



Solved Paper of Haryana Judicial Services (Prelims)

## HARYANA CIVIL SERVICES (JUDICIAL BRANCH) EXAMINATION - 2014 Held On 10-01-2015

1. According to Article 227 of the Constitution, every High Court shall have \_\_\_ over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction.

- Supervision
- Superintendence.
- Overview
- None of the above

Ans: (b) – Article 227 (1) of the Constitution confers on the High Court the power of superintendence over the courts and tribunals throughout the territories in relation to which it exercises jurisdiction. It empowers the High Courts to ensure that courts and Tribunals inferior to High Courts discharge their duties and obligations (M/S. S.I Enterprise v. Mahak Singh). In exercise of this power, the High Court may call for returns from such courts, make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts and prescribe forms in which books, entries and accounts shall be kept by the officers of any such court.

2. According to Article 233 of the Constitution, a District Judge is appointed by the;

- Chief Justice of the State High Court
- Governor of the State

- Chief Minister of the State
- None of the above

Ans: (b) – According to Article 233 (1), the appointment, posting and promotion of, District Judges in any state shall be made by the Governor of the State, in consultation with the High Court exercising jurisdiction in relation to such state.

4. Courts have jurisdiction to try all suits of a civil nature except suits, the cognizance of which is either expressly or impliedly barred, by virtue of :

- Section 7 of the CPC
- Section 8 of the CPC
- Section 9 of the CPC
- Section 6 of the CPC

Ans: (c) – According to section 9 of the CPC, the Courts shall (subject to the provisions herein contained) have jurisdiction to try all Suits of a civil nature excepting suits the cognizance which is either expressly or impliedly barred.

4. Constructive *res judicata* is contained in

- Explanation III to Section 11 of the CPC
- Explanation VI to Section 11 of the CPC
- Explanation VII to Section 11 of the CPC
- Explanation IV to Section 11 of the CPC.

Ans: (d) – Explanation IV states that any matter which might and ought to have been made ground of defence or attack in such former suit shall be deemed to have been a matter directly and substantially in issue in such suit. It thus lay down the principle of constructive *res judicata*.

When any matter which might and ought to have been made a ground of defence or attack in a former proceeding but was not so made, then such a matter in the eye of law, to avoid multiplicity of litigation and bring about finality in it is deemed to have been constructively in issue and therefore is taken as decided. (Workmen v. Board of Trustees, Cochin Port Trust).

5. The Court under Section 89(1) of the CPC can refer the dispute for

- Mediation or Lok Adalat
- Arbitration or conciliation
- Conciliation or mediation
- All the above

Ans: (d) - The Law Commission of India in its 129<sup>th</sup> report in 1988 recommended for the introduction of ADR in India. Clause 3(d) of the Code of Civil Procedure Bill 1997, accordingly provided that "with a view to implement the 129<sup>th</sup> report of the Law Commission of India, and to



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make conciliation scheme effective, it is proposed to make it obligatory for the court to refer the dispute after the issues are framed for settlement either by way of arbitration, conciliation, mediation, judicial settlement or through Lok Adalats. It is only after the parties fail to get their dispute settled through any one of the alternate dispute resolution methods that the suit shall proceed further in the section in which it was filed. Section 89 has been introduced to the Civil Procedure Code by the amendment Act of 1999 and it became effective from 1.07.2002. The basic objective of section 89 is to ensure that the court makes an endeavor to facilitate out-of-court settlements through one of the ADR processes before the trial commences.

6. Raju dies leaving behind a son Ravi and a married daughter Kavita, a suit filed by Raju, after his death, can be continued by

- Ravi alone as legal representative
- Kavita alone as legal representative
- Ravi, Kavita and her husband as legal representative
- Ravi and Kavita both as legal representative

**Ans: (d)** - Both Kavita and Ravi are legal heirs/representatives of the deceased and can continue the suit. Legal representative is defined under section 2(11) of the CPC as - 1. Who in law represents the estate of a deceased person, 2. Who interferes with the estate

of a deceased 3. A representative of a legal representative. Thus LR includes even a stranger who may be in actual possession of the deceased's estate without claiming any title thereof.

7. Which section of the Cr.P.C. provides for confirmation by the High Court of an order of death sentence passed by the Sessions Court prior to its execution?

- Section 371
- Section 366
- Section 368
- Section 369

**Ans: (c)** - In any case submitted under section 366, the High Court-(a) May confirm the sentence, or pass any other sentence warranted by law, or (b) May annul the conviction, and convict the accused of any offence of which the Court of Session might have convicted him, or order a new trial on the same or an amended charge, or (c) May acquit the accused person: Provided that no order of confirmation shall be made under this section until the period allowed for preferring an appeal has expired, or, if an appeal is presented within such period, until such appeal is disposed of.

8. When the High Court or any Sessions Judge calls for to examine the record of any proceeding before any inferior criminal court, it is known as:

- Review
- Revision
- Reference
- None of the above.

**Ans: (b)**- Section 115 empowers the High Courts to call for the record of any case which has been decided by any court subordinate to such High Court and in which no appeal lies thereto, and if such subordinate court appears:

(a) to have exercised jurisdiction not vested in it by law

(b) to have failed to exercise a jurisdiction so vested

(c) to have acted in the exercise of its jurisdiction illegally or with material irregularity.

If the High Court is satisfied with the above three points and there is no violation by the lower court, it has no power to interfere even if it differs profoundly from the conclusion of the lower court on questions of fact or law. {M.L. Sethi v. R.P. Kapur}.

9. A Chief Judicial Magistrate may pass a

- Sentence of imprisonment exceeding 7 years
- Sentence of imprisonment not exceeding 7 years
- Sentence for life imprisonment
- Death sentence

**Ans: (b)** - According to section 29 of the Cr.PC, the court of Chief Judicial Magistrate may pass any sentence authorized by law except a sentence of death or of imprisonment for life or of imprisonment for a term exceeding 7 years.



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10. Application for anticipatory bail may be made before

- Chief Judicial Magistrate
- Sessions Judge
- High Court
- Both (b) and (c)

Ans: (d) – Section 438 of the Cr.PC deals with anticipatory bail. The power of granting 'anticipatory bail' is an extraordinary remedy and allowed in exceptional cases only on grounds like - that a person is falsely implicated or a frivolous case is launched against him or there are reasonable grounds for holding that a person accused of an offence is not likely to abscond, or otherwise misuse his liberty while on bail. It can be granted by a Court of Session or a High Court.

Where a competent court grants anticipatory bail, it makes an order that in the event of arrest, a person shall be released on bail. (Gurbaksh Singh Sibbia v. State Of Punjab 1980 AIR 1632)

11. The Supreme Court was established in -

- 1950
- 1949
- 1962
- 1980

Ans: (a) – The SC was established by the Constitution of India on the 26<sup>th</sup> of Jan 1950 with a Chief Justice and seven other judges. It was inaugurated on 28 January 1950 and operated from the Parliament building till 1958. Parliament increased the number of Judges from 8 in 1950 to 11 in 1956, 14 in 1960, 18 in 1978 and 26 in 1986.

Presently it has 30 judges and one Chief Justice. The retirement age of a judge of the SC is 65 years. Proceedings of the Supreme Court are conducted in English only. J. Harilal J Kania was the first Chief Justice of the SC.

12. Adherence to precedent is called the doctrine of

- Stare decisis
- Commercial impracticability
- Substantial performance
- Nolo contendere

Ans: (a) – The question in stare decisis is whether a court can deviate from its previous decisions. Stare decisis, the sacred principle of English law by which precedents are authoritative and binding and which must be followed is not applicable to the SC. However SC will not deviate from the doctrine of stare decisis unless there are some extraordinary or special reason to do so. In *Sajjan Singh v. State of Rajasthan*, the SC held that "the doctrine should not be permitted to perpetuate erroneous decisions pronounced by this court to the detriment of general welfare.

13. Under Section 28 of the Hindu Marriage Act, 1955, every appeal from decrees or orders shall be preferred with effect from 23<sup>rd</sup> December, 2003, within a period of ...from the date of decree or order.

- 120 days
- 90 days
- 30 days
- 60 days

Ans: (b) – According to section 28(4) of the Hindu Marriage Act

1955, every appeal under this section shall be preferred within a period of ninety days from the date of the decree or order.

14. Restitution of conjugal rights is available to:

- Wife
- Husband
- Wife and husband both
- Only husband and not wife

Ans: (c) – Under Section 9 of the Hindu Marriage Act 1955, the district court / Family Court may award a decree of restitution of conjugal rights to bring about cohabitation between the estranged parties on grounds - (i) one party must have withdrawn from the society of the other; (ii) the withdrawal must be without any reasonable reason, and (iii) the aggrieved party applies for the restitution of conjugal rights. The burden of proof is initially on the aggrieved petitioner to prove that the respondent has withdrawn from his/her society. Once that burden is discharged by the petitioner, it is for the respondent to prove that there exists a reasonable excuse for the withdrawal.

15. The first non-tribal Chief Minister of Jharkhand is

- Arjun Munda
- Babulal Marandi
- Raghubar Das
- Madhu Koda

Ans: (c) – Sh. Raghubar Das was the first non tribal Chief Minister of Jharkhand.

