

Jharkhand P.C.S. Civil Judge Jun. Div. Munsif (Pre.) Exam., 2008
(Held on 21-12-2008)
Law : Solved Paper

1. The commission to make local investigation can be issued for the purposes of—

1. Collecting evidence on a fact
2. Elucidating any matter in dispute
3. Ascertaining the amount of mesne profit
4. Ascertaining the market value of the property

Which of the above are correct ?

Codes :

- (A) 1, 2 and 3
- (B) 2, 3 and 4
- (C) 1, 2, 3 and 4
- (D) 1 and 2

Ans : (B)

2. Where a decree is passed against the Union of India or a State for the act done in the official capacity of the officer concerned, under Section 82 C.P.C., execution shall not be issued on any such decree unless the decree remains unsatisfied for a period of—

- (A) 3 months from the date of the decree
- (B) 6 months from the date of the decree
- (C) 1 year from the date of the decree
- (D) 2 years from the date of the decree

Ans : (A)

3. **Assertion (A) :** The rule of constructive res judicata is applicable to writ petitions.

Reason (R) : Public policy considerations underlying res judicata also hold true in relation to writ proceedings.

Codes :

- (A) Both A and R are true and R is the correct explanation of A
- (B) Both A and R are true but R is not the correct explanation of A
- (C) A is true but R is false
- (D) A is false but R is true

Ans : (A)

4. A residing in Delhi publishes in Kolkata statements defamatory of B. B may sue A in—

- (A) Delhi only
- (B) Kolkata only
- (C) Either Delhi or Kolkata
- (D) Anywhere in India with the leave of the court

Ans : (C)

5. Which one of the following suits is not of a civil nature ?

- (A) Suits relating to rights to property
- (B) Suits for rents
- (C) Suits for recovery of voluntary payments or offerings
- (D) Suits against dismissals from service

Ans : (C)

6. Which of the following is not a sufficient cause for granting adjournment ?

- (A) Sickness of a party, his witness or his counsel
- (B) Non-examination of a witness present in the court
- (C) Non-service of summons
- (D) Reasonable time for preparation of a case

Ans : (B)

7. Where a plaintiff sues upon a document in his power or possession, he must produce it or a copy thereof—

- (A) Along with the plaint
- (B) At the time of giving of evidence
- (C) At the time of framing of issues
- (D) When ordered by the court

Ans : (A)

8. Voluntary amendment is provided for under—

- (A) Order 6, R.7, C.P.C.
- (B) Order 6, R.15, C.P.C.
- (C) Order 6, R.17, C.P.C.
- (D) Order 6, R.19, C.P.C.

Ans : (C)

9. A plaint is liable to be returned, when—

- (A) Plaint is on an insufficiently stamped paper
- (B) Plaint is not filed in duplicate
- (C) Relief is undervalued in the plaint
- (D) Plaint is filed in a court having no jurisdiction

Ans : (D)

10. The expression, “Each party shall bear his own costs” implies that—

- (A) Both the parties are entitled to cost from each other
- (B) Both the parties are not to be deprived of costs
- (C) Both the parties are to be deprived of costs
- (D) Both the parties are not entitled to cost from each other

Ans : (A)

11. Which of the following questions is not to be determined by an executing court ?

- (A) Discharge of decree
- (B) Execution of decree
- (C) Modification of decree
- (D) Satisfaction of decree

Ans : (C)

12. In which of the following cases the Supreme Court has upheld the validity of Section 51 of Code of Civil Procedure ?

- (A) Xavier Vs. Bank of Canara
- (B) The Visaka case
- (C) Indian Gramophone Co. Vs. Birendra Bahadur Pandey
- (D) Jolly George Verghese Vs. Bank of Cochin

Ans : (D)

13. In which of the following cases the Supreme Court has upheld the constitutionality of the Code of Civil Procedure (Amendment) Acts of 1999 and 2002 ?

- (A) Salem Advocate Bar Association, Tamil Nadu Vs. Union of India
- (B) Delhi High Court Bar Association Vs. Union of India
- (C) Allahabad High Court Bar Association Vs. Union of India
- (D) Punjab and Haryana High Court Bar Association Vs. Union of India

Ans : (A)

14. Which one of the following is a true statement in relation to Section 80 of Civil Procedure Code ?

- (A) A suit without service of notice can be instituted generally, with the leave of the court
- (B) A suit without service of notice can be instituted in cases of urgent or immediate relief, with the leave of the court
- (C) In cases of urgent or immediate relief where leave to institute the suit without service of notice has been granted, interim or otherwise ex parte relief can be granted
- (D) No suit under Section 80 can be instituted without the compliance of the requirement of notice

Ans : (B)

15. Match List-I with List-II and select the correct answer using the code given below the Lists—

List-I

- (a) Set-off
- (b) Mesne profit
- (c) Indigent
- (d) Subsistence allowance

List-II

1. Amount paid by the decreeholder for detention of the judgment-debtor in civil prison
2. Person allowed to file suit or appeal without court fee
3. Adjustment of defendant's claim with the plaintiff's claim
4. Gains from property by a person having wrongful possession

Codes :

- (a) (b) (c) (d)
- (A) 4 3 1 2
- (B) 3 4 2 1
- (C) 2 1 4 3
- (D) 3 1 2 4

Ans : (B)

16. Which of the following pairs is/are correctly matched ?

- (1) Right to file caveat —Section 148-A, C.P.C.
- (2) Pauper suit —Section 33, C.P.C.
- (3) Privileged document —Section 29, C.P.C.
- (4) Powers of appellate court —Section 102, C.P.C.

Codes :

- (A) 1 only
- (B) 4 only
- (C) 1 and 2
- (D) 2, 3 and 4

Ans : (A)

17. Match List-I with List-II and select the correct answer using the code given below the Lists—

List-I

- (a) Restitution afresh
- (b) Next friend
- (c) Legal representative
- (d) Garnishees

List-II

- 1. Representative of a minor or a plaintiff of unsound mind in a civil suit
- 2. Person representing the estate of the deceased
- 3. Debtor of the judgmentdebtor liable for payment or delivery
- 4. Setting aside ex parte decree and rehearing the case

Codes :

- (a) (b) (c) (d)
- (A) 2 3 1 4
- (B) 4 3 2 1
- (C) 4 1 2 3
- (D) 3 4 2 1

Ans : (C)

18. In execution of a decree for the maintenance, salary of a person can be attached to the extent of—

- (A) One-fourth
- (B) One-third
- (C) Two-third
- (D) One-half

Ans : (C)

19. Under Order XVIII, Rule 4(1) of C.P.C., the examination in chief of a witness shall be recorded—

- (A) By the Judge
- (B) By the Commissioner appointed by the court
- (C) On affidavit
- (D) All of the above

Ans : (C)

20. When a party is called upon by notice to admit facts by the other party, under Order XII, Rule 4 of C.P.C., the party on whom the notice has been served has to admit the facts within—

- (A) 15 days of the service of notice
- (B) 9 days of the service of notice
- (C) 7 days of the service of notice
- (D) 6 days of the service of notice

Ans : (D)

21. **Assertion (A) :** Subject to some exceptions the provisions of the Code of Criminal Procedure are not applicable to tribal areas in undivided Assam.

Reason (R) : These areas enjoy special status like the State of Jammu and Kashmir.

Codes :

- (A) Both A and R are true and R is the correct explanation of A
- (B) Both A and R are true but R is not the correct explanation of A

- (C) A is true but R is false
(D) A is false but R is true

Ans : (C)

22. Reasons for non-applicability of some of the provisions of the Criminal Procedure Code to the State of Nagaland have been stated by the Supreme Court in—

- (A) State of Nagaland Vs. Rattan Singh
(B) Maharaja Vikram Kishore of Tripura Vs. Province of Assam
(C) Zazoliana Vs. Government of Mizoram
(D) State of Nagaland Vs. Chung

Ans : (A)

23. Who can appoint a police officer as an assistant public prosecutor for courts of Magistrates ?

- (A) Superintendent of Police
(B) District and Sessions Judge
(C) District Magistrate
(D) High Court on the request of the State Government

Ans : (C)

24. Who among the following can be arrested without warrant by any Magistrate ?

- (A) Any person committing offences within the local jurisdiction of such Magistrate but not in his presence
(B) Any person committing offences anywhere, but in the presence of such Magistrate
(C) Any person within his local jurisdiction for whose arrest he is competent to issue a warrant
(D) All of the above

Ans : (C)

25. Match List-I with List-II and select the correct answer using the code given below the Lists—

List-I

- (a) Special Metropolitan Magistrate
(b) Chief Metropolitan Magistrate
(c) Judicial Magistrate of Second Class
(d) Assistant Sessions Judge

List-II

1. Imprisonment up to 7 years or/and fine
2. Imprisonment up to 10 years or/and fine
3. Imprisonment up to 3 years or/and fine
4. Imprisonment up to 1 year or/and fine up to Rs. 1,000

Codes :

- (a) (b) (c) (d)
(A) 2 4 3 1
(B) 3 2 1 4
(C) 1 4 2 3
(D) 3 1 4 2

Ans : (D)

26. Where two or more courts have taken cognizance of the same offence and a question arises as to which of them ought to inquire into or try the offence, the question shall be decided—

1. If the courts are subordinate to the same High Court, by that High Court

2. By the High Court within the local limits of whose appellate criminal jurisdiction the accused resides, carries on business or is engaged in a gainful employment
3. If the courts are subordinate to the same High Court, by the High Court in consultation with the State Government concerned
4. If the courts are not subordinate to the same High Court, by that court within the local limits of whose appellate criminal jurisdiction the proceedings were first commenced
- Which of the above are correct ?

Codes :

- (A) 1 and 2
(B) 2 and 3
(C) 1 and 4
(D) 1, 2, 3 and 4

Ans : (C)

27. **Assertion (A) :** Power of the State to order cases to be tried in different sessions divisions is very limited.

Reasons (R) : This extraordinary power is to be used when consideration of public justice justifies its exercise.

Codes :

- (A) Both A and R are true and R is the correct explanation of A
(B) Both A and R are true but R is not the correct explanation of A
(C) A is true but R is false
(D) A is false but R is true

Ans : (A)

28. There shall be no appeal by a convicted person where a Chief Judicial Magistrate imposes only a sentence of fine not exceeding—

- (A) Rs. 1,000
(B) Rs. 200
(C) Rs. 100
(D) Rs. 300

Ans : (C)

29. “Too many appeals and revisions are a bane of the Indian Judicial System, involving as it does sterile expense and delay and fruitless chase of perfection.”

Justice Krishna Iyer made this observation in—

- (A) Harnam Singh Vs. State of HP
(B) Mohd. Sauman Ali Vs. State of Assam
(C) Sitaram Vs. State of UP
(D) Jawaharlal Singh Vs. Naresh Singh

Ans : (A)

30. In a case the Supreme Court observed thus—“We are unable to find any magic or charm in the ritual of a charge. It is the substance of these provisions (relating to charge) that count and not their outform. To hold otherwise is only to provide avenues or escape for the guilty and afford no protection to the innocent.” The court made these observations in relation to—

- (A) Alteration of charge
(B) Joinder of charges
(C) Persons who may be charged jointly

(D) Error, omission or irregularity in charge

Ans : (D)

31. Which of the following offences is triable summarily ?

(A) Theft where the value of the property stolen does not exceed Rs. 500

(B) Lurking house trespass

(C) Assisting in the concealment of stolen property of the value not exceeding Rs. 300

(D) Receiving or retaining stolen property under Section 411, I.P.C. when the value of the property does not exceed Rs. 250

Ans : All answers are correct

32. The period of limitation prescribed for taking cognizance of the offence punishable with imprisonment up to 3 years is—

(A) 1 year

(B) 2 year

(C) 3 years

(D) 4 years

Ans : (C)

33. In which of the following cases the constitutional validity of Section 433-A, Cr.P.C. was upheld ?

(A) Ashok Kumar Golu Vs. Union of India

(B) Babu Palwan Vs. State of MP

(C) Ramesh Vs. State of MP

(D) Karan Singh Vs. State of HP

Ans : (A)

34. Which of the following is an interlocutory order for the purposes of revisional powers of the High Court or a Sessions Court ?

(A) Orders summoning witnesses

(B) An order of bail granted by a Magistrate

(C) An order rejecting the plea of the accused on a point which when accepted, will conclude the particular proceeding

(D) Interlocutory orders which are without jurisdiction and nullities

Ans : (A)

35. A is only charged with theft and it appears that he committed the offence of criminal breach of trust. In this context, which one of the following is correct ?

(A) He may be acquitted

(B) He may be convicted only of theft

(C) He may be convicted of criminal breach of trust

(D) He may not be convicted of criminal breach of trust

Ans : (C)

36. Which of the following courts can set aside or modify the conditions imposed by a Magistrate when granting bail ?

(A) High Court or Court of Sessions under Section 439, Cr.P.C.

(B) High Court under Section 482, Cr.P.C.

(C) Sessions Court under Section 465, Cr.P.C.

(D) Court of Sessions under Section 438, Cr.P.C.

Ans : (A)

37. An offence of bigamy punishable under Section 494, I.P.C. was committed by A in Patna. The place where A resided with his first wife B was Gaya and the place where his first wife took up a permanent residence after the commission of the offence is Bhagalpur. The offence may be inquired into or tried by a court of competent jurisdiction at—

- (A) Patna
- (B) Bhagalpur
- (C) Gaya
- (D) All of the above

Ans : (D)

38. A Magistrate has power to deal with urgent cases of apprehended danger or nuisance under—

- (A) Section 133, Cr.P.C.
- (B) Section 144, Cr.P.C.
- (C) Section 145, Cr.P.C.
- (D) Section 107, Cr.P.C.

Ans : (B)

39. Which of the following Magistrates have power to prohibit repetition or continuance of public nuisance ?

1. District Magistrate
2. Sub-Divisional Magistrate
3. Judicial Magistrate
4. Executive Magistrate duly empowered in this behalf

Codes :

- (A) 1 and 4
- (B) 2 and 3
- (C) 1, 2 and 4
- (D) 1, 2, 3 and 4

Ans : (C)

40. **Assertion (A) :** The provisions for reviewing the decision of a criminal court are essential for the due protection of life and liberty.

Reasons (R) : They are based on the notion that Judges and Magistrates are not infallible.

Codes :

- (A) Both A and R are true and R is the correct explanation of A
- (B) Both A and R are true but R is not the correct explanation of A
- (C) A is true but R is false
- (D) A is false but R is true

Ans : (D)

41. The question is, whether A was robbed. The fact that he said, he had been robbed without making any complaint—

- (A) Is relevant showing preparation for relevant facts
- (B) Is relevant showing conduct
- (C) Is relevant showing effect of relevant facts
- (D) May be relevant under Section 32 or Section 157 of the Evidence Act

Ans : (D)

42. A is accused of receiving stolen goods knowing them to be stolen. He offers to prove that he refused to sell them below their value. He may—

- (A) Not prove this statement
- (B) Prove if it is relevant otherwise than an admission
- (C) Prove it as it is explanatory of conduct influenced by facts in issue
- (D) None of the above

Ans : (C)

43. Which one of the following statements is correct ?

- (A) An admission by a guardian and litem against a minor is evidence
- (B) Admission on a point of law made by a pleader in court on behalf of the client is evidence
- (C) Admission by one of the several defendants in a suit against another defendant is evidence
- (D) Admission of fact made by a pleader in court on behalf of his client is evidence

Ans : (D)

44. Which one of the following is the true statement in relation to the relevancy of character?

- (A) In criminal cases, previous good character is irrelevant
- (B) In criminal proceedings, previous bad character is relevant
- (C) In civil cases, character to prove conduct imputed is relevant
- (D) In civil cases, character of any person affecting the amount of damages is relevant

Ans : (D)

45. When the court has to form an opinion as to the digital signature of any person, the opinion of which of the following is relevant?

- (A) Certifying Authority
- (B) Controller appointed under the Information Technology Act
- (C) Internet Service Provider
- (D) Certifying Authority which had issued digital signature certificate

Ans : (D)

46. In which of the following cases the Supreme Court raised doubts regarding the applicability of the doctrine of equitable estoppel beyond Section 115, Evidence Act?

- (A) Mercantile Bank of India Ltd. Vs. Central Bank of India Ltd.
- (B) Madanappa Vs. Chandramma
- (C) Turner Morrison and Co. Vs. Hungerford Investment Trust Ltd.
- (D) Sitaram Vs. State of UP

Ans : (A)

47. No revenue officer shall be compelled to say whence he got any information as to the commission of any offence against the public revenue. This provision is contained in—

- (A) Section 125, Evidence Act
- (B) Section 124, Evidence Act
- (C) Section 123, Evidence Act
- (D) Section 126, Evidence Act

Ans : (A)

48. No confession made to a police officer shall be proved as against a person accused of any offence.

The rationale of this rule is stated in—

- (A) Queen Empress V s . Abdullah

- (B) Queen Empress Vs. Babulal
- (C) Queen Vs. Lillyman
- (D) Pakla Narayan Swamy Vs. Emperor

Ans : (B)

49. Where a bill of exchange is drawn in a set of five, how many of them need to be proved?

- (A) Five
- (B) Three
- (C) One
- (D) Two

Ans : (C)

50. **Assertion (A)** : A gives B a receipt for money paid by B. Oral evidence is offered for the payment. The evidence is admissible.

Reason (R) : A receipt is not a contract or grant in respect of which oral evidence is barred.

Codes :

- (A) Both A and R are true and R is the correct explanation of A
- (B) Both A and R are true but R is not the correct explanation of A
- (C) A is true but R is false
- (D) A is false but R is true

Ans : (A)

51. **Assertion (A)** : Section 91 and 92, Evidence Act should be read together.

Reason (R) : These two Sections supplement each other.

Codes :

- (A) Both A and R are true and R is the correct explanation of A
- (B) Both A and R are true but R is not the correct explanation of A
- (C) A is true but R is false
- (D) A is false but R is true

Ans : (A)

52. The court shall take judicial notice of—

- (A) Foreign judicial records
- (B) National Flag of a State not recognized by India
- (C) Stephen's Digest on Criminal Law
- (D) Rule of Road on land (and in sea)

Ans : (D)

53. Which of the following is an example of 'may presume' ?

- (A) Presumption as to electronic records
- (B) Presumption as to digital signature certificate
- (C) Presumption as to electronic messages
- (D) Presumption as to electronic agreements

Ans : (C)

54. Section 58 of the Evidence Act deals with—

- (A) Formal admissions
- (B) Evidentiary admissions
- (C) Formal as well as evidentiary admissions

(D) Proof of facts by oral evidence

Ans : (C)

55. Which of the following pairs is not correctly matched ?

(A) Relevancy of statements as to law contained in law books

—Section 38, Evidence Act,

(B) Relevancy of statements in maps, charts, etc.

—Section 35 Evidence Act

(C) Relevancy of certain evidence for proving in subsequent proceedings the truth of facts therein stated

—Section 34, Evidence Act

(D) Relevancy of statement as to facts of public nature

—Section 37, Evidence Act

Ans : (C)

56. In which of the following instances there is no reason for asking the witness the question whether he is a dacoit ?

(A) A barrister is instructed by an attorney that an important witness is a dacoit

(B) A pleader is informed by a person in court that an important witness is a dacoit. The information on being questioned by the pleader gives satisfactory reasons for his statement

(C) A witness of whom nothing whatsoever is known, is asked randomly, whether he is a dacoit

(D) A witness of whom nothing whatsoever is known, being questioned as to his mode of life and means of living gives unsatisfactory answers

Ans : (C)

57. Husband and wife—

(A) Are competent witnesses against each other in matrimonial cases

(B) Are not competent witnesses against each other as they are one person in law

(C) Are competent witnesses against each other in civil cases only

(D) Are competent witnesses against each other in civil as well as criminal cases

Ans : (D)

58. Match List-I with List-II and select the correct answer using the code given below the

Lists—

List-I

(a) Bloodstains and blood group

(b) Automatic camera

(c) Tape-recorded statement

(d) Handwriting

List-II

1. Reg Vs. Dodson

2. State of Gujarat Vs. Chhota Lal Patni

3. B Vs. Attorney-General

4. Yusufalli Vs. State of Maharashtra

Codes :

(a) (b) (c) (d)

(A) 3 4 2 1

(B) 3 1 4 2

(C) 2 3 1 4

(D) 1 2 4 3

Ans : (D)

59. Which of the following pairs is not correctly matched ?

(A) That a man heard or said something —Fact

(B) A map or plan —Document

(C) Copies made from or compared with the original —Evidence

(D) Facts connected to a fact in issue in such a manner as to constitute part of the same transaction —Rule nisi

Ans : (D)

60. Match List-I with List-II and select the correct answer using the code given below the Lists :

List-I

(a) Confession caused by inducement, threat, promise

(b) Confession to a customs officer

(c) Confession in the FIR given by the accused

(d) Discovery of a fact pursuant to a statement in police custody

List-II

1. Aghnoo Nagesia Vs. State

2. State of Punjab Vs. Barkatram

3. Pyarelal Bhargava Vs. State of Rajasthan

4. State of Bombay Vs. Kathi Kalu Oghad

Codes :

(a) (b) (c) (d)

(A) 1 4 3 2

(B) 2 3 4 1

(C) 2 1 3 4

(D) 3 2 1 4

Ans : (D)

61. Which one of the following is not provided in Sections 4 and 5 of the Contract Act ?

(A) Communication of offer

(B) Communication of acceptance

(C) Revocation of proposal and acceptance

(D) Revocation of contract

Ans : (D)

62. Which one of the following does not amount to fraud ?

(A) Active concealment of a fact

(B) A promise made without any intention of performing it

(C) Suggestion as a fact of that which is not true by one who does not believe it to be true

(D) A representation made without knowing it to be false, honestly believing it to be true

Ans : (D)

63. A stipulation for increased interest from the date of default is known as—

(A) Damage

(B) Penalty

(C) Liquidated damage

(D) Compensation

Ans : (B)

64. Match List-I with List-II and select the correct answer using the code given below the Lists—

List-I

- (a) Tinn Vs. Hoffman and Co.
- (b) Fisher Vs. Bell
- (c) Carlill Vs. Carbolic Smoke Ball Co.
- (d) Harvey Vs. Facey

List-II

- 1. Invitation to treat
- 2. Offers at large
- 3. Cross offers
- 4. Quotation of price

Codes :

- (a) (b) (c) (d)
- (A) 3 1 4 2
- (B) 1 2 3 4
- (C) 2 1 3 4
- (D) 2 4 1 3

Ans : All answers are incorrent

65. Which one of the following propositions is correct ?

- (A) A minor's contract being void, a minor is not bound to pay for necessities supplied to him
- (B) A minor's contract being voidable he is bound to pay for necessities supplied to him
- (C) A minor is bound to pay for necessities supplied to him because a minor's contract is valid
- (D) A minor's contract is void but he is bound to pay for necessities supplied to him

Ans : (D)

66. Match List-I with List-II and select the correct answer using the code given below the Lists :

List-I

- (a) Supervening impossibility
- (b) Consideration
- (c) Good faith
- (d) Dunlop Tyre Co. Vs. Selfridge and Co.

List-II

- 1. Uberrima fides contract
- 2. Frustration
- 3. Privity of contract
- 4. Quid pro quo

Codes :

- (a) (b) (c) (d)
- (A) 1 3 4 2
- (B) 3 2 1 4
- (C) 2 4 1 3
- (D) 2 1 3 4

Ans : (C)

67. **Assertion (A) :** Marriage brokerage contract is valid.

Reason (R) : Marriage brokerage contract is opposed to public policy.

Codes :

- (A) Both A and R are true and R is the correct explanation of A

- (B) Both A and R are true but R is not the correct explanation of A
(C) A is true but R is false
(D) A is false but R is true

Ans : (D)

68. Which of the following are the duties of a bailee ?

1. Duty to take reasonable care of goods
2. Duty not to make unauthorized use of goods
3. Duty not to mix his own goods with the goods bailed
4. Duty to compensate when goods is damaged despite of the care of the bailee

Codes :

- (A) 2, 3 and 4
(B) 1, 2 and 3
(C) 3 and 4
(D) 1 and 2

Ans : (B)

69. Adomsen Vs. Jarvis is a leading case on—

- (A) Bailment
(B) Contract of Indemnity
(C) Contract of Guarantee
(D) Pledge

Ans : (B)

70. The principle of agency of necessity is—

- (A) Applicable in emergent situations where communication with the principal is not possible
(B) Applicable in normal situations if the communication with the principal is possible
(C) Unknown to the law of agency
(D) None of the above

Ans : (A)

71. A gives woolen cloth to B, a tailor, for making a suit. The tailor's charges are settled at Rs. 500. After the suit is ready, A tenders Rs. 500 for the charges but the tailor refuses to deliver the suit till A pays an old due. In such case—

- (A) B can refuse to deliver the suit
(B) B cannot refuse to deliver the suit
(C) B can refuse in certain circumstances
(D) B can sell the suit

Ans : (B)

72. Which of the following is correct ?

- (A) Pledge made by a person having a limited interest is valid to the extent of that interest
(B) Pledge made by a person under voidable contract is valid
(C) Pledge made by a mercantile agent is valid
(D) Goods may be pledged by the servant in the absence of owner

Ans : (A)

73. **Assertion (A) :** The liability of the surety is coextensive with that of the principal debtor unless it is otherwise provided by the contract.

Reason (R) : Any variance, made without the surety's consent, in the terms of the contract

between the principal debtor and the creditor, discharges the surety as to transactions subsequent to variance.

Codes :

- (A) Both A and R are true and R is the correct explanation of A
- (B) Both A and R are true but R is not the correct explanation of A
- (C) A is true but R is false
- (D) A is false but R is true

Ans : (B)

74. A without the request of anybody extinguishes the fire of B's godown. A suffers injury thereby. B promises to compensate A for the whole amount he has spent for his treatment. The contract is—

- (A) Unenforceable
- (B) Void
- (C) Voidable
- (D) Enforceable

Ans : (D)

75. Promissory estoppel is sometimes spoken of as a substitute for—

- (A) Novation
- (B) Quasi-contract
- (C) Consideration
- (D) Coercion

Ans : (B)

76. X, a trader, leaves goods at Y's house by mistake. If Y uses the goods, then which one of the following is correct when X demands the price of goods and Y refuses to pay ?

- (A) Y is not bound to pay as he becomes the owner of the goods left at his home
- (B) Y is bound to pay as X did not intend to supply goods gratuitously and Y enjoyed the benefits of X's act
- (C) Y is not bound to pay as he did not ask for the goods
- (D) X must suffer for his mistake and he cannot recover the price of goods from Y

Ans : (B)

77. X contracted with a tent house for erecting a shamiana for performing the marriage of his daughter. On the day of marriage, a curfew was clamped in the area preventing the celebration of the marriage. The shamiana owner claims the charges agreed to be paid by X. In the light of the above, which one of the following is correct ?

- (A) X has to pay the contracted charges
- (B) X need not pay the agreed charges but only reasonable charges
- (C) X can require the State to bear the claim for damages
- (D) X need not pay anything as the celebration of the marriage was impossible on account of the curfew

Ans : (D)

78. In which of the following instances has the discharge of agreement not been effected ?

- (A) A promises to paint a picture for B. B afterwards forbid him to do so
- (B) A owes B Rs. 5,000. C pays to B Rs. 1,000 which B accepts in satisfaction of his claim against A
- (C) A awaits arrival of B to finish the painting for B

(D) A owes B Rs. 2,000 and is also indebted to other creditors. A makes an arrangement with his creditors, including B, to pay them, half of the loan amount. A pays to B Rs. 1,000

Ans : (C)

79. A contingent contract based on the specified uncertain event not happening within a fixed time—

(A) Can be enforced if the event does not happen within the fixed time

(B) Cannot be enforced at all, being void

(C) Can be enforced if before the expiry of fixed time, it becomes certain that such an event shall not happen

(D) Both (A) and (C)

Ans : (D)

80. Which one of the following is a contract ?

(A) An agreement to do a lawful act by an unlawful means

(B) An undertaking in writing duly signed to pay the timebarred debt

(C) An agreement in restraint of a lawful trade

(D) An agreement to pay Rs. 10,000 without consideration

Ans : (B)

www.onlinegkguide.com