

PROVISIONAL ANSWER KEY

Paper: PART 1 PAPER I CODE OF CIVIL PROCEDURE AND CIVIL RULES OF PRACTICE
Date of Test 11-04-2023

- Question1:-The formal expression of any decision of a civil court which is not a decree is termed as
A:-Order
B:-Judgment
C:-Decree
D:-Award
Correct Answer:- Option-A
- Question2:-Any person in whose favour a decree has been passed is defined in
A:-Section 2(3)
B:-Section 2(10)
C:-Section 2(2)
D:-Section 2(11)
Correct Answer:- Option-A
- Question3:-Decree include
A:-Rejection of a plaint
B:-Determination of any question within section 144
C:-Both 1 and 2
D:-Neither 1 and 2
Correct Answer:- Option-C
- Question4:-Which of the following is a suit of civil nature?
A:-Suit for right to an office
B:-Suit relating to mortgage
C:-Suit for injunction
D:-All the above
Correct Answer:- Option-D
- Question5:-A foreign judgment is conclusive when
A:-It has been pronounced by a court of competent jurisdiction
B:-It has been given on the merits of the case
C:-It has not been obtained by fraud
D:-All the above
Correct Answer:- Option-D
- Question6:-Which of the following is not a condition for application of stay of suit?
A:-The previously instituted suit is pending in the same court
B:-The previously instituted suit is pending in any other court in India
C:-The previously instituted suit is pending in a foreign court
D:-The previously instituted suit is pending in any court beyond the limits of India established or continued by the Central Government
Correct Answer:- Option-C
- Question7:-Matter is issue under section 11 include
A:-Matter directly and substantially in issue
B:-Matter which might and ought to have been an issue
C:-Both 1 and 2
D:-Neither 1 and 2
Correct Answer:- Option-C
- Question8:-Suit shall be instituted in the court within the local limits of whose jurisdiction the property is situate
A:-Suit for the partition of immovable property
B:-Suit for the compensation for wrong to immovable property
C:-Suit for determination of any right in immovable property
D:-All the above
Correct Answer:- Option-D
- Question9:-High court can transfer any appeal pending before different appellate courts
A:-On the application of appellant
B:-On the application of Respondent
C:-Of its own motion
D:-All the above
Correct Answer:- Option-D
- Question10:-The civil court may impose a fine not exceeding _____ rupees for default of appearance in consequence of a summons
A:-Not exceeding five hundred rupees
B:-Not exceeding five thousand rupees
C:-Not exceeding thousand rupees
D:-Not exceeding two thousand rupees
Correct Answer:- Option-B
- Question11:-Interest can be awarded for a liability arising out of a commercial transaction at the rate of
A:-Six percent per annum
B:-Rate at which moneys are lent or advanced by nationalized banks in relation to commercial transaction
C:-Discretion of court
D:-None of the above
Correct Answer:- Option-B
- Question12:-Costs can be awarded as
A:-Compensatory costs
B:-Cost for causing delay
C:-Both 1 and 2
D:-Neither 1 and 2
Correct Answer:- Option-C
- Question13:-Executing court had the power to
A:-Order attachment of a decree
B:-to execute the decree against the legal representative of the judgment debtor
C:-Both 1 and 2
D:-Neither 1 and 2
Correct Answer:- Option-C
- Question14:-No attachment under a precept shall continue for more than
A:-two months

- B:-one month
 - C:-three months
 - D:-None of the above
- Correct Answer:- Option-A

Question15:-A judgment debtor can be detained in civil prison where the decree is for the payment of sum of money exceeding 5000 rupees for a period not exceeding

- A:-Three months
- B:-Six weeks
- C:-Nine months
- D:-None of the above

Correct Answer:- Option-A

Question16:-A judgment debtor detained in civil prison can be released on ground of

- A:-Illness
- B:-On the requests of the person on whose application he has been so detained
- C:-Both 1 and 2
- D:-Neither 1 and 2

Correct Answer:- Option-C

Question17:-A suit filed by a next friend in behalf of minor must be accompanied with an affidavit stating

- A:-Next friend has no interest in the subject matter of the suit adverse to that of the minor
- B:-He is not a defendant in the suit
- C:-He is a fit and proper person to act as next friend
- D:-All the above

Correct Answer:- Option-D

Question18:-Which property can be attached in execution of a decree?