16. Pandit Madan Mohan Malviya was the Founder of



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- a. Gurukul Kangri, Haridwar
- b. Banaras Hindu University, Banaras
- c. Gurukul Kurukshetra, Kurukshetra
- d. All the above.

**Ans: (b)** – *Pandit Madan Mohan Malviya was an Indian educationist and politician notable for his role in the Indian independence movement and was the two time president of Indian National Congress. He was the founder of Banaras Hindu University. He was also awarded with Bharat Ratna in the year 2014 (posthumously).*

17. Kaushalya dam is located on the river Kaushalya.

- a. Near Pinjore (Haryana)
- b. Near Ropar (Punjab)
- c. Near Solan (Himachal Pradesh)
- d. Near Jammu (J&K)

**Ans: (a)** – *The Kaushalya Dam is an earth-fill embankment dam on the Kaushalya river, which is a tributary of Ghaggar - Hakra River at Pinjore of Haryana state, India.*

18. The method of proportional representation is adopted in the election of

- a. Prime Minister
- b. President
- c. Governor
- d. Chief Justice of India.

**Ans: (b)** – *This system is adopted for the election of President. Election of the President shall be held in accordance with:*

- (a) System of proportional representation
- (b) by means of single transferable vote

(c) by secret ballot.

19. Under the Haryana Urban (Control of Rent and Eviction) Act, 1973. Provisions for determination of fair rent have been made in section.

- a. 3
- b. 4
- c. 6
- d. 7

**Ans: (b)** *Determination of fair rent is made under section 4 of the Haryana Urban (Control of Rent and Eviction) Act 1973.*

20. Under Section 19 of the Indian Contract Act, 1872, the consent caused by coercion is:

- a. Voidable
- b. Valid
- c. Illegal
- d. None of these

**Ans: (a)** – *When consent to an agreement is caused by coercion, fraud or misrepresentation, the agreement is a contract voidable at the option of the party whose consent was so obtained. A party to contract, whose consent was obtained by fraud or misrepresentation, may, if he thinks fit, insist that the contract shall be performed, or he may rescind the contract. However when a contract is affected by mistake, the contract will be void.*

21. Under Section 27 of the Indian Contract Act, 1872, in which of the following relation an agreement in restraint of trade is valid:

- a. Mutual adjustment
- b. Business contingency
- c. Sale of goodwill
- d. None of these

**Ans: (c)** – *Agreement in restraint of trade is subject to three exceptions – Sale of Goodwill; trade combinations & Sections 11(2), 36(2) 54, 55(3) of the Indian Partnership Act.*

22. In which of the following circumstance a surety stands discharged?

- a. By release or discharge of the principal debtor
- b. By variance in the terms of contract
- c. (a) and (b) both
- d. None of these

**Ans: (c)** *The following are the modes or circumstances under which a surety is discharged from his liability –*

1. By revocation:

- a) Notice by surety
- b) Death of surety
- c) Novation.

2. By conduct of the creditor

- a) Variance (change) in terms of the contract
- b) Release or discharge of the principal debtor.
- c) Certain arrangements made by the creditors with the principal debtors without the consent of surety,
- d) Creditors act or omission impairing surety's eventual (ultimate) remedy. e) Loss of security.

23. A is tried for the murder of B by poison. The fact that before the death of B, A procured poison similar to that which was administered to B is:

- a. Relevant
- b. Not relevant
- c. Partly relevant
- d. Neither relevant nor irrelevant



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**Ans: (a)-** Relevant facts are those facts which are so connected with the fact in issue and it can explain, assert or deny the existence of facts in issue. However facts connected with facts in issue is not relevant, unless the said fact is connected with 'facts in issue' in the same manner as given in section 6 to 55 of the Indian Evidence act. The following are the categories of relevant facts.

- (i) Facts forming part of the same transactions
- (ii) Certain statements like admission, confession or dying declarations
- (iii) Earlier judgment pertaining to the said cause of action
- (iv) Opinion of experts (on disputed facts)
- (v) Character of parties

24. Dumb witness may give his evidence by writing or signs in open court such evidence shall be deemed to be:

- a. Written evidence
- b. Oral evidence
- c. Not admissible in evidence
- d. It depends on the discretion of the Court to accept it or not.

**Ans: (b) -** According to section 119 of Indian Evidence Act - A person who by reasons of dumbness or otherwise is unable to speak may give evidence by any means by which he can make himself intelligible, such as, by writing or by signs. Evidence so recorded shall be regarded as oral evidence.

25. In which Section of the Indian Evidence Act, 1872, special provision is mentioned regarding evidence relating to electronic record?

- a. Section 59
- b. Section 65A
- c. Section 63
- d. Section 67A

**Ans: (b) -** According to Section 65A of the Indian Evidence Act - The contents of electronic records may be proved in accordance with the provisions of Section 65B.

26. The case of Pakala Narain Swamy v. Emperor relates to:

- a. Doctrine of Estoppel
- b. Dying Declaration
- c. Cross Examination
- d. Accomplice

**Ans: (b) -** One of the issues in the case was the validity of dying declaration. It was held that under the Indian Evidence Act, it is not necessary that the declarant should be under any expectation of death. If the declarant has in fact died and the statement explains the circumstances surrounding his death, the statement will be relevant even if no cause of death had arisen at the time of making the statement.

27. Under Section 25 of the Indian Partnership Act, 1932 the liability of the partners for the acts of the firm is:

- a. Joint and several
- b. Several
- c. Joint or several
- d. Joint.

**Ans: (a) -** A partner is an agent of the firm for the purpose of the business of the firm. Therefore, all the partners of the firm become liable for an act of the firm by any partner. As regards the nature of liability, section 25 states that every partner is jointly and severally liable for all the acts of the firm,

done while he is a partner. However a retired partner is not liable for any acts that occurred after his retirement. Thus the liability of a partner towards third party is:

- (i) joint and several
- (ii) liability arises for those acts connected with the business of the firm.
- (iii) liable for acts pertaining to the period while he was a partner. (like liability to pay tax arrears pertaining to the period when one was a member)
- (iv) liability is unlimited

28. Which statement is correct?

- a. A partnership firm is a juristic person
- b. A partnership firm is a distinct legal entity from its partners
- c. A Partnership firm is not a distinct legal entity from its partners.
- d. All the above.

**Ans: (c) -** partnership is merely an association of persons and do not possess a separate legal entity. Meaning thereby, law does not make any distinction between the firm and the partners who compose it. Every partner acts as a principal of the firm as well as its agent. Each partner carries on the business on behalf of the firm and can enter in to contract with outsiders on its behalf. Thus a partner can bind the firm with his acts within the scope of the partnership business.

29. In which of the following cases the Privy Council made a distinction between 'common



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intention' and 'similar intention'?

- a. Bannu Mal v. Emperor
- b. Mehaboob Shah v. King Emperor
- c. Barendra Kumar Ghosh v. Emperor
- d. Srinivas Barolia v. Emperor

**Ans: (b)** - To constitute common intention it is necessary that the intention of each be known to all the others and be shared by them, whereas this is not so in the case of same or similar intention.

For example - A, B, & C had the same or similar intention to kill D. They all reached the house of D incidentally at the same time. There is no meeting of minds and hence their intention is same or similar and not common.

To constitute common intention it is necessary that the intention of each be known to all the others and be shared by them whereas common object does not require a prior concert and a common meeting of minds. It is enough if each has the same object in view.

30. Criminal breach of Trust deals with

- a. Stolen property
- b. Entrusted property
- c. Illegally acquired property
- d. Movable property

**Ans: (b)** - Entrustment is necessary to constitute criminal breach of trust. Section 405 of the IPC defines Criminal Breach of Trust. It states that in order to constitute the offence of criminal Breach of Trust, it must be established that accused was entrusted with the

property or with dominion or power over the property of another and that he has dishonestly misappropriated it or converted it to his own use. Thus what is important is that the beneficial interest in the property in respect of which the offence was committed was vested in some person other than the accused.

31. A puts his hand in the pocket of B for stealing money, but the pocket was empty. A is guilty of:

- a. Theft
- b. Mischief
- c. Attempting to commit theft
- d. No offence

**Ans: (c)** - A is liable to attempting to commit theft under section 511 of the IPC. A person may be held guilty of attempting to commit an offence even though the facts are such that the commission of the offence is impossible.

The accused was convicted for attempting to steal from the handbag of a woman even though there was nothing in the handbag. (R v. Ring)

32. 'A' beats his wife. She fell down and became unconscious. Believing her to be dead and to save himself from being arrested for murder, A hanged her on the fan with rope. Post mortem report disclosed her death from hanging. A is liable for.

- a. Murder
- b. Culpable homicide.
- c. Hurt
- d. Grievous hurt

**Ans: (b)** - The facts of the given problem is similar to that of R

v. Church - Physical fight between a couple resulted in the male knocking his partner unconscious. He tried to resuscitate her but thought she was dead and threw her in the river where she drowned.

Evidence showed she had not been dead, but merely unconscious and her death was caused by her being thrown into the river unconscious.

He was convicted of manslaughter and appealed on the basis that he did not have the requisite mens rea for her murder.

His Conviction upheld on the basis of - what happened was "a series of acts which culminated in her death". The acts could not be considered separate.

33. A voluntary gift without consideration of property or the substance of thing by one person to another so as to constitute the donee the proprietor of the subject matter of the gift is known as.

