined in the Kerala Stamp Act includes

A:-Non-testamentary disposition in writing movable or immovable property made for any religious or charitable purpose

B:-Dispositions though not in writing, any instrument by way of declaration of trust or otherwise

C:-Both 1 and 2

D:-None of these

Correct Answer:- Option-C

Question83:-A person executed a document distributing his self-acquired property among his three daughters equally, the above instrument is

A:-well

B:-settlement

C:-gift

D:-partition

Correct Answer:- Option-B

Question84:-Arbitration clause in an agreement need not be stamped. It was so held in

A:-Member, Board of Revenue V Arthur Paul 1956 KHC 363

B:-Sub-registrar, Ernakulam and Another V C.M. Nadirsha and Another 2009 KHC 4020

C:-Geo group communications Inc V IOC Broadband Ltd 2010 KHC 6040

D:-None of the above

Correct Answer:- Option-C

Question85:-The power to reduce, remit or compound duties is vested upon

A:-Court

B:-Government

C:-Collector

D:-Incorporated company

Correct Answer:- Option-B

Question86:-Instruments that may be stamped with adhesive stamps are

A:-instruments chargeable with the duty of twenty paise and less

B:-certificate of enrolment maintained by the State Bar Council

C:-notarial acts

D:-all the above

Correct Answer:- Option-D

Question87:-Instruments executed in the state of Kerala shall be stamped

A:-before or at the time of execution

B:-at the time of execution

C:-before the execution

D:-after the execution

Correct Answer:- Option-A

Question88:-Possession of insufficiently stamped document is

A:-by itself an offence

B:-by itself not an offence

C:-possessor can be arrested

D:-none of these

Correct Answer:- Option-B

Question89:-Where an instrument is not properly stamped and the person executing it approaches the collector, his duty under Section 31 of the Stamp Act is

A:-make an endorsement and the document be treated as duly stamped from the very beginning

B:-invalidate the whole document

C:-collector has no power of endorsement

D:-none of these

Correct Answer:- Option-A

Question90:-Court cannot impound a document after dismissal of the suit. The statement is

A:-true

B:-false

C:-neither true nor false

D:-both true and false

Correct Answer:- Option-A

Question91:-Who can impound those instruments which are not duly stamped?

- A:-every person incharge of a public office
- B:-every person having by law or consent of parties authority to receive evidence
- C:-any police officer
- D:-both 1 and 2

Correct Answer:- Option-D

Question92:-Insufficiently stamped instrument admitted in evidence, whether it can be subsequently impounded.

- A:-yes
- B:-no
- C:-party may be directed to pay stamp duty and fine
- D:-none of these

Correct Answer:- Option-B

Question93:-What is the evidentiary value of insufficiently stamped document?

- A:-it is void and ineffective
- B:-it is not void and it is effective from the date of execution
- C:-it is incapable of being used in evidence
- D:-both 2 and 3

Correct Answer:- Option-D

Question94:-In a matter of penalty on deficient stamp duty, the discretion is given to

- A:-Collector
- B:-Court
- C:-Government
- D:-Revenue Officer

Correct Answer:- Option-A

Question95:-An insufficiently stamped promissory note admitted by the trial court and not objected by the defendant

- A:-can be rejected by the appellate court
- B:-cannot be rejected by the appellate court
- C:-both 1 and 2
- D:-none of these

Correct Answer:- Option-B

Question96:-Proper stamp is to be determined

- A:-according to law in force at the time of execution
- B:-according to law in force after the execution
- C:-according to stamp duty when document is tendered in evidence
- D:-none of these

Correct Answer:- Option-A

Question97:-Who is empowered to try the offences punishable under the Kerala Stamp Act?

- A:-District Magistrate
- B:-Collector
- C:-Magistrate of Second Class
- D:-Magistrate of First class

Correct Answer:- Option-D

Question98:-Penalty for devices to defraud the Government is

- A:-punishment with fine which may extend to one thousand rupees
- B:-punishment alone
- C:-fine alone
- D:-none of these

Correct Answer:- Option-A

Question99:-The offence under the Kerala Stamp Act may be tried in

- A:-any district in which such instrument is found

B:-any district in which such offences might be tried under CrPC

C:-both 1 and 2

D:-none

Correct Answer:- Option-C

Question100:-The procedure of the Chief controlling Revenue Authority under Section 54 of the Kerala Stamp Act is

A:-Quazi-judicial tribunal

B:-Judicial

C:-Court

D:-Governmental

Correct Answer:- Option-A