- A:-Tools of artisans
- B:-Government securities
- C:-Books of account
- D:-All the above

Correct Answer:- Option-B

Question19:-Which property cannot be attached in execution of a decree?

- A:-Shares in a corporation
- B:-A mere right to sue for damages
- C:-Cheques
- D:-Money

Correct Answer:- Option-B

Question20:-A civil court can issue commission _____

- A:-To make partition
- B:-To examine any person
- C:-To make a local investigation
- D:-All the above

Correct Answer:- Option-D

Question21:-Settlement of disputes outside the court is provided by way of

- A:-Arbitration
- B:-Conciliation
- C:-Mediation
- D:-All the above

Correct Answer:- Option-D

Question22:-Suit for public nuisance can be instituted by

- A:-Advocate-General
- B:-Government pleader
- C:-Both 1 and 2
- D:-Neither 1 and 2

Correct Answer:- Option-A

Question23:-Compensation can be awarded for _____ on insufficient grounds

- A:-Arrest
- B:-Attachment
- C:-Temporary injunction
- D:-All the above

Correct Answer:- Option-D

Question24:-No appeal shall lie from a decree of Court of small causes when the amount or value of the subject matter of the original suit does not exceed _____ rupees

- A:-Ten thousand rupees
- B:-Five thousand rupees
- C:-Three thousand rupees
- D:-None of the above

Correct Answer:- Option-A

Question25:-High court can determine issue of fact in a second appeal, when the issue has not been determined by the

- A:-Court of first instance
- B:-Low appellate court
- C:-Both 1 and 2
- D:-Neither 1 and 2

Correct Answer:- Option-C

Question26:-An appeal shall lie from an order under

- A:-Section35-A
- B:-Section 91
- C:-Section 95
- D:-All the above

Correct Answer:- Option-D

Question27:-Appellate court shall have power to

- A:-Determine a case finally
- B:-Remand a case
- C:-To Frame issue and refer them for trial
- D:-All the above

Correct Answer:- Option-D

Question28:-The High court may call for the record of subordinate court if such court have exercised a jurisdiction not vested in it by law through

- A:-Revision
- B:-Review
- C:-Reference
- D:-None of the above

Correct Answer:- Option-A

Question29:-Person exempted from personal appearance in court

- A:-The judges of the High courts
- B:-Advocate General
- C:-Munsiff
- D:-All the above

Correct Answer:- Option-A

Question30:-Which person is exempted from arrest under civil process?

- A:-Mukhtars
- B:-Pleadars
- C:-Both 1 and 2
- D:-Neither 1 and 2

Correct Answer:- Option-C

Question31:-The caveat shall remain force for a period of

- A:-90 days
- B:-60 days
- C:-30 days
- D:-None of the above

Correct Answer:- Option-A

Question32:-Civil court may enlarge time for doing any act not exceeding _____ days in total

- A:-30 days
- B:-60 days
- C:-90 days
- D:-None of the above

Correct Answer:- Option-A

Question33:-Inherent power of the court can be used

- A:-to make such order as may be necessary for the ends of justice
- B:-to prevent abuse of the process of the court
- C:-Both 1 and 2
- D:-Neither 1 and 2

Correct Answer:- Option-C

Question34:-Plaint is to be amended when

- A:-Plaintiff is added
- B:-Defendant is added
- C:-Both 1 and 2
- D:-Neither 1 and 2

Correct Answer:- Option-B

Question35:-A party can appear before civil court

- A:-Party in person
- B:-Recognised agent
- C:-By pleader
- D:-All the above

Correct Answer:- Option-D

Question36:-Pleading can be amended

- A:-By the plaintiff alone
- B:-By either party to the suit
- C:-Without the consent of the court
- D:-None of the above

Correct Answer:- Option-B

Question37:-Time limit for filing a written statement is

- A:-60 days
- B:-90 days
- C:-120 days
- D:-None of the above

Correct Answer:- Option-B

Question38:-Civil court will dismiss a suit where plaintiff after summons returned unserved fails for _____ days to apply for fresh summons