- a. Hiba
- b. Aariat
- c. Sadaqa
- d. Hiba-ba - sharat-ul-iwaz

**Ans: (a)** - Hiba (Tamlik al ain), is an immediate and unconditional transfer of the ownership of some property or of some right, without any consideration or with some return (ewaz); and the term 'hiba' and 'gift' are often indiscriminately used but the term hiba is only one of the kinds of transactions which are covered by the general term 'gift'. The other types of gifts under Islam include Ariya



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(*Tamlik al manafe*), where only usufruct is transferred, and *Sadqah* where the gift is made by the Muslim with the object of acquiring religious merit.

34. Divorce by Mutual Consent has been provided in section \_\_\_ of the Hindu Marriage Act, 1955.

- a. 13A
- b. 13(1)
- c. 13B
- d. None of the above

*Ans: (c) - The filing of a divorce petition by both the husband and the wife is legally known as "The First Motion Petition for Mutual Consent Divorce". "The Second Motion Petition for Mutual Consent Divorce" mentioned in the sub-section (2) of Section 13-B is filed when the couple reappears before the court for the second time, after a period of six months. If the judge is satisfied after a hearing from both the husband and wife, the court announces a mutual divorce decree. If the couple fails to appear in the court after six months and not later than eighteen months from the date of the first motion, the divorce petition becomes null and void. Either one of the couple can withdraw his/her petition within the six months term.*

35. As a general rule, a petition for dissolution of Hindu Marriage cannot be presented within \_\_\_ of marriage.

- a. 2 years
- b. 1 years
- c. Six months
- d. Two months

*Ans: (b) - Section 14 of the Hindu Marriage Act 1955 provides that no petition for divorce can be presented to the court unless one year has passed since the date of marriage or a leave to present a petition within that time has been obtained. Thus in the following cases the courts can entertain a petition for divorce even before the completion of one year:*

- i) exceptional hardship to the petitioner
- ii) exceptional depravity on the part of the respondent.

*The courts can also postpone the operation of the decree if it is of the opinion that the permission to file the petition before one year was obtained by undue means or misrepresentation.*

36. Under Section 24 of the Punjab Courts Act, 1918 \_\_\_ which the principal civil court of original jurisdiction.

- a. High Court
- b. District Court
- c. Family Court
- d. None of the above.

*Ans: (b) - According to section 34 - the Court of the District Judges shall be deemed to be the District Court or principal Civil Court of original jurisdiction in the district.*

37. Section 6 of the Limitation Act, 1963 is available to:

- a. Plaintiffs
- b. Defendants
- c. Respondents
- d. None of the above.

*Ans: (a) - When the person who is entitled to file the plaint is under some disability, the*

*limitation period shall not begin till that disability comes to an end. Thus the section refers to persons who are entitled to institute a suit or make an application for the execution of a decree and are under some disability and hence obviously refers to plaintiff.*

38. A stayed in the hotel of B for one week. He organized a party for his friends on 01.11.2014 the bill of which amounted to Rs. 40,000/-. He vacated his room on 05.11.2014 and settled all his bills except the bill of the party. B can sue A for the payment of Rs. 40,000/-. Within;

- a. 1 year from 01.11.2014
- b. 1 year from 05.11.2014
- c. 3 years from 01.11.2014
- d. 3 years from 05.11.2014

*Ans: (c) - 3 years from 1.11.2014, for the reason the bill was payable on 01.11.2014 and the limitation period is three years.*

39. According to section 7 of the Registration Act, 1908, the State Government shall establish in every \_\_\_ an office to be styled as the office of the Registrar.

- a. Taluka
- b. District
- c. City
- d. Sub-district

*Ans: (b) - According to section 7, the State government shall establish in every district an office to be styled the office of the Registrar and in every sub-district an office or offices to be styled the office of the Sub-*





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Registrar or the offices of the joint sub registrar.

40. Under the sale of Goods Act, 1930 the delivery can be -

- a. Symbolic only
- b. Actual only
- c. Constructive only
- d. All the above.

**Ans: (d)** - According to section 33 - Delivery of the goods may be made by doing anything as the parties agree to as delivery. Delivery may be made by doing anything which has the effect of putting the goods in the possession of the buyer or of any person authorized to hold them on his behalf. Delivery may actual, symbolic, or constructive. A symbolic delivery takes place when the seller hands over to the buyer the keys of the go down where the goods are stored. Constructive delivery takes place when the goods are in the custody of a third person who, in accordance with seller's order, acknowledges to hold them on buyer's behalf and the buyer has assented to it, or accepts rent for the goods from the buyer.

41. Which of the following is provided under Section 9 of the Sale of Goods Act, 1930?

- a. Ascertainment of price
- b. Conditions and warranties
- c. Agreement to sell
- d. All the above.

**Ans: (a)** - Section 9 is about ascertainment of price. The price in a contract of sale 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.

(2) Where the price is not determined in accordance with the foregoing provisions, the buyer shall pay the seller a reasonable price. What is a reasonable price is a question of fact dependent on the circumstances of each particular case.

42. Which of the following sections deals with specific performance of a part of a contract.

- a. 10
- b. 11
- c. 12
- d. 13

**Ans: (c)** - Section 12 prescribes the situations in which the court may allow specific performance of part of a contract.

43. Which of the following sections lays down the rule that the discretionary power of the court to grant specific performance is not arbitrary but sound and reasonable?

- a. 10
- b. 14
- c. 20
- d. None of the above.

**Ans: (c)** - The section gives to the Court discretion in the matter of decreeing specific performance. This discretion is not arbitrary, but sound and reasonable, guided by the judicial principles. Under no circumstances, the court should exercise its discretion, where it would be improper. The court can't refuse relief to any party merely on the ground that the contract is unenforceable. The discretion of the court is to

decide whether enforcement of the contract in the present circumstances is fair and if the contract is fair and reasonable character of the plaintiff has been good then the discretion of the court has no application. (*Rajeswari v. Puran Indoria*)

44. Article \_\_\_ of the Constitution of India vests the residuary power of legislation with the Parliament.

- a. 246
- b. 247
- c. 248
- d. 250

**Ans: (c)** - According to Article 248, Parliament has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or State List and such power shall include the power of making any law imposing a tax not mentioned in either of those Lists.

45. The general power of transferring suits under Section 24 of CPC lies with.

- a. High Court and the District Court
- b. High Court and Supreme Court
- c. High Court
- d. District Court.

**Ans: (a)** As per section 24 - On the application of any of the parties and after notice to the parties and after hearing such of them as desired to be heard, or of its own motion, without such notice, the High Court or the District Court may, at any stage,— (a) transfer any suit, appeal or other proceeding pending before it for trial or





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disposal to any court subordinate to it and competent to try or dispose of the same; or (b) withdraw any suit, appeal or other proceeding pending in any court subordinate to it; and (i) try to dispose of the same; or (ii) transfer the same for trial or disposal to any court subordinate to it and competent to try or dispose of the same; or (iii) re-transfer the same for trial or disposal to the court from which it was withdrawn.

46. Where a decree is to be sent to a court in another state for execution it has to be sent by;

- a. The High Court
- b. The District Court
- c. The court which passed the decree
- d. The Court which passed the decree with the consent of the High Court.

**Ans: (c)** - According to section 39, the court which passed the decree may on the application of the decree holder, send it for execution to another court of competent jurisdiction the immovable property of the Judgment debtor is situated or the defendant resides, works for gain or carries on business. Further according to section 40 the court to which such decree is sent outside the state shall execute it as if it is a decree passed by it and according to the rules in force in that state.

47. When a decree is passed against the Union of India, execution of such decree shall not be issued unless it remains unsatisfied for the period of \_\_\_\_

computed from the date of such decree.

- a. 1 month
- b. 2 months
- c. 3 months
- d. 6 months

**Ans: (c)** - A decree passed against the Union of India or a state govt. or public officer, shall not be executed unless it remains unsatisfied for a period of three months from the date of decree. The same rules are applicable for orders and awards against government. (Section 82, CPC)

48. The provision regarding inter-pleader suit has been incorporated in section;

- a. 87
- b. 88
- c. 89
- d. 90

**Ans: (b)** - In a majority of cases, there is a dispute between a plaintiff and a defendant. In an interpleader suit, the plaintiff is not really interested in the subject matter of the suit. It is the process wherein the plaintiff calls upon the rival claimants to appear before the court and get their respective claims decided.

An agent or a tenant cannot file an inter-pleader suit against the principal and landlord respectively.

49. Which of the following is correct?

- a. Section 113-Review, Section 114-Revision, Section 115-Reference of the CPC.
- b. Section 113-Referene, Section 114-Review, Section 115-Revision of the CPC

c. Section 113 - Reference, Section 114- Revision, Section 115- Review of the CPC.

d. None of the above

**Ans: (b)** Review is given under section 114, Reference under section - 113 and Revision under section 115. Review in simple words means to reconsider, to look again or to re-examine. It is judicial re-examination of the case by the same court and by the same judge. Reference means to state the case on a point of law and seek the opinion of the High Court in non appealable cases. The section further states that reference is subject to satisfaction of the court that a case pending before it involves a question as to the validity of any Act, Ordinance or Regulation etc contained in any Act and the determination of which is necessary for the disposal of the case and such Act, Ordinance, Regulation, Provision etc is invalid, or inoperative but has not been so declared by the High Court to which that court is subordinate or by the Supreme Court, the court may state a case and setting out its opinion and the reasons therefore, and refer the same for the opinion of the High Court. To "revise" means to "to look again" or "repeatedly at" to go through carefully and correct where necessary. Thus revision means to the action of revising, especially critical, or careful examination or perusal with a view to correcting or improving. The High Courts have the power of revision.



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50. Which provision of the Cr.P.C. 1973 resembles the writ of Habeas Corpus?

- a. Section 93
- b. Section 97
- c. Section 91
- d. Section 96

*Ans: (b) – Section 97 of Cr PC provides for persons wrongly confined. A District Magistrate or Judicial Magistrate First Class can issue a search warrant to trace out a confined person. Thus it is more or less look like the provisions of Habeas corpus.*

51. The power to determine the language of a subordinate court is with;

- a. High Court
- b. State Government
- c. Central Government
- d. State Government with the concurrence of the High Court.

*Ans: (b) – The question is based on section 272 of the Criminal procedure Code. The State government may determine what shall be for the purposes of this Code, the language of each court within the state other than the high Court.*

*According to Article 348 of the Constitution - the proceedings in the Supreme Court / High Courts will be in English. However, the Governor of a State may, with the previous consent of the President, authorize the use of the Hindi language, or any other language used for any official purposes of the State, in proceedings in the High Court having its principal seat in that State. Provided that nothing in this clause shall apply to any judgment, decree or order*

*passed or made by such High Court.*

52. The Victim Compensation Scheme under section 357-A was incorporated in\_\_\_

- a. 2004
- b. 2005
- c. 2009
- d. 2012

*Ans: (c) – This section has been incorporated in to Cr PC vide amendment Act of 2008 with effect from 31-12-2009. The object and purpose of the provision was to enable the Court to direct the State to pay compensation to the victim where the compensation under Section 357 was not adequate or where the case ended in acquittal or discharge and the victim was required to be rehabilitated. The provision was incorporated on the recommendation of 154th Report of Law Commission. Victims of rape, assault, child sexual abuse, drunk driving, and domestic violence, the families of homicide victims etc, are eligible to apply for financial help under section 357-A.*

53. What offence is bailable?

- a. Mentioned as bailable offence in Schedule I of Cr.P.C.
- b. All cases of summons trial
- c. All non-cognizable offences
- d. All cases which are not triable by sessions.

*Ans: (a) – Cr PC lay down the procedure for trial of offences given under Indian Penal Code. The nature offence is given under every section of the IPC. It is given in the form of a table*

*as Schedule I at the end of the Cr. PC.*

54. A man is prohibited to marry his daughter on the ground of

- a. Affinity
- b. Consanguinity
- c. Fosterage
- d. None of the above.

*Ans: (b) – Consanguinity is the prohibition on marriage on the basis of blood relation. Consanguinity is the quality of being descended from the same ancestor as another person. Thus when two persons originate from the same ancestor, they are consanguine. Affinity on the other hand is the relationship that is created or exists between two or more people as a result of matrimonial alliance.*

55. The Court can forfeit the right of maintenance on the ground of:

- a. Re-marriage
- b. Sexual immorality
- c. Only (a) and not (b)
- d. Either (a) or (b)

*Ans: (d) – A divorced wife loses her right to claim maintenance on remarriage or if she leads an immoral life.*

56. The Hindu Marriage Act, 1955 contains the minimum period of desertion for filing a suit for judicial separation.

- a. Three years
- b. Five years
- c. Two years
- d. Seven years

*Ans: (c) - Desertion means the intentional permanent forsaking and abandonment of one spouse by the other*



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without the other's consent and reasonable cause. It is a total repudiation on the obligations of the marriage (*Lachman Utamchand Kripalani v. Meena AIR 1964 SC 40*). To constitute a ground for judicial separation or divorce, desertion must be for a period of two years. It is a continuing offence and an inchoate offence. Continuous in the sense that once started it can only be brought to an end by the aggrieved party. The offence is inchoate in the sense that it becomes complete only when the deserted spouse files a petition for a matrimonial relief and not otherwise. For desertion it is not necessary that the husband deserts the wife actually, desertion can be constructive. Desertion is not physically abandoning the matrimonial home, rather is in ignoring cohabitation. If any party to marriage avoids the other party from cohabitation even while living in one house, it shall amount to desertion.

57. The system of dual citizenship within the country exists in

- USA
- France
- India
- UK

**Ans: (a)** - In USA, the provisions of dual citizenship are allowed. Thus in certain cases, a person can be a citizen of USA while also retaining his foreign citizenship. Section 101(a)(22) of the Immigration and Nationality Act (INA) states that "the term 'national of the United States' means (A) a citizen of the United States, or

(B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

58. Which of the following rivers flows through the State of Haryana?

- Satluj
- Yamuna
- Ganges
- Brahmaputra

**Ans: (b)** - Among the above rivers, Yamuna is the only river that flows through the state of Haryana.

59. Who among the following is the longest Serving Chief Justice of India?

- S.R. Das
- B.P. Sinha
- A.N. Ray
- Y.V. Chandrachud

**Ans: (d)** - Justice Y. V. Chandrachud is the longest serving Chief Justice of India. He occupied the office of the Chief Justice of India from February 1978 - July 1985.

60. Who among the following is the first Chief Justice of Punjab High Court at Simla after independence?

- S.R. Das
- Ram Lal
- Eric Weston
- G.D. Khosla

**Ans: (b)** - Sh. Ram Lal was the first Chief Minister of Punjab High Court at Shimla from 15.8.1947 to 18.1.1949.

61. The Court can take cognizance of an offence under Section 22 of Haryana Urban (Control of Rent and Eviction) Act, 1973, upon.

- A complaint in writing filed with the sanction of the Controller
- A report in writing of facts made by the Controller
- Either a or b
- Neither a nor b

**Ans: (c)** - According to Section 22 - No Court shall take cognizance of an offence under this section except upon -  
(a) a complaint in writing (of facts which constitute such offence) filed with the sanction of the Controller; or  
(b) a report in writing of such facts made by the Controller.

62. Under Section 20 of Indian Contract Act, 1872 in case both the parties are under mistake as to matter of fact, the contract:

- Is valid
- Is invalid
- Is void
- none of these

**Ans: (c)** - According to section 20 - Section 20: where both parties to an agreement are under mistake as to a matter of fact essential to the agreement, the agreement is void.

(i) Contract is void only if there is a mistake on behalf of both parties  
(ii) Mistake should be in reference to a matter of fact  
(iii) That fact should be essential to the agreement.

63. Which of the following sections incorporates the surety's right of subrogation.

- 139
- 140
- 141
- 142



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**Ans: (b)** – According to section 141 of the Indian Contract Act, A surety is entitled to the benefit of every security which the creditor has against the principal debtor at the time when the contract of suretyship is entered into, whether the surety knows of the existence of such security or not; and if the creditor loses, or without the consent of the surety, parts with such security, the surety is discharged to the extent of the value of the security.

64. Public document under the Indian Evidence Act, 1872 can be proved by:

- Oral evidence
- The writer of the certified copy
- Certified copy
- Any of the above.

**Ans: (c)** – When the contents of a public document are to be proved before a Court, the original need not be produced. Certified copies of public documents may be produced in proof of the contents of the public documents or parts of the public documents of which they purport to be copies. (Section 77, Indian Evidence Act).

65. In case of suicide by a married woman, the court under Section 113 A of the Indian Evidence Act, 1872 may presume that suicide had been abetted by her husband, if;

1. Suicide was committed by the wife within a period of seven years from the date of her marriage.
2. The wife was subjected to cruelty

3. The wife was illiterate and from a poor family.

4. The wife was deserted by the husband.

Select the correct answer using the codes given below.

- 1 and 2
- 1,2 and 3
- 1,3, and 4
- 2 and 4

**Ans: (a)** – Section 113-A deals with presumptions as to the death of married woman. When the question is whether the commission of suicide by a woman had been abetted by her husband or any relative of her husband and it is shown that she had committed suicide within a period of seven years from the date of her marriage and that her husband or such relative of her husband had subjected her to cruelty, the court may presume, having regard to all the other circumstances of the case, that such suicide had been abetted by her husband or by such relative of husband.

66. The case of Kashmira Singh v. State of Madhya Pradesh relates to:

- Privileged Communications
- Dying declaration
- Confession to police officer
- Confession of a co-accused.

**Ans: (d)** – It was held that the confession of an accused person against a co-accused is not evidence in the ordinary sense of the term. It does not come within the meaning of evidence contained in Section 3 of the Indian Evidence Act inasmuch as it is not required to be given on oath, nor in the presence of the accused and cannot be

tested by cross-examination. It is a much weaker type of evidence than the evidence of an approver which is not subject to any of these infirmities.

67. The question is whether a horse sold by A to B is sound. A says to B "Go and ask C. C knows all about it." C's statement is a/an:

- Confession
- Admission
- Presumption
- Reference

**Ans: (b)** – Persons to whom, a party to the suit has expressly referred for information in reference to a matter in dispute is relevant. If a man refers another upon any particular business to a third person, he is bound by what this third person says or does concerning it, as much as if that had been said or done by him. (Section 20, Indian Evidence Act).

68. Under Section 10, every partner has a duty to indemnify the firm for any loss caused to the firm by his \_\_\_ in the conduct of the business of the firm.

- Negligence
- Wrongful act
- Fraud
- All of the above.

**Ans: (c)** – Every partner shall indemnify the firm for any loss caused to it by his fraud in the conduct of the business of the firm. (Section 10, Indian Partnership Act).

69. A partnership for which no period or duration is fixed, under the Indian Partnership Act, 1932 knows as:



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- a. General partnership
- b. Partnership at will
- c. Particular partnership
- d. Co-ownership.

**Ans: (b)** - Where no provision is made by the contract between the partners regarding the actual duration of the partnership or for the termination of partnership, it is called a partnership at will. Partnership at will can be dissolved by any partner serving notice in writing to other partners of his intension to do so. If the duration of the partnership has been fixed but the partnership is made to continue thereafter without specifying any fixed duration for the same, subsequently, it becomes a partnership at will. In the case of a partnership at will, the duration is not specified nor there is any provision for its determination (end), the partners are not bound to continue in partnership for any specified period and the partnership can be ended at the sweet will of any of the partners. A partner may retire by giving a notice to all the other partners of his intention to retire. The firm may also be dissolved by any partner by giving notice in writing to all the other partners of his intention to dissolve the firm. The firm stands dissolved as from the date mentioned in the notice as to the date of dissolution or, if no date is mentioned, as from the date of communication of the notice.

70. Section \_\_\_ confers legitimacy on children born out of a void or voidable marriage.

- a. 16
- b. 15
- c. 26
- d. None of the above.

**Ans:** The children of annulled void and voidable marriages will be considered as legitimate under Hindu law but such children shall inherit the property of only their parents. Under Islam an offspring of zina is considered as illegitimate. However children of irregular marriages under Sunni law will be considered as legitimate.

71. For declaration of marriage as void, petition may be presented under Section 11 of the Hindu Marriage Act, 1955 by .

- a. Aggrieved party
- b. Opposite party
- c. Either party
- d. Family members

**Ans: (c)** - Any marriage solemnised after the commencement of this Act shall be null and void and may, on a petition presented by either party thereto [against the other party], be so declared by a decree of nullity if it contravenes any one of the conditions specified in clauses (i), (iv) and (v) of section 5. [Section 11].

72. Local limits of the jurisdiction of a Subordinate Judge is to be defined, under Punjab Courts Act 1918, by

- a. High Court
- b. District Judge
- c. Concerned State Government

d. Supreme Court.

**Ans: (a)** - The local limits of the jurisdiction of a Subordinate Judge shall be such as the High Court may define and when the High Court posts a Subordinate Judge to district, the local limits of the district shall, in the absence of any direction to the contrary, be deemed to be the limits of his jurisdiction. (Section 27).

73. The registration of a gift of immovable property is;

- a. Compulsory
- b. Optional
- c. Compulsory in relation to ancestral property.
- d. Depends on the court.

**Ans: (a)** - A gift of immovable property is compulsorily registrable under section 17(a) of the Indian Registration Act.

74. Section 23 of the Registration Act, 1908 speaks about any document being presented for registration to the proper office within \_\_\_ months for this date of execution.

- a. Six months
- b. Three months
- c. Four months
- d. One month

**Ans: (c)** - Subject to the provisions contained in sections 24, 25 and 26, no document other than a will shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution: Provided that a copy of a decree or order may be presented within four months from the day on which the decree or order was made, or, where it is appealable, within



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four months from the day on which it becomes final. (Section 23).

75. Under the Registration Act, 1908 a registered document operates

- From the date of its registration
- From the date of its execution.
- From the date as given for the operation of the document, in the document.
- Either of the aforesaid date.

*Ans: (b) - A registered document shall operate from the time which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration. (Section 47).*

76. Under Section 23 of the Sale of Goods Act, 1930 for passing of property in goods:

- The buyer is to do something for ascertaining the price.
- The goods must be in a deliverable state.
- The seller is to do something to put the goods in a deliverable state.
- All the above.

*Ans: (b) - Where there is a contract for the sale of unascertained or future goods by description and goods in a deliverable state are unconditionally appropriated to the contract, either by seller with the assent of the buyer or by the buyer with the assent of the seller, the property in the goods thereupon passes to the buyer. Such assent may be express or implied, and may be*

*given either before or after the appropriation is made.*

77. The rights of an unpaid seller have been listed in;

- Section 45
- Section 46
- Section 47
- Section 49

*Ans: (b) - The seller of the goods is deemed to be an "unpaid" seller within the meaning of this act - when the whole of the price has not been paid or tendered or when a bill of exchange or other negotiable instruments has been received as conditional payment, and the condition on which was received has not been fully by reason of the dishonor of the instrument or otherwise (Section 45).*

*An unpaid seller under section 46 can exercise the following rights - An unpaid seller of goods, as such, has by implication of law— a lien on the goods for the price while he is in possession of them; in case of the insolvency of the buyer a right of stopping the goods in transit after he has parted with the possession of them; a right of re-sale as limited by this Act.*

78. An injunction granted during the pendency of a suit, under Section 37 of the Specific Relief Act, 1963 is known as a

- Perpetual injunction
- Mandatory injunction
- Temporary injunction
- Either a or c

*Ans: (c) - Temporary Injunction are such as to continue until a specified time, or until the further order of the court, and they may be granted*

*at any stage of a suit. (Section 37). In contrast in permanent injunctions (Section 38) court orders that a person or entity take certain actions or refrain from certain activities on a permanent basis. It is usually issued once a lawsuit over the underlying activity is resolved, whereas a preliminary injunction is issued while the lawsuit is pending.*

*The other injunctions include:*

**Mandatory injunction:** (Section 39) Sometimes it becomes necessary to compel the performance of certain acts which the court is capable of enforcing. In such a case the court may in its discretion, grant an injunction (i) to prevent such breach, and also (ii) to compel the performance of the requisite acts.

**Damages in lieu of, or in addition to, injunction (Section 40)** The plaintiff may also claim damages, either in addition to, or in substitution for, the injunction, and the court, if it thinks fit, award such damages.

**Injunction to perform a negative covenant (section 42)** In a contract, where there is an affirmative agreement to do certain act, along with a negative covenant, express or implied, not to do a certain other act, the court cannot enforce the specific performance of the positive act does not preclude it from issuing a prohibitory injunction not to perform the negative covenant.



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79. The period of limitation for filing a suit for specific performance is

- a. 6 years from the date fixed for performance
- b. 4 years from the date fixed for performance
- c. 3 years from the date fixed for performance.
- d. 12 years from the date fixed for performance

*Ans: (c) - The limitation period is three years from the date fixed for the performance, or, if no such date is fixed, when the plaintiff has notice that performance is refused. (Part II Entry 54 of the schedule).*

80. The rule that no tax shall be levied except by authority of law is embodied in Article;

- a. 262
- b. 263
- c. 264
- d. 265

*Ans: (d) - Taxes not to be imposed save by authority of law Or no tax shall be levied or collected except by authority of law (Article 265, Constitution of India).*

81. According to Order 2 Rule 3 of CPC, a plaintiff may unite in the same suit several \_\_\_\_\_ against the same defendant.

- a. Issues
- b. Claims
- c. Causes of actions
- d. Debts

*Ans: (c) - A plaintiff may unite in the same suit several causes of action against the same defendant, or the same defendants jointly; and any plaintiffs having causes of action in which they are jointly interested against the same*

*defendant or the same defendants jointly may unite such causes of action in the same suit. Further where causes of action are united, the jurisdiction of the court as regards the suit shall depend on the amount or value of the aggregate subject matters at the date of instituting the suit. (O.2 Rule 3).*

82. Provisions of section 10 of CPC are

- a. Directory
- b. Mandatory
- c. Non mandatory
- d. Discretionary

*Ans: (b) The object of S-10 is to prevent Courts of concurrent jurisdiction from simultaneously, trying two parallel cases, in respect of same matter in issue. When two or more cases are filed - -*

*Between the same parties, on the same subject matter, in two or more different Courts, the competent court has power to "Stay Proceedings" of another Court. The rule of sub judice applies to the trial of a suit and not to its institution. Pendency of a suit in a foreign court does not come under section 10. Section 10 is not applicable to criminal cases and applies to suits and appeals only.*

*The two fold objects are - Avoid wasting Court Resources & Avoid Conflicting decisions. It is a mandatory provision and not merely directory.*

83. General power to amend any error or defect in any proceedings in a suit vests in the court by virtue of

- a. Section 152 CPC

b. Section 153 CPC

c. 153 A CPC.

d. Section 153 B CPC

*Ans: (b) - The court may, at any time, and on such terms as to costs or otherwise as it may think fit, amend any defect or error in any proceeding in a suit; and all necessary amendments shall be made for the purpose of determining the real question or issue raised by or depending on such proceeding. (Section 153).*

84. Which provision deals with determination of questions relating to discharge, satisfaction etc of the decree?

- a. Section 48 of the Civil Procedure Code.
- b. Section 46 of the Civil Procedure Code.
- c. Section 47 of the Civil Procedure Code
- d. Section 21 of the Civil Procedure Code.

*Ans: (c) - All questions arising between the parties to the suit in which the decree was passed, or their representatives, and relating to the execution, discharge or satisfaction of the decree, shall be determined by the Court executing the decree and not by a separate suit. Where a question arises as to whether any person is or is not the representative of a party, such question shall, for the purposes of this section, be determined by the court. Further all questions relating to the delivery of possession of such property to such purchaser or his representative shall be deemed to be questions relating to the execution, discharge or satisfaction of the*





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decree within the meaning of this section (Section 47, CPC)

85. Who may record a confessional statement under Section 164 Cr.P.C.?

- Police Officer
- Executive Officer
- Judicial Magistrate who has jurisdiction only
- Any Judicial Magistrate.

**Ans: (d)** – A confession may be recorded under 164 by any Metropolitan Magistrate or Judicial Magistrate irrespective of jurisdiction. He may record any confession or statement made to him in the course of an investigation under this Chapter or under any other law for the time being in force, or at any time afterwards before the commencement of the inquiry or trial. However no confession shall be recorded by a police officer on whom any power of a Magistrate has been conferred under any law for the time being in force.

86. What is the time limit in Sec. 468 Cr.P.C. for taking cognizance in a case of defamation?

- Six months
- One year
- Three years
- No limit

**Ans: (c)** – The provisions of Limitation Act is not applicable to criminal cases. Limitation to file criminal cases is provided under section 468 as under:

- six months, if the offence is punishable with fine only;
- one year, if the offence is punishable with imprisonment for a term not exceeding one year;

3. three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years. Defamation is punishable with more than one year of imprisonment and hence the limitation period to bring action is three years.

87. Permission to investigate into a non-cognizable offence can be granted by a:

- Magistrate in any part of India
- Magistrate in any part of State
- Magistrate having jurisdiction to try the case.
- Sessions Judge.

**Ans: (c)** – If the complaint is made to a Magistrate who is not competent to take cognizance of the offence, he shall, if the complaint is in writing, return it for presentation to the proper Court with an endorsement to that effect; and if the complaint is not in writing, direct the complainant to the proper Court. (Section 201 Cr.PC)

88. Offences of Indian Penal Code other than mentioned in Section 320 of Criminal Procedure Code are:

- Not compoundable
- Compoundable with the permission of Court
- Compoundable by the Court of Sessions
- Compoundable by the High Court.

**Ans: (a)** – Only those offences specified in the first two columns of the Table next following may be compounded by the persons mentioned in

the third column of that Table. Offences as given under section 320(1) are compoundable by the parties even without the permission of the court. Those given under 320(2) are compoundable but with the permission of the court only. All other offences are non-compoundable. When an offence is compoundable, the abetment and attempt of such offence will also be compoundable. When the person to compound the offence is a person under disability (lunatic, minor etc), a person competent to contract on his behalf with the permission of the court can compound it. If the person to compound is dead, his legal representative (as under CPC) may compound the offence with the permission of the court. Compounding is also not allowed if the accused is liable either to enhanced punishment or to a punishment of a different kind. (320 Cr.PC).

89. The compensation to the victim under Section 357 of the Code of Criminal Procedure can be passed by

- The trial Court only
- The Appellant Court
- The Revisional Court
- Any of the above court.

**Ans: (d)** – a Court that imposes a sentence of fine or a sentence (including a sentence of death) of which fine forms a part, may, at the time of judgment order the whole or any part of the fine recovered to be applied for the following-

- Expenses incurred in prosecution



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2. Payment of compensation for injury/loss
3. Compensation to be paid under Fatal Accidents Act to those entitled to recover.
4. for compensating against an offence against property.

90. Which one of the followings is not a source of law?

- a. Custom
- b. Legislation
- c. Usage
- d. Judicial decision

*Ans: (Deleted) – All these are sources of law. Legislation, precedent, and custom are binding sources and the rest are persuasive only. A custom may be defined as a binding rule of conduct established by long usage which is obligatory to observe on the part of the persons who come within its spheres. Precedent is a judgment or decision of a court of law cited as an authority for deciding a similar set of facts in later cases. Legislation means a law enacted by a competent authority in a state.*

*Law includes any ordinance, order, by-law, rule, regulation, notification, custom or usages having in the territory of India the force of law (Article 13 of the Constitution of India). It does not include personal law as of now.*

91. Which one of the following sections of the Hindu Succession Act, 1956 makes provisions for 'Notional Partition'?

- a. Section 14
- b. Section 10

- c. Section 6
- d. Section 18

*Ans: (c) - According to Section 6 of the Act (Hindu Succession Act) when a coparcener dies leaving behind any female relative specified in Class I of the Schedule to the Act or male relative specified in that class claiming through such female relative, his undivided interest in the Mitakshara coparcenary property would not devolve upon the surviving coparcener, by survivorship but upon his heirs by intestate succession. Explanation 1 to Section 6 of the Act provides a mechanism under which undivided interest of a deceased coparcener can be ascertained and, i.e., that the interest of a Hindu Mitakshara coparcener shall be deemed to be the share in the property that would have been allotted to him if a partition of the property had taken place immediately before his death, irrespective of whether he was entitled to claim partition or not. It means for the purposes of finding out undivided interest of a deceased coparcener, a notional partition has to be assumed immediately before his death and the same shall devolve upon his heirs by succession which would obviously include the surviving coparcener who, apart from the devolution of the undivided interest of the deceased upon him by succession, would also be entitled to claim his undivided interest in the coparcenary property which he could have got in notional partition. (Anar Devi & Ors v.*

*Parameshwari Devi and Ors AIR 2008 SC 3332).*

92. Who is the Chief Law Officer of India?

- a. Advocate General
- b. Attorney General
- c. Solicitor General
- d. Law Secretary of the Department of Legal Affairs

*Ans: (b) – The Chief Law Officer of India is the Attorney General of India who is a presidential appointee under Article 76(1). He has the authority to address any court in the country. He must be a person qualified to be appointed as a Judge of the Supreme Court, also must have been a judge of some high court for five years or an advocate of some high court for ten years or an eminent jurist, in the opinion of the President and must be a citizen of India. He also has the right to participate in the proceedings of the Parliament, though not to vote.*

93. Who is known as the architect of the Constitution of independent India?

- a. Jawaharlal Nehru
- b. Rajendra Prasad
- c. S. Radhakrishnan
- d. B.R. Ambedkar.

*Ans: (d) - Dr Ambedkar was not only a learned scholar and an eminent jurist but also a revolutionary who fought against social evils like untouchability and caste restrictions. He was the Chairman of the Drafting Committee and the first Law Minister of independent India. He was awarded Bharat Ratna in 1990. He was in favour of*



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state socialism but due to staunch opposition could not incorporate it in the Constitution.

94. Who among the following won the Dadasaheb Phalke Award (2012)?

- a. DevAnand
- b. Soumitra Chatterjee
- c. Yash Chopra
- d. Kamal Hassan

**Ans: (Deleted)** - The Dadasaheb Phalke Award is India's highest award for contributions to Indian cinema. It is presented annually at the National Film Awards ceremony by the Directorate of Film Festivals, an organization set up by the Ministry of Information and Broadcasting. Dhundiraj Govind Phalke, popularly known as Dadasaheb Phalke, was an Indian producer-director-screenwriter, known as the Father of Indian cinema. He is known for his film *Raja Harishchandra*. Actress Devika Rani (who started Bombay Talkies) was the first recipient of the award.  
**Note:** Pran Won The Dadasaheb Phalke Award (2012)

95. In the case of Mohri Bibee v. Dharamdas Ghose, who was the defendant in the trial Court?

- a. Dharamdas Ghoshe
- b. Brahmoo Dutt
- c. Mohri Bibee
- d. Kedar Nath

**Ans: (b)** - Brahmoo Dutt was the defendant in the trial court. The plaintiff, Dharmodas Ghose, while he was a minor, mortgaged his property in

favour of the defendant, Brahmoo Dutt, who was a moneylender to secure a loan of Rs. 20,000. The actual amount of loan given was less than Rs. 20,000. At the time of the transaction, the attorney, who acted on behalf of the money lender, had the knowledge that the plaintiff is a minor. The plaintiff brought an action against the defendant stating that he was a minor when the mortgage was executed by him and, therefore, mortgage was void and inoperative and the same should be cancelled. By the time of Appeal to the Privy Council the defendant, Brahmoo Dutt died and the Appeal was prosecuted by his executors.

96. A is tried for the murder of B by intentionally shooting him dead. The fact that A, on other occasions shot at B is relevant as it shows\_\_\_\_\_

- a. Intention to shoot B
- b. Motive to shoot B
- c. Preparation to shoot B
- d. None of the above

**Ans: (a)** - Facts showing existence of state of mind or of body or bodily feeling or any intention, knowledge, good faith, negligence, rashness, ill-will towards any particular person are always relevant under section 14 of Indian Evidence Act.

But the fact that a person said something indicating a general disposition to commit crimes of that class, is irrelevant.

97. What is the meaning of "Not proved" under Evidence Act, 1872?

- a. Fact does not exist
- b. Non-existence probable
- c. Court has doubt
- d. Neither proved nor disproved

**Ans: (d)** - A fact is said to be not proved when it is neither proved or not disproved. These provisions of the Act deal with the degree or standard of proof. What and how much proof is necessary to convince the judge of existence of a fact in issue? The answer depends upon many circumstances as different standards of proof are demanded in civil and criminal cases. In civil cases, for example, a matter is taken to be proved when the balance of probability suggests it, but in criminal cases the court requires a proof beyond reasonable doubt. Proof means such evidence as would induce a reasonable man to come to the conclusion. Suspicion cannot take the place of proof, nor moral belief of the judge in the guilt of the accused.

98. Registration of a firm is

- a. Mandatory
- b. Desirable
- c. Not compulsory
- d. Directory

**Ans: (c)** - Registration of a partnership firm is neither compulsory nor the Act makes any penalty for non registration. However certain disabilities are provided in Section 69 of the Act for unregistered firms and their partners. The procedure for registration is simple and the disadvantages of non registration are so great that



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generally the partners are generally inclined to register it. Sections 58 and 59 of the Indian Partnership Act deal with the registration of a partnership firm. It may be effected by submitting to the Registrar of Firms, a statement in the prescribed form and accompanied by the prescribed fee. The fee shall not exceed the maximum fee specified in schedule -I. The Registrar of firms is appointed by the state government and the government defines the areas within which the Registrar shall exercise their powers and perform their duties.

99. Conspiracy is a
- Continuing offence
  - No offence unless illegal results are there
  - Civil wrong only
  - Piece of evidence only

**Ans: (a)** - A conspiracy is a continuing offence and continues to subsist and committed wherever one of the conspirators does an act or series of acts. It is a continuing offence till it is executed or rescinded or frustrated by choice or necessity by the parties. A crime is complete as soon as the agreement is made, but it is not a thing of the moment, it does not end with the making of the agreement. It will continue so long as there are two or more parties to it intending to carry into effect the design. Its continuance is a threat to the society against which it was aimed at and would be dealt with as soon as that jurisdiction can properly claim the power to do so. (Ajay

**Agarwal v. Union Of India And Ors 1993 AIR 1637)**

100. Raju is cutting wood with an axe at a place where children are playing. The axe flies off and kills a nearby child. Raju is liable for.

- Murder
- Culpable Homicide
- Death by negligence
- No offence

**Ans: (d)** - It is an accidental death covered under section 80 of the IPC. Thus, section 80 exempts the doer of any criminal liability in respects of acts done by accident or misfortune. A man is not responsible for his unintended and unknown consequences of his lawful acts performed in a lawful manner, by a lawful means, with proper care and caution. In order to avail the benefit of exemption from criminal liability under this section it must be proved that the act was done:

- by accident or misfortune
- without any criminal intention or knowledge
- in a lawful manner
- by lawful means
- with proper care and caution.

101. Surjit meets Gopi on high road, shows a pistol and demands Gopi's purse. Gopi in consequence surrenders his purse. Here Surjit has committed:

- Extortion
- Dacoity
- Theft
- Robbery

**Ans: (d)** - The offence is robbery based on extortion.

Extortion is robbery if the offender at the time of committing of extortion is:

- In the presence of the person put in fear
- Commits extortion by putting that person in fear of instant death or of instant hurt or instant wrongful restraint.
- By so putting in fear, induces the person so put in fear then and there to deliver up the thing extorted.

Robbery may be based on theft or based on extortion. The difference is, in robbery based on extortion the whole violence must be used before delivery of property whereas in case of robbery based on theft, it may be before or after the taking of property.

102. Acid Attack is an offence as mentioned in:

- Section 326
- Section 320
- Section 326A
- Section 354

**Ans: (c)** - Acid attack under 326-A is an offence punishable with imprisonment not less than ten years but which may extend to imprisonment for life and with fine which shall be just and reasonable to meet the medical expenses and it shall be paid to the victim. Section 326-B punishes attempt to acid attack with Imprisonment not less than five years but which may extend to seven years, and shall also be liable to fine. These sections were introduced through the 2013 criminal amendment. These are gender neutral sections.



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103. Acts against which the right of private defence is not available have been laid down in Section \_\_\_ of the IPC

- a. 101
- b. 100
- c. 99
- d. 98

**Ans: (c)** - Section 99 lays down the limitations on right of private defence.

(i) There is no right of private defence against an act which does not reasonably cause the apprehension of death or grievous hurt, if done or attempted to be done by a public servant acting in good faith under color of his office though the act or direction may not strictly justifiable by law.

(ii) Right of private defence is not available if there is time to recourse to public authorities.

(iii) Right of private defence does not grant the right to inflict more harm than necessary for the defence.

104. A finds a valuable ring on the road not knowing to whom it belong. He sells it immediately without making an attempt to find the owner. A is guilty of:

- a. Theft
- b. Dishonest Misappropriation of Property
- c. Criminal breach of trust
- d. None of the above.

**Ans: (b)** - It is criminal or dishonest misappropriation as the initial possession is innocent. The offence of misappropriation consists in dishonest misappropriation or conversion either permanently or temporarily of movable

property which is already in the possession of the offender and the possession which he has acquired innocently. The property must be tangible movable property. It is different from theft in the sense that in theft the initial possession itself is dishonest.

105. Under the Hindu Minority and Guardianship Act, 1956, the custody of a minor who has not completed the age of \_\_\_ years shall be with the mother ordinarily.

- a. 5
- b. 6
- c. 2
- d. 10

**Ans: (a)** - According to section 6(a), father is the natural guardian of a Hindu minor and after him, the mother. However, the custody of a minor who has not completed the age of five years shall ordinarily be with the mother. In the case of an illegitimate boy or an illegitimate unmarried girl, the mother, and after her, the father and in the case of a married girl-the husband;

However no person shall be entitled to act as the natural guardian of a minor if he has ceased to be a Hindu or has finally renounced the world.

106. The period of limitation for a review of the judgment is?

- a. 30 days
- b. 60 days
- c. 90 days
- d. 180 days

**Ans: (a)** - Review under section 114 and O.47 of the CPC is

based on the maxim *actus curiae neminem gravabit* which means an act of the court shall prejudice no man and, *lex non cogit ad impossibilia* which means the law does not compel a man to do that what he cannot possibly perform. Review literally and even judicially means re-examination or re-consideration of its own decision by the very same court on the grounds of discovery of new facts, error or mistake apparent on the record or any other sufficient reason. Review is usually preferred - (a) cases in which appeal lies but not preferred, (b) cases in which no appeal lies, (c) decisions on reference from Court of Small Causes. The limitation period to file review under the Limitation Act is 30 days from the date of decree of the order.

107. Where the price of the goods under a contract of sale is to be fixed by the valuation of a third party who fails to fix the valuation, but goods are supplied to the buyer, under Section 10 of the Sale of Goods Act, 1930, the buyer is-

- a. Liable to pay the reasonable price of the goods.
- b. Liable to pay the minimum price of the goods.
- c. Not liable to pay any price until fixed by the valuer.
- d. Liable to pay the maximum retail price.

**Ans: (a)** - Where there is an agreement to sell goods on the terms 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



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thereby avoided: Provided that, if the goods or any part thereof have been delivered to, and appropriated by the buyer, he shall pay a reasonable price therefore. Where such third party is prevented from making the valuation by the fault of the seller or buyer, the party not in fault may maintain a suit for damages against the party in fault.

108. The limitation period for filing a suit by a person dispossessed of immovable property is -

- Within six months from the date of dispossession.
- Within six months from the date on which the petitioner comes to know of the dispossession.
- Within twelve months from the date of possession.
- Within twelve months from the date on which the petitioner comes to know of the dispossession.

*Ans: (a) - Specific Relief Act provides for immediate relief in certain situations, like if a person who was in possession of a property is dispossessed from his possession, the immediate relief required under law is restoration of his possession. There can be a civil case regarding possession or ownership thereafter and which will conclusively determine the rights of parties. Thus Specific Relief Act does not confer any rights in itself, its purpose is to provide immediate relief, or it provides a specific relief so as to remedy the violation of a legal right. But he has to bring the action under the Specific*

*Relief Act within 6 months of dispossession. According to Section 6 no suit shall be instituted for possession after the expiry of six months or against the government.*

109. Which provision of the Code of Civil Procedure deals with right to lodge a caveat?

- Section 148 of the Civil Procedure Code.
- Section 148 A of the Civil Procedure Code.
- Section 147 of the Civil Procedure Code
- Section 146 of the Civil Procedure Code

*Ans: (b) - Caveat is an entry made in the books of the office or a register of court to prevent a certain step being taken without previous notice to the person entering the caveat. In other words, a caveat is a caution or warning giving notice to the court not to take any step without notice being given to the party lodging the caveat. It is very common in testamentary proceedings. It is a precautionary measure taken against the creator of probate or letters of administration, as the case may be, by the person lodging the caveat. Section 148-A of the code of civil procedure provides for lodging of a caveat.*

110. The consequences of non compliance with the order to answer interrogatories or for discovery or inspection of documents have been dealt with under.

- Order XI Rule 12 of the Civil Procedure Code.

- Order XII Rule 12 of the Civil Procedure Code.
- Order XI Rule 21 of the Civil Procedure Code.
- Order XII Rule 21 of the Civil Procedure Code.

*Ans: (c) - Where any party fails to comply with any Order to answer interrogatories, or for discovery or inspection of documents, he shall, if a plaintiff, be liable to have his suit dismissed for want of prosecution, and, if a defendant, to have his defence, if any, struck out, and to be placed in the same position as if he had not defended, and the party interrogating or seeking discovery or inspection may apply to the court for an Order to that effect, and an Order may be made on such application accordingly, after notice to the parties and after giving them a reasonable opportunity of being heard. Where an Order is made under sub-rule (1) dismissing any suit, the plaintiff shall be precluded from bringing a fresh suit on the same cause of action.*

111. Section 173 (8) of the Code of Criminal Procedure deals with -

- Fresh investigation
- Further investigation
- Re investigation
- None of the above.

*Ans: (b) - Nothing in this section (173 Cr PC) shall be deemed to preclude further investigation in respect of an offence after an investigation report has already been forwarded to the Magistrate and after that the police obtains further evidence, oral or*



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*documentary. In such cases, the investigating police officer shall forward to the Magistrate a further report regarding such evidence.*

112. Form no. 32 of the Second Schedule of Cr.P.C. provides the format for framing of

- a. Charges
- b. Summons to witness
- c. Warrant of execution of a sentence of death.
- d. Warrant after commutation of a sentence

*Ans: (a) - Form 32 relates to charges.*

113. According to the Constitution of India, which of the following are fundamental for the governance of the country?

- a. Fundamental Rights
- b. Fundamental Duties
- c. Directive Principles of State Policy
- d. Fundamental Rights and Fundamental Duties.

*Ans: (c) - These principles set the aims which the state is supposed to take in to consideration in the governance of the country. This cannot be claimed as a matter of right like the fundamental rights. No action can be taken against the state even if the state fails to take any action for the implementation of the directive principles.*

114. Which one of the following Schedules of the Constitution of India contains provisions regarding anti-defection?

- a. Second Schedule
- b. Fifth Schedule
- c. Eighth Schedule

d. Tenth Schedule

*Ans: (d) - The 10<sup>th</sup> Schedule contains the law relating to political defections. The object was to ensure the loyalty of the legislatures to a political party which sponsored the candidature of such legislators at the election as also to curb the evil of wide spread practice of unprincipled floor crossing motivated by the concerns of personal benefit.*

*Disqualification on the ground of defection: A member of the House belonging to a political party will be disqualified from being a member of the House:*

- (i) if he voluntarily gives up his membership of such political party
- (ii) if he votes or abstains from voting in such House, contrary to any direction issued by the political party to which he belongs without obtaining the prior permission of such political party.

115. The power of the Supreme Court of India to decide disputes between the centre and the States falls under its.

- a. Advisory jurisdiction
- b. Appellate jurisdiction
- c. Original jurisdiction
- d. Writ jurisdiction.

*Ans: (c) - Original jurisdiction is jurisdiction inherent in, or conferred upon, a court of first instance. In the exercise of that jurisdiction a court of first instance decides suits, petitions, or applications. The Supreme Court shall, to the exclusion of any other court, have original jurisdiction in any dispute -*

(a) between the Government of India and one or more States; or

(b) between the Government of India and any of States on one side and one or more other States on the other; or

(c) between two or more States. (Article 131)

116. An offer was sent by post, the acceptor wrote 'accepted on the letter, put it in his drawer and forgot about it. The transaction is a

- a. Valid contract
- b. A voidable contract
- c. A void contract
- d. No agreement as the acceptance was never communicated to the proposer

*Ans: (d) - Acceptance is valid only when it is communicated to the other offerer. A mere silence or mere mental acceptance not supported by words or conduct is no acceptance. Communication of acceptance is complete even if the letter of acceptance is lost in transit or delayed after posting but not when it is not posted. In such cases, the offerer is bound by the acceptance because the acceptor has done all that is required on his part to accept. Reason behind this is offeror becomes bound by acceptance, the moment it is put in to course of transmission against him by the acceptor. (Felthouse v. Bindley)*

117. Execution of document may be presumed if the document is to be old:-

- a. Ten years
- b. Twenty years
- c. Thirty years





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d. Forty years.

*Ans: (c) - In the case of a thirty year old document, produced from proper custody and not looking ex facie suspicious, presumption could be drawn that the signature and every other part of such document, which purport to be in the handwriting of any particular person is in that persons handwriting, and that it was duly executed and attested by the person by whom it was supposed to be executed and attested. Where the document relied is not more than 30 years old, finding of the court based on no evidence could be interfered with. There can however be no presumption as to who the person who executed the instrument and what authority he had to execute the document and whether he had the requisite authority or whether the contents of the documents are true. (Section 90).*

118. The word probate as used in section 41 of the Indian Evidence Act, 1872 is defined under.

- a. Section 3 of the Indian Evidence Act.
- b. Section 2(m) of the Transfer of Property Act.
- c. Section 2(f) of the Indian Succession Act 1925.
- d. Section 3 of the General Clauses Act.

*Ans: (Deleted) - "probate" means the copy of a will certified under the seal of a Court of competent jurisdiction with a grant of administration to the estate of the testator (Section 2(f) Indian Succession Act); Thus according*

*to section 41, a judgment in rem dealing with the status or legal character of a person can be pronounced only by the courts exercising the following kinds of jurisdiction.*

- (i) Probate jurisdiction
- (ii) Matrimonial jurisdiction
- (iii) Admiralty jurisdiction
- (iv) Insolvency jurisdiction

119. Minimum sentence for 'Ten years imprisonment' is necessary for which of the offences?

- a. Section 326 voluntarily causing grievous hurt by dangerous weapon
- b. Section 376(2)(g) Gang rape
- c. Section 395 Dacoity.
- d. Section 409 Criminal breach of trust by a public servant.

*Ans: (Deleted) - The offence of gang rape, (376 (2) (g) IPC) shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may be for life and shall also be liable to fine: Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment of either description for a term of less than ten years.*

120. H takes property belonging to S out of the possession of S in good faith, believing at the time when he takes it, that the property belongs to himself. Later on realizing his mistake, H continues to appropriate the property to his own use. H has committed the offence of.

- a. Robbery

- b. Criminal breach of trust
- c. Criminal Misappropriation
- d. Cheating

*Ans: (c) - Taking away a movable tangible property in good faith is not an offence but he needs to return it like a prudent man when he came to know that it is not his property. With the knowledge that it is not his property, if a person appropriates the property it amounts to criminal misappropriation under section 403.*

121. The cardinal principle of Criminal law *Nullum crimen nulla poena sine lege* means.

- a. No crime or punishment can exist without a pre-existing penal law.
- b. A man is presumed to be innocent until proven guilty
- c. Ignorance of law is no excuse.
- d. An act must be accompanied by a criminal intent to constitute an offence.

*Ans: (a) - The state cannot punish citizens without specific laws forewarning citizens that particular conduct will be dealt with by way of punishment in a particular manner. Hence, there should be a criminal law stating what the prohibited acts are and a person can only be punished for violating it as such).*

*The maxim states that there can be no crime committed, and no punishment meted out, without a violation of penal law.*

122. The doctrine of Necessity has been elaborately considered in the landmark decision of



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- a. R vs. Mc Nghten (1843) 8 Eng. Rep. 718
- b. Basdev vs. State of Pepsu AIR 1956 SC 488
- c. R vs. Dudley and Stephens (1884) 14 QBD 273
- d. Bimbadar Pradhan vs. State of Orissa AIR 1956 SC 469

*Ans: (c) - It was held that the shipwrecked sailors who killed the cabin boy for food were held guilty of murder, notwithstanding the finding of the jury that if the men had not fed upon the body of the boy, they probably would not have survived to be rescued and that the boy, being in a much weaker condition, was likely to have died before them. However, their punishment was reduced to 6 months imprisonment. In this case it was held as under:*

- (i) Self preservation is not an absolute necessity
- (ii) No man has a right to take other's life to preserve his own life
- (iii) There is no necessity that justifies private homicide

123. In his will, Mr. Y wrote: "I intend my property to be equally divided between my three children A, S and H." A dishonestly scratched out the name of H, intending that it may be believed that the whole of the property was left to be divided between H and himself alone. A is guilty of:

- a. Cheating
- b. Forgery
- c. Misappropriation
- d. Theft

*Ans: (b) - Any person who, without lawful authority, dishonestly or fraudulently, by cancellation or otherwise, alters a document or an electronic record in any material part thereof, after it has been made, executed or affixed with electronic signature either by himself or by any other person, whether such person be living or dead at the time of such alteration is liable under section 464 of the IPC for forgery.*

124. The general rules of succession in case of a female Hindu have been laid down in section \_\_\_ of the Hindu Succession Act, 1956.

- a. 11
- b. 12
- c. 15
- d. 14

*Ans: (c) - Any property possessed by a female Hindu, whether acquired before or after the commencement of this Act, shall be held by her as full owner thereof and not as a limited owner. (Section 14)*

125. The limitation period for initiating action where no period of limitation is prescribed anywhere is.

- a. Three years from the date on which the right to apply accrues
- b. One year from the date on which the right to apply accrues
- c. Anytime from the date on which the right to apply accrues
- d. None of the above.

*Ans: (a) - The Limitation period is three years for applications for which no period of limitations is provided elsewhere. It is computed from the date when the right accrues. (Part II - Other application at Sl. No. 137 of the Schedule).*