

# A

CODE : CBD

प्रश्नपुस्तिका क्रमांक  
BOOKLET NO.

106197

प्रश्नपुस्तिका

एकूण प्रश्न : 100

वेळ : 2 (दोन) तास

विहित कायदेविषयक ज्ञान

एकूण गुण : 100

## सूचना

(1) सदर प्रश्नपुस्तिकेत 100 अनिवार्य प्रश्न आहेत. उमेदवारांनी प्रश्नांची उत्तरे लिहिण्यास सुरुवात करण्यापूर्वी या प्रश्नपुस्तिकेत सर्व प्रश्न आहेत किंवा नाहीत याची खात्री करून घ्यावी. असा तसेच अन्य काही दोष आढळल्यास ही प्रश्नपुस्तिका समवेक्षकांकडून लगेच बदलून घ्यावी.

परीक्षा-क्रमांक	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	↑ केंद्राची संकेताक्षरे				↑ शेवटचा अंक				

- (2) आपला परीक्षा क्रमांक ह्या चौकोनांत न विसरता बॉलपेनने लिहावा.
- (3) वर छापलेला प्रश्नपुस्तिका क्रमांक तुमच्या उत्तरपत्रिकेवर विशिष्ट जागी उत्तरपत्रिकेवरील सूचनेप्रमाणे न विसरता नमूद करावा.
- (4) या प्रश्नपुस्तिकेतील प्रत्येक प्रश्नाला 4 पर्यायी उत्तरे सुचविली असून त्यांना 1, 2, 3 आणि 4 असे क्रमांक दिलेले आहेत. त्या चार उत्तरांपैकी सर्वात योग्य उत्तराचा क्रमांक उत्तरपत्रिकेवरील सूचनेप्रमाणे तुमच्या उत्तरपत्रिकेवर नमूद करावा. अशा प्रकारे उत्तरपत्रिकेवर उत्तरक्रमांक नमूद करताना तो संबंधित प्रश्नक्रमांकासमोर छायांकित करून दर्शविला जाईल याची काळजी घ्यावी. ह्याकरिता फक्त काळ्या शाईचे बॉलपेन वापरावे, पेन्सिल वा शाईचे पेन वापरू नये.
- (5) सर्व प्रश्नांना समान गुण आहेत. यास्तव सर्व प्रश्नांची उत्तरे द्यावीत. घाईमुळे चुका होणार नाहीत याची दक्षता घेऊनच शक्य तितक्या वेगाने प्रश्न सोडवावेत. क्रमाने प्रश्न सोडविणे श्रेयस्कर आहे पण एखादा प्रश्न कठीण वाटल्यास त्यावर वेळ न घालविता पुढील प्रश्नाकडे वळावे. अशा प्रकारे शेवटच्या प्रश्नापर्यंत पोहोचल्यानंतर वेळ शिल्लक राहिल्यास कठीण म्हणून वगळलेल्या प्रश्नांकडे परतणे सोईस्कर ठरेल.
- (6) उत्तरपत्रिकेत एकदा नमूद केलेले उत्तर खोडता येणार नाही. नमूद केलेले उत्तर खोडून नव्याने उत्तर दिल्यास ते तपासले जाणार नाही.
- (7) प्रस्तुत परीक्षेच्या उत्तरपत्रिकांचे मूल्यांकन करताना उमेदवारांच्या उत्तरपत्रिकेतील योग्य उत्तरांनाच गुण दिले जातील. तसेच “उमेदवाराने वस्तुनिष्ठ बहुपर्यायी स्वरूपाच्या प्रश्नांची अचूक उत्तरे उत्तरपत्रिकेत नमूद करावीत. अन्यथा त्यांच्या उत्तरपत्रिकेत सोडविलेल्या प्रत्येक चार चुकीच्या उत्तरांसाठी एका प्रश्नाचे गुण वजा करण्यात येतील”.
- (8) प्रश्नपुस्तिकेमध्ये विहित केलेल्या विशिष्ट जागीच कच्चे काम (रफ वर्क) करावे. प्रश्नपुस्तिकेव्यतिरिक्त उत्तरपत्रिकेवर वा इतर कागदावर कच्चे काम केल्यास ते कांपी करण्याच्या उद्देशाने केले आहे, असे मानले जाईल व त्यानुसार उमेदवारावर शासनाने जारी केलेल्या “परीक्षांमध्ये होणाऱ्या गैरप्रकारांना प्रतिबंध करण्याबाबतचे अधिनियम-82” यातील तरतुदीनुसार कारवाई करण्यात येईल व दोषी व्यक्ती कमाल एक वर्षाच्या कारावासाच्या आणि/किंवा रुपये एक हजार रकमेच्या दंडाच्या शिक्षेस पात्र होईल.

## ताकीद

ह्या प्रश्नपत्रिकेसाठी आयोगाने विहित केलेली वेळ संपेपर्यंत ही प्रश्नपुस्तिका आयोगाची मालमत्ता असून ती परीक्षाकक्षात उमेदवाराला परीक्षेसाठी वापरण्यास देण्यात येत आहे. ही वेळ संपेपर्यंत सदर प्रश्नपुस्तिकेची प्रत/प्रती, किंवा सदर प्रश्नपुस्तिकेतील काही आशय कोणत्याही स्वरूपात प्रत्यक्ष वा अप्रत्यक्षपणे कोणत्याही व्यक्तीस पुरविणे, तसेच प्रसिद्ध करणे हा गुन्हा असून अशी कृती करणाऱ्या व्यक्तीवर शासनाने जारी केलेल्या “परीक्षांमध्ये होणाऱ्या गैरप्रकारांना प्रतिबंध करण्याबाबतचा अधिनियम-82” यातील तरतुदीनुसार तसेच प्रचलित कायद्याच्या तरतुदीनुसार कारवाई करण्यात येईल व दोषी व्यक्ती कमाल एक वर्षाच्या कारावासाच्या आणि/किंवा रुपये एक हजार रकमेच्या दंडाच्या शिक्षेस पात्र होईल.

तसेच ह्या प्रश्नपत्रिकेसाठी विहित केलेली वेळ संपण्याआधी ही प्रश्नपुस्तिका अनधिकृतपणे बाळगणे हा सुद्धा गुन्हा असून तसे करणारी व्यक्ती आयोगाच्या कर्मचारीवृंदापैकी, तसेच परीक्षेच्या पर्यवेक्षकीयवृंदापैकी असली तरीही अशा व्यक्तीविरुद्ध उक्त अधिनियमानुसार कारवाई करण्यात येईल व दोषी व्यक्ती शिक्षेस पात्र होईल.

पुढील सूचना प्रश्नपुस्तिकेच्या अंतिम पृष्ठावर पहा

पर्यवेक्षकांच्या सूचनेविना हे सील उघडू नये

SEAL

1. The words "Socialist and Secular" were added to the Preamble of the Constitution by
- (1) Forty-first Amendment in 1976
  - (2) Forty-third Amendment in 1976
  - (3) Forty-second Amendment in 1976
  - (4) Forty-fourth Amendment in 1979
- 

2. Which is the Section recently inserted in the Code of Criminal Procedure, providing Victim Compensation Scheme ?
- (1) Section 291-A
  - (2) Section 311-A
  - (3) Section 357-A
  - (4) Section 436-A
- 

3. If the court finds that it has no pecuniary or territorial jurisdiction to try the suit, the proper order will be
- (1) To suo-moto transfer the suit to the court having jurisdiction
  - (2) To dismiss the suit
  - (3) To return the plaint
  - (4) To return the plaint for presentation in proper court
- 

4. Specific performance of a contract cannot be enforced in favour of a person
- (1) Who would not be entitled to recover compensation for its breach
  - (2) Who has become incapable of performing or violates any essential term of the contract that on his part remains to be performed
  - (3) Who fails to aver and prove that he has performed or has always been ready and willing to perform the essential terms of contract which are to be performed by him
  - (4) All above
- 

5. Which of the following is not the ground of eviction under Section 16 of The Maharashtra Rent Control Act, 1999 ?
- (1) Erection of any permanent structure on tenanted premises by tenant without written consent of the landlord
  - (2) Unlawful sub-letting
  - (3) Acquisition of suitable alternative residence by the tenant
  - (4) Bonafide requirement of the landlord
- 

6. 'A' dies in possession of a diamond ring and a gold chain. His servant 'B', before the said ring and gold chain come into possession of any person entitled to such possession, dishonestly misappropriates the same. 'B' has committed an offence
- (1) Under Section 420 of Indian Penal Code
  - (2) Under Section 379 of Indian Penal Code
  - (3) Under Section 404 of Indian Penal Code
  - (4) Under Section 409 of Indian Penal Code
-

7. 'Sale' under Section 54 of the Transfer of Property Act is a transfer of ownership in exchange for
- (1) Price paid
  - (2) Price promised
  - (3) Price-partly paid and partly promised
  - (4) All above
- 

8. In which of the following circumstance the plaintiff shall not get the benefit as provided under Section 14 of the Limitation Act ?
- (1) Where the another civil proceeding is disposed of after adjudication on merits by the competent court
  - (2) Where the another civil proceeding is disposed of for want of jurisdiction to the said court
  - (3) Where the another civil proceeding was diligently prosecuted by the plaintiff in good faith in a court having no jurisdiction to try the said matter
  - (4) None above
- 

9. Which Section in the Evidence Act confers power on the trial court to put any question to any witness ?
- (1) Section 166 (2) Section 167 (3) Section 165 (4) Section 163
- 

10. Which of the following act will not amount to 'fraud' within the meaning of Section 17 of The Indian Contract Act ?
- (1) The active concealment of a fact by one having knowledge or belief of the fact
  - (2) A promise made without any intention of performing it
  - (3) The suggestion, as a fact, of that which is true, by one who does believe it to be true
  - (4) None above
- 

11. Untouchability is abolished and its practice in any form is forbidden under
- (1) Article 14 of the Constitution
  - (2) Article 16 of the Constitution
  - (3) Article 17 of the Constitution
  - (4) Article 19 of the Constitution
- 

12. Order of disposal of property at conclusion of trial is passed under
- (1) Section 451 of Cr.P.C. (2) Section 452 of Cr.P.C.
  - (3) Section 457 of Cr.P.C. (4) Section 458 of Cr.P.C.
- 

13. As provided under Order-8 Rule-1 of Code of Civil Procedure, the defendant shall present a written statement of his defence within \_\_\_\_\_
- (1) One month from the date of service of summons on him
  - (2) Thirty days from the date of issuance of summons
  - (3) Thirty days from the date of service of summons on him
  - (4) Sixty days from the date of service of summons on him
-

14. Mandatory injunctions under Section 39 of Specific Relief Act can be granted \_\_\_\_\_  
(1) To prevent the breach complained of  
(2) To compel performance of the requisite acts  
(3) Both (1) and (2) above  
(4) None above
- 
15. As provided under Section 36 of the Maharashtra Rent Control Act, 1999, in respect of proceedings which are not bonafide or are false, frivolous or vexatious, the court may order the plaintiff to pay compensation to the defendant, not exceeding \_\_\_\_\_  
(1) Rs. 1,000/- (2) Rs. 2,000/- (3) Rs. 5,000/- (4) Rs. 3,000/-
- 
16. A beat B with an iron rod on his head and caused B a fracture injury. A committed an offence punishable under \_\_\_\_\_  
(1) Section 324 of Indian Penal Code  
(2) Section 326 of Indian Penal Code  
(3) Section 325 of Indian Penal Code  
(4) Section 323 of Indian Penal Code
- 
17. 'A' gives Rs. 50,000/- to 'B' on condition that he shall marry A's daughter 'C'. At the date of the transfer 'C' was dead. Such transfer is \_\_\_\_\_  
(1) Valid transfer (2) Void transfer  
(3) Voidable transfer (4) Fraudulent transfer
- 
18. For filing the suit for declaration that the property in possession of 'Mutawalli' is a Wakf property, the period of limitation will be  
(1) Twelve years (2) No limitation  
(3) Three years (4) Thirty years
- 
19. To prove the case of 'alibi' the burden lies on  
(1) The prosecution (2) The complainant  
(3) The witness (4) The accused
- 
20. The unpaid seller may exercise his right of stoppage in transit  
(1) By taking actual possession of the goods  
(2) By giving notice of his claim to the carrier or other bailee in whose possession the goods are  
(3) By (1) and (2) both  
(4) By none above
-

21. In which case the Supreme Court held that "Objectives in the Preamble of the Constitution is its basic structure and it cannot be amended under its Article 368" ?
- (1) Maneka Gandhi v/s Union of India
  - (2) Indira Nehru Gandhi v/s Raj Narain
  - (3) Keshavananda Bharati v/s State of Kerala
  - (4) Golak Nath v/s State of Punjab
- 
22. Who among the following cannot claim the maintenance under Section 125 of the Code of Criminal Procedure ?
- (1) Illegitimate minor daughter from her father
  - (2) Destitute wife from her husband
  - (3) Major son from his father
  - (4) Disabled parents from their son
- 
23. Notice under Section 80 of the Code of Civil Procedure is mandatory when
- (1) The suit is against a Co-operative Society
  - (2) The suit is against the Government
  - (3) The suit is against Gram Panchayat
  - (4) The suit is against Municipal Corporation
- 
24. Limitation to file suit for recovery of specific immovable property under Section 6 of Specific Relief Act is \_\_\_\_\_
- |                  |                |
|------------------|----------------|
| (1) Three years  | (2) Six months |
| (3) Twelve years | (4) One year   |
- 
25. Time limit for ideal disposal of a suit under the provisions of Maharashtra Rent Control Act is
- (1) Within the period of twelve months from the date of service of summons
  - (2) Within the period of six months from the date of service of summons
  - (3) Within three years from the date of institution
  - (4) No limitation
- 
26. Whoever has sexual intercourse with his own wife, who is living separately from him under a decree of separation, without her consent, shall
- (1) Not be liable for any punishment
  - (2) Be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine
  - (3) Be punished with imprisonment of either description for a term which may extend to three years
  - (4) Be punished with simple imprisonment which may extend to one year and shall also be liable to fine
-

27. The expression 'living person' used in Section 5 of The Transfer of Property Act, 1882 includes
- (1) A company
  - (2) An association
  - (3) Incorporated body of individuals
  - (4) All above
- 
28. For filing an application for an order to set aside an abatement, the period of limitation from the date of abatement is \_\_\_\_\_
- (1) 30 days
  - (2) 90 days
  - (3) 10 days
  - (4) 60 days
- 
29. To raise a presumption under Section 108 of the Evidence Act as to the death of a person, it must be proved that the person concern has not been heard of for the period of
- (1) 3 years
  - (2) 7 years
  - (3) 10 years
  - (4) 20 years
- 
30. 'Property' under Section 2(11) of the Sale of Goods Act, 1930 means
- (1) The general property in goods
  - (2) Merely a special property in goods
  - (3) Mercantile element in goods
  - (4) Quality element in goods
- 
31. Out of the following which is not the correct statement regarding 'retirement of a partner' ?
- (1) A partner may retire with the consent of all other partners
  - (2) A partner may retire in accordance with an express agreement by the partners
  - (3) A partner may retire with the consent of any other partner
  - (4) Where the partnership is at will, a partner may retire, by giving notice in writing to all the other partners of his intention to retire
- 
32. Which of the following is not a 'Public Document' within the meaning of Evidence Act ?
- (1) Decree passed in a civil suit
  - (2) Caste certificate issued by the competent authority
  - (3) 7/12 extract
  - (4) Injury certificate issued by a Medical Practitioner
- 
33. Expression – "time requisite" used in Section 12 (2) of the Limitation Act means
- (1) Time absolutely necessary
  - (2) Minimum time
  - (3) Actual time consumed
  - (4) Thirty days
-

34. 'Sale' under Section 54 of the Transfer of Property Act is a transfer of ownership in exchange for
- (1) price paid
  - (2) price promised
  - (3) price-partly paid and partly promised
  - (4) all above
- 
35. Which of the following act will not fall in general exceptions provided under Chapter IV of Indian Penal Code ?
- (1) Act likely to cause harm but done without criminal intent and prevent other harm
  - (2) Accident in doing a lawful act
  - (3) Act of the child aged 14 years
  - (4) Act done by a person justified, or by mistake of fact believing himself justified, by law
- 
36. Section 24 of the Maharashtra Rent Control Act, 1999 entitles the landlord to recover possession of premises given on licence on expiry of the period of licence. For the purpose of the said Section who among the following is included in the expression 'landlord' ?
- (1) tenant who has given premises on license
  - (2) sub-tenant who has given premises on license
  - (3) the successor in interest, who becomes the landlord of the premises as a result of death of such landlord
  - (4) none above
- 
37. Under which of the following circumstances a court can grant perpetual injunction ?
- (1) To prevent multiplicity of judicial proceedings
  - (2) When compensation in money would not afford adequate relief
  - (3) No standard for ascertaining actual damage exists
  - (4) All above
- 
38. Which of the following is not the requirement for stay of suit under Section 10 of the Code of Civil Procedure ?
- (1) That parties to both the suits must be the same
  - (2) That the matter in issue in the second suit must be directly and substantially in issue in prior suit
  - (3) That prior suit must be pending in the same court or in any court in India, having jurisdiction to grant the relief claimed
  - (4) That where the previously instituted suit is pending, such court is of competent jurisdiction to grant the relief claimed in subsequent suit
-

39. Conditional order for removal of nuisance under Section 133 of Code of Criminal Procedure are to be passed by
- (1) Chief Judicial Magistrate
  - (2) Additional Sessions Judge
  - (3) District Magistrate or Sub-divisional Magistrate
  - (4) Judicial Magistrate First Class
- 
40. Which Article of the Constitution provides for the formation of new states ?
- (1) Article 3
  - (2) Article 39
  - (3) Article 2
  - (4) Article 13
- 
41. 'Double Jeopardy' means
- (1) No person shall be convicted of any offence except for violation of law
  - (2) No person accused of any offence shall be compelled to be a witness against himself
  - (3) No person shall be prosecuted and punished for the same offence more than once
  - (4) No person shall be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of commission of offence
- 
42. The period of limitation shall be six months for taking cognizance of the offence, if the said offence is \_\_\_\_\_
- (1) Punishable with fine only
  - (2) Punishable with imprisonment for a term not exceeding six months
  - (3) Punishable with imprisonment for a term not exceeding one year
  - (4) Punishable with imprisonment for a term not exceeding one month
- 
43. In the case of a public nuisance a suit under Section 91 of the Code of Civil Procedure for a declaration and injunction may be instituted by
- (1) A person aggrieved
  - (2) A person to whom special damage has been caused by reason of such public nuisance
  - (3) With the leave of the court of two or more persons, eventhough no special damage has been caused to such persons
  - (4) Two or more persons to whom special damage has been caused by reason of such public nuisance
- 
44. As per Section 34 of the Specific Relief Act 1963 no court shall make any such declaration in a case where
- (1) Plaintiff is entitled to any legal character
  - (2) Plaintiff is entitled to any right as to any property
  - (3) Plaintiff being able to seek further relief than a mere declaration of title, omits to do so
  - (4) None above
-



45. To which premises, out of the premises mentioned here in below the provisions of Maharashtra Rent Control Act, 1999 shall apply ?
- (1) The premises let out to the Government
  - (2) The premises let out to a Private Limited Company having a paid up share capital of Rs. 250 lakhs
  - (3) The premises let out to Union Bank of India
  - (4) None above
- 
46. Section 304-A of Indian Penal Code pertains to
- (1) Dowry death
  - (2) Abatement of suicide
  - (3) Causing death by negligence
  - (4) Culpable homicide not amounting to murder
- 
47. Which of the following is the example of 'Valid Conditional Transfer' ?
- (1) A lets a farm to B on condition that he shall walk a hundred miles in an hour
  - (2) 'A' transfers Rs. 500/- to 'B' on condition that she shall murder 'C'
  - (3) 'A' transfers Rs. 500/- to his niece, if she will desert her husband
  - (4) A transfers Rs. 500/- to B on condition that he shall execute a certain lease within three months after A's death
- 
48. Suit for compensation for malicious prosecution is to be filed from the date when the plaintiff is acquitted or the prosecution is otherwise terminated within
- |                 |                  |
|-----------------|------------------|
| (1) Three years | (2) Two years    |
| (3) One year    | (4) Twelve years |
- 
49. Mandatory requirement of Section 27 of the Indian Evidence Act is that \_\_\_\_\_
- (1) The accused must be in police custody
  - (2) The accused must be in judicial custody
  - (3) The accused must be on bail
  - (4) The accused must plead guilty first
- 
50. Dissolution of a firm means
- (1) The dissolution of partnership between some of the partners of a firm
  - (2) The dissolution of partnership between two or more partners of a firm
  - (3) The dissolution of partnership between all the partners of the firm
  - (4) All above
-

51. A dormant is that partner
- (1) Who has taken part in the conduct of the business as partner and is not liable for the act of the firm
  - (2) Who has never taken part in the conduct of the business as a partner and is not liable for the act of the firm
  - (3) Who has never taken part in the conduct of the business as a partner but is liable for the act of the firm
  - (4) Who, due to his special status, has nothing to do with the loss of the business and is entitled to the profit only
- 
52. Which of the following will be an inadmissible dying declaration ?
- (1) Oral dying declaration
  - (2) Dying declaration recorded on the basis of nods and gestures
  - (3) Dying declaration by signs and gestures
  - (4) None above
- 
53. Select correct one of the following
- (1) Any appeal filed after the prescribed period of limitation shall not be admitted
  - (2) Any suit filed after the prescribed period of limitation shall be admitted if sufficient cause for delay is shown
  - (3) No suit shall be admitted after the prescribed period of limitation
  - (4) Application filed after the prescribed period of limitation shall not be admitted even if sufficient cause for delay is shown
- 
54. Where the mortgager binds himself to repay mortgage money on a certain date and transfer the mortgaged property to the mortgagee, but subject to retransfer it to mortgager upon payment of the mortgage money, is called
- (1) Simple mortgage
  - (2) Anomalous mortgage
  - (3) English mortgage
  - (4) Mortgage by conditional sale
- 
55. For 'Criminal conspiracy', minimum number of persons required is
- (1) Two
  - (2) Five
  - (3) Three
  - (4) Ten
- 
56. As per the mandate of Section 34 (2) of the Maharashtra Rent Control Act, 1999 every appeal shall be made within
- (1) 30 days
  - (2) 60 days
  - (3) 90 days
  - (4) 180 days
-

57. Point out –

On which of the following ground the court shall not refuse the decree of specific performance.

- (1) In a contract, where plaintiff has been given an unfair advantage over the defendant
- (2) In a case where the contract is not enforceable at the instance of the other party
- (3) Where the defendant entered into the contract under circumstances which though not rendering the contract voidable, makes it inequitable to enforce specific performance
- (4) Where performance of the contract would involve some hardship on the defendant which he did not foresee, whereas its non-performance would involve no such hardship on the plaintiff

---

58. Sale of immovable property in execution of decree cannot be ordered by

- (1) Civil Judge Junior Division
- (2) Civil Judge Senior Division
- (3) Court of Small Causes
- (4) Joint Civil Judge Senior Division

---

59. As per Section 197-A of Code of Criminal Procedure, applicable in State of Maharashtra, no court shall take cognizance of any offence against the Commissioner or receiver appointed by a court under the provisions of Code of Civil Procedure, except the previous sanction of

- (1) The High Court of Judicature at Bombay
- (2) Law and Judiciary Department of State of Maharashtra
- (3) Director General of Prosecution
- (4) The court which appointed such person as Commissioner or receiver as the case may be

---

60. The process which empowers Lok Sabha to draw funds in advance, pending the completion of budgetary process

- (1) Appropriation bill
- (2) Vote-on-account
- (3) Finance bill
- (4) Ordinance

---

61. When a writ is issued to an inferior court or tribunal on ground of exceeding the jurisdiction or acting contrary to the rules of natural justice, it is called a writ of

- (1) Certiorari
- (2) Mandamus
- (3) Quo Warranto
- (4) Habeas Corpus

---

62. Section 311-A of Code of Criminal Procedure empowers the Magistrate of First Class to

- (1) Summon material witness
  - (2) Postpone or adjourn proceedings
  - (3) Order person to give specimen signatures
  - (4) Visit and inspect any place in which an offence is alleged to have been committed
-

63. Decree will be null and void, if
- (1) Passed ignoring certain provisions of law
  - (2) There is inherent lack of jurisdiction to the court passing decree
  - (3) Passed ex-parte
  - (4) Passed in favour of deceased plaintiff without an objection being raised by the defendant
- 
64. A suit filed by 'X' for a declaration that a one year old boy allegedly born to the defendant wife 'Y' was not his son.
- (1) The suit is competent and maintainable under Section 34 of the Specific Relief Act 1963
  - (2) Suit is not competent and maintainable under Section 34 of the Specific Relief Act 1963
  - (3) The suit is expressly barred under Section 14 of the Specific Relief Act, 1963
  - (4) The suit is expressly barred under Section 38 of the Specific Relief Act 1963
- 
65. Under which Section of the Maharashtra Rent Control Act the members of armed forces of the union, scientists or their successor-in-interest can recover possession of premises required for their occupation ?
- (1) Section 23    (2) Section 16    (3) Section 24    (4) Section 15
- 
66. Who among the following is not a 'Public Servant' within the meaning of Section 21 of Indian Penal Code ?
- (1) Municipal Commissioner
  - (2) Municipal Councillor
  - (3) Manager of Nationalized Bank
  - (4) Commissioned Officer in Military
- 
67. Read the following propositions. Find out which one is incorrect.
- (1) In a sale, there is an absolute transfer of all rights in the property sold and no rights are left in the transferor
  - (2) In a lease, there is a partial transfer or demise and the rights left in the transferor are called reversion
  - (3) A gift comprising both existing and future property is void as to the latter
  - (4) Acceptance is not the pivotal requirement to constitute a valid gift
- 
68. For filing a suit to enforce payment of money secured by a mortgage or otherwise charged upon immovable property the period of limitation prescribed is \_\_\_\_\_
- (1) 12 years when the money sued for becomes due
  - (2) 3 years when the money sued for becomes due
  - (3) 30 years when the money sued for becomes due
  - (4) 20 years when the money sued for becomes due
-

69. Read the following facts :

Point out of which one the court may not take judicial notice.

- (1) That Mahatma Gandhi was killed on 30<sup>th</sup> January 1948
  - (2) That riots took place after his death
  - (3) That several persons were killed in the said riots
  - (4) That Girish and his friend Shirish lost their lives in the said riots
- 

70. A 'Contingent contract' is a contract

- (1) To do something, if some event, collateral to such contract, does happen
  - (2) To do something, if some event, does happen
  - (3) To do or not to do something, if some event, collateral to such contract, does or does not happen
  - (4) Not to do something, if some event, collateral to such contract, does or does not happen
- 

71. Which of the following proposition is not correct ?

- (1) It is not practicable for a court of law to force the likings of the parties to enter into wedlock and therefore, contracts for betrothal and marriage, cannot be enforced in specie
  - (2) A contract to take a loan cannot be specifically enforced, because compensation can afford adequate relief
  - (3) A contract which is dependent on the personal qualifications or volition of the parties can be specifically enforced
  - (4) A contract by a guardian to purchase immovable property on behalf of a minor can be specifically enforced, provided there is competency of the guardian and legal necessity
- 

72. The Latin expression "Ubi jus ibi remedium" means

- (1) Where the sufferer is willing no injury is done
  - (2) Every one must so use his own property as not to do damage to another
  - (3) There is no wrong without a remedy
  - (4) Where both parties are equally to blame, neither can hold the other liable
- 

73. Oral agreement of sale and no time fixed for the performance of the agreement. Vendor sold the plots to third parties. Firstly on 26-7-72, secondly on 1-9-72, thirdly on 3-12-72 and lastly on 29-12-73. Period of limitation for the suit for specific performance of contract will start from

- (1) 26-7-72
  - (2) 1-9-72
  - (3) 3-12-72
  - (4) 29-12-73
-

74. In view of Section 105 of the Transfer of Property Act a lease of immovable property is a transfer of \_\_\_\_\_
- (1) A right to enjoy such property in consideration of a price paid or promised or of money, a share of crops, service or any other thing of value
  - (2) An interest in specific immovable property for securing the payment of money advanced
  - (3) Ownership in consideration of price paid or promised
  - (4) Certain immovable property, made voluntarily and without consideration
- 

75. Property is designated as 'stolen property', if its possession has been transferred by
- (1) Theft or extortion or robbery
  - (2) Criminal misappropriation
  - (3) Criminal breach of trust
  - (4) All above
- 

76. Which of the following is not included in essential supply or services as enumerated in Section 29 of the Maharashtra Rent Control Act, 1999 ?
- |                          |                                 |
|--------------------------|---------------------------------|
| (1) Lights in passages   | (2) Fire extinguishing services |
| (3) Conservancy services | (4) Lifts                       |
- 

77. 'X' is the wife of 'Z'. They are Hindu by religion. Their marriage was solemnized prior to 1990. 'X' files a suit for grant of injunction against her husband 'Z' in the year 2003, restraining from marrying a second wife.

'X's suit for such injunction is

- (1) Hopelessly barred by limitation and is liable to be dismissed with costs
  - (2) Maintainable, as it is for prevention of breach of an obligation existing in her favour
  - (3) Liable to be dealt under Order 7 Rule 11 of Code of Civil Procedure
  - (4) Barred under the provisions of Hindu Marriage Act, 1955
- 

78. Second appeal under Section 100 of Code of Civil Procedure lies
- (1) On question of facts
  - (2) On substantial questions of law
  - (3) On mixed question of law and fact
  - (4) All the above
-

79. Compensation for accusation without reasonable cause can be awarded by the Magistrate

- (1) Under Section 357 (3) of Cr. P.C.
  - (2) Under Section 250 of Cr.P.C.
  - (3) Under Section 167 (2) of Cr.P.C.
  - (4) Under Section 436-A of Cr.P.C.
- 

80. Article 39-A of the Constitution pertains to

- (1) Equality before law
  - (2) Equality of opportunity in matters of public employment
  - (3) Equal justice and free legal aid
  - (4) Right of minorities to establish and administer educational institutions
- 

81. Which Article of our Constitution provides the right to freedom of speech and expression to the citizens of India ?

- |                |                |
|----------------|----------------|
| (1) Article 18 | (2) Article 19 |
| (3) Article 17 | (4) Article 20 |
- 

82. Every offence shall ordinarily be enquired into and tried by the court

- (1) Within whose local jurisdiction the complainant resides
  - (2) Within whose local jurisdiction the said offence was committed
  - (3) Within whose local jurisdiction the accused ordinarily resides
  - (4) Within whose local jurisdiction witnesses to the said offence reside
- 

83. To set aside the decree passed ex-parte, where the summons was duly served, the period of limitation is

- (1) Ten days from the date of decree
  - (2) Thirty days from the date of decree
  - (3) Sixty days from the date of decree
  - (4) Ninety days from the date of decree
- 

84. Under Section 21 of the Specific Relief Act :

The Court

- (1) Shall not award any compensation to the plaintiff
  - (2) Shall as of rule award compensation in each and every suit
  - (3) Shall not award compensation unless the plaintiff has claimed it in his plaint
  - (4) May award compensation to the plaintiff even if it is not claimed by him
-

85. When the landlord can recover possession in case of a service tenancy created under Section 22(1) of the Maharashtra Rent Control Act ?

- (1) If a tenant is convicted in a criminal case by a competent court
  - (2) If a departmental inquiry is initiated against a tenant on serious charges like theft, misappropriation etc.
  - (3) If a tenant ceases to be the member of the recognized trade union in the establishment
  - (4) If the tenant ceases to be in the service or employment of the said landlord
- 

86. To constitute the offence of kidnapping from lawful guardianship the age of the kidnapped minor must be

- (1) Under eighteen years of age if a male or under sixteen years of age if a female
  - (2) Under sixteen years of age if a male or under eighteen years of age if a female
  - (3) Not more than twenty-one years if a female or not more than eighteen years if a male
  - (4) Under twenty one years of age may be a male or female
- 

87. As per Section 122 of the 'Transfer of Property Act' "Gift" means

- (1) The transfer of certain existing movable property made by donor to donee
  - (2) The transfer of certain existing immovable property made by donor to the donee
  - (3) The transfer of property by donor to donee on certain consideration
  - (4) The transfer of certain existing movable or immovable property made voluntarily and without consideration by one person, called the donor, to another, called the donee and accepted by or on behalf of the donee
- 

88. As provided under Section 25 (3) of the Limitation Act, 1963, the easement rights over the property belonging to the Government are acquired by continuous and uninterrupted user if such right is peaceably and openly enjoyed for a period of

- (1) Twelve years
  - (2) Twenty years
  - (3) Three years
  - (4) Thirty years
- 

89. 'Examination-in-chief' means

- (1) The examination of a witness by adverse party
  - (2) The examination of a witness by the party who calls him
  - (3) The examination of a witness, subsequent to the cross-examination by the party who called him
  - (4) The examination of a first witness
-



90. Where a person lawfully does anything for another person or delivers anything to him, not intending to do so gratuitously, and such other person enjoys the benefit thereof

- (1) The latter is not bound to make compensation to the former
  - (2) The latter is bound to make compensation to the former
  - (3) The former is forbidden to accept compensation from the latter
  - (4) The latter if a Government is not bound to make compensation to the former
- 

91. Presumption