- A:-Ten days
- B:-Seven days
- C:-Thirty days
- D:-Ninety days

Correct Answer:- Option-B

Question39:-Execution of a vakkalath shall be attested by

- A:-Judicial officer
- B:-District Registrar
- C:-Gazetted officer
- D:-All the above

Correct Answer:- Option-D

Question40:-The time limit for curing of defect by Pleader

- A:-30 days
- B:-15 days
- C:-60 days
- D:-7 days

Correct Answer:- Option-B

Question41:-Affidavit on information or beliefs is to be in Form No

- A:-Form No. 17
- B:-Form No. 18
- C:-Form No. 19
- D:-Form No. 20

Correct Answer:- Option-A

Question42:-Third party exhibits are to be marked as

- A:-A
- B:-B
- C:-X
- D:-D

Correct Answer:- Option-C

Question43:-The strength of the panel of receivers is determined by

- A:-Munsiff
- B:-Sub judge
- C:-District Judge
- D:-All the above

Correct Answer:- Option-C

Question44:-The judgment of the court shall be drawn up as in Form No

- A:-29
- B:-30
- C:-17
- D:-23

Correct Answer:- Option-A

Question45:-Plaint is to be filed under

- A:-Order VI Rule I CPC
- B:-Order VII Rule I CPC
- C:-Order VIII Rule I CPC
- D:-Order IX Rule I CPC

Correct Answer:- Option-B

Question46:-Issues are to be framed by the

- A:-Plaintiff
- B:-Defendant
- C:-Court
- D:-All the above

Correct Answer:- Option-C

Question47:-All money payable under a decree shall be paid

- A:-By deposit into the court
- B:-Our of court through a bank
- C:-Both 1 and 2
- D:-Neither 1 and 2

Correct Answer:- Option-C

Question48:-Court can attach salary of private employees as

- A:-One payment
- B:-Monthly instalment
- C:-Both 1 and 2
- D:-None of the above

Correct Answer:- Option-C

Question49:-Order 21 rule 66 deal with

- A:-Adjournment of sale
- B:-Proclamation of sale by public auction
- C:-Postponement of sale
- D:-None of the above

Correct Answer:- Option-B

Question50:-Restriction on bid is applicable to

- A:-Mortgage
- B:-Decree holder
- C:-Court officer
- D:-All the above

Correct Answer:- Option-D

Question51:-Sale can be set aside

- A:-On deposit
- B:-On ground of irregularity or fraud
- C:-Judgment debtor having no saleable interest
- D:-All the above

Correct Answer:- Option-D

Question52:-Suit shall not abate due to death of parties

- A:-If the right to sue survives
- B:-Death after hearing
- C:-Both 1 and 2
- D:-Neither 1 and 2

Correct Answer:- Option-C

Question53:-Withdrawal of suit is permissible

- A:-With the leave of the court
- B:-Without the permission of the court
- C:-Both 1 and 2
- D:-Neither 1 and 2

Correct Answer:- Option-C

Question54:-Representative suit is explained in Order 23 as

- A:-A suit under section 91
- B:-A suit under rule 8 of Order 1
- C:-Both 1 and 2
- D:-Neither 1 and 2

Correct Answer:- Option-C

Question55:-The court shall reject an application for permission to sue as an indigent person

- A:-Where his allegation does not show a cause of action
- B:-Where any other person has entered into an agreement with him to finance the litigation
- C:-Where the applicant is not an indigent person
- D:-All the above

Correct Answer:- Option-D

Question56:-Court will remove an attachment before judgment when

A:-Security is furnished

B:-Suit is dismissed

C:-Both 1 and 2

D:-Neither 1 and 2

Correct Answer:- Option-C

Question57:-Attachment before judgment cannot be done with respect to

A:-Agricultural produce

B:-Immovable property

C:-Movable property

D:-None of the above

Correct Answer:- Option-A

Question58:-Person guilty of breach of injunction can be detained in civil prison for a term not exceeding _____ months

A:-Three months

B:-One month

C:-Two months

D:-One week

Correct Answer:- Option-A

Question59:-Court may order appointment of a Receiver of any property

A:-Before decree

B:-After decree

C:-Before or after decree

D:-None of the above

Correct Answer:- Option-C

Question60:-Stay of proceedings under a decree can be ordered by

A:-Appellate court

B:-Court which passed the decree

C:-Both 1 and 2

D:-None of the above

Correct Answer:- Option-C

Question61:-Appellate court has power to dismiss appeal without sending notice to lower court under

A:-Order 41 R.11

B:-Order 41 R.8

C:-Order 41 R.5

D:-Order 41 R.3

Correct Answer:- Option-A

Question62:-Cause-Title in a suit shall contain

A:-Name of the court

B:-Original suit number

C:-Name of the parties

D:-All the above

Correct Answer:- Option-D

Question63:-No objection as to the place of suing shall be allowed by _____ unless the objection was taken in the court of first instance

A:-Appellate court

B:-Revisional court

C:-Both 1 and 2

D:-Neither 1 and 2

Correct Answer:- Option-C

Question64:-Where courts are subordinate to different appellate courts, but not to the same High Court, the application for transfer shall be made to the

A:-Supreme Court

B:-High court

C:-Both 1 and 2

D:-Neither 1 and 2

Correct Answer:- Option-A

Question65:-Notice to garnishee can be issued in the case of a debt other than a debt

A:-Secured by a mortgage

B:-Secured by a charge

C:-Both 1 and 2

D:-Neither 1 and 2

Correct Answer:- Option-C

Question66:-Private alienation of property after attachment is

A:-Valid

B:-Void

C:-Voidable

D:-Discretion of the court

Correct Answer:- Option-B

Question67:-Judgment debtor can be detained in civil prison for resistance to delivery of possession up to

A:-30 days

B:-60 days

C:-90 days

D:-45 days

Correct Answer:- Option-A

Question68:-An interpleader suit can be instituted by

A:-Agent to sue their principal

B:-Tenant to sue their landlord

C:-Both 1 and 2

D:-Neither 1 and 2

Correct Answer:- Option-D

Question69:-All court sale shall commence at

A:-10.30 a.m.

B:-1.45 p.m.

C:-2.00 p.m.

D:-11.00 a.m.

Correct Answer:- Option-B

Question70:-Decrees in pauper suit shall be communicated to

- A:-Village officer
- B:-Collector
- C:-Sub-Registrar
- D:-All the above

Correct Answer:- Option-B

Question71:-Docket should contain

- A:-Name of the court
- B:-Number and year of the suit
- C:-Name of the person presenting the same
- D:-All the above

Correct Answer:- Option-D

Question72:-A petition whereby any proceeding other than a suit or appeal or a proceeding in execution of a decree or order is instituted in a court is known as

- A:-Interlocutory application
- B:-Original petition
- C:-Execution application
- D:-Execution petition

Correct Answer:- Option-B

Question73:-Petition to the court for the execution of any decree or order

- A:-Interlocutory application
- B:-Original petition
- C:-Execution application
- D:-Execution petition

Correct Answer:- Option-D

Question74:-Who among the following appearing as a witness shall be examined as far as possible on the same day

- A:-A Government servant
- B:-A minor
- C:-Both 1 and 2
- D:-Neither 1 and 2

Correct Answer:- Option-A

Question75:-A suit shall be defeated by reason of

- A:-Misjoinder of parties
- B:-non joinder of necessary party
- C:-non joinder of proper party
- D:-All the above

Correct Answer:- Option-B

Question76:-An appeal shall lie to the supreme court if the High Court certifies that the case involves a

- A:-Substantial question of law
- B:-Substantial question of law of general importance
- C:-Question of fact
- D:-All the above

Correct Answer:- Option-B

Question77:-Memorandum appearance must contain

- A:-the name of the parties to the suit
- B:-the name of the parties for whom the advocate appears
- C:-the name of the person by whom the Advocate is authorized to appear
- D:-All the above

Correct Answer:- Option-D

Question78:-Affidavits may be affirmed before

- A:-Any judicial officer
- B:-District Registrar
- C:-A member of parliament
- D:-All the above

Correct Answer:- Option-D

Question79:-Local inspection can be made by

- A:-Commissioner
- B:-Judge
- C:-Both 1 and 2
- D:-Neither 1 and 2

Correct Answer:- Option-C

Question80:-A warrant of attachment is to be returned with

- A:-Number and year of the suit for which recovery is to be made
- B:-Name of the Decree-holder
- C:-Total decree amount to be realized
- D:-All the above

Correct Answer:- Option-D

Question81:-Suit against government can be instituted after giving _____ notice

- A:-Two months
- B:-One month
- C:-Three months
- D:-None of the above

Correct Answer:- Option-A

Question82:-A residing in Thrissur publishes in Kottayam statements defamatory of B.B. may sue A in

- A:-Kottayam
- B:-Thrissur
- C:-Either in Kottayam or in Thrissur at the option of B
- D:-At the option of A

Correct Answer:- Option-C

Question83:-Interrogatories shall be in

- A:-Form No. 2
- B:-Form No. 1
- C:-Form No. 3
- D:-Form No. 4

Correct Answer:- Option-A

Question84:-A women cannot be arrested in execution of a decree for money is mentioned in

- A:-Section 65
- B:-Section 56
- C:-Section 47
- D:-Section 37

Correct Answer:- Option-B

Question85:-Mesne profit is defined in

- A:-Section 2(12)
- B:-Section 2(9)
- C:-Section 2(11)
- D:-None of the above

Correct Answer:- Option-A

Question86:-A had a claim for rent against B for 2006 and 2007. He files a suit for recovery of rent of the year 2006

- A:-A can't claim rent for 2007 subsequently
- B:-A can claim rent for 2007 subsequently
- C:-A can adjust the amount in the decree
- D:-None of the above

Correct Answer:- Option-A

Question87:-Plaintiff alone appears even after summons is duly served on the defended. Then the court will

- A:-Dismiss the suit
- B:-Decide ex parte
- C:-Extend the time
- D:-None of the above

Correct Answer:- Option-B

Question88:-An indigent person means

- A:-Not possessed of sufficient means
- B:-Possessed of property exempted from attachment
- C:-Possessed of subject matter if the suit
- D:-All the above

Correct Answer:- Option-D

Question89:-Which payment may be made in cash to court

- A:-Allowance to witness
- B:-Judgement-debtor's subsistence money
- C:-Tom-tom charges
- D:-All the above

Correct Answer:- Option-D

Question90:-Where the defendant is absent from his residence at the time when the service of summons is sought to be effected on him at his residence summons can be served on

- A:-Adult member of defendant's family
- B:-Servant
- C:-Both 1 and 2
- D:-Neither 1 and 2

Correct Answer:- Option-A

Question91:-Civil court may order separate trials if any _____ may embarrass or delay the trial of the suit

- A:-Joinder of plaintiffs
- B:-Joinder of defendants
- C:-Both 1 and 2
- D:-Neither 1 and 2

Correct Answer:- Option-C

Question92:-Non-compliance with order for discovery of documents will result in

- A:-Return of suit
- B:-Dismissal of suit
- C:-Rejection of suit
- D:-None of the above

Correct Answer:- Option-B

Question93:-Civil Register No. 1 contain

- A:-Original petition
- B:-Original suits instituted
- C:-Appeal
- D:-Insolvency petition

Correct Answer:- Option-B

Question94:-An order for withdrawal of a suit or appeal is in Form No.

- A:-21
- B:-28
- C:-29
- D:-33

Correct Answer:- Option-B

Question95:-Notice to show cause against execution is mandatory where an application for execution is made more than ____ after the date of the decree

- A:-One year
- B:-Two years
- C:-Three years
- D:-Twelve years

Correct Answer:- Option-B

Question96:-Which court is not competent to make an order for attachment before judgment of immovable property?

- A:-Munsif court
- B:-Small cause court
- C:-District court
- D:-All the above

Correct Answer:- Option-B

Question97:-Dates and the nature of proceedings in the several stages of a suit are entered in

- A:-A Diary
- B:-B Diary
- C:-Proceedings paper

D:-None of the above

Correct Answer:- Option-B

Question98:-Application for copies are to be made in form no

A:-47

B:-74

C:-24

D:-38

Correct Answer:- Option-A

Question99:-An aggrieved party can file _____ when an order contains a mistake or error apparent on the face of the record

A:-review

B:-Reference

C:-Revision

D:-None of the above

Correct Answer:- Option-A

Question100:-Principle of Res Judicata is not applicable to

A:-Co-plaintiffs

B:-Co-defendants

C:-Representative suit

D:-Proforma defendant

Correct Answer:- Option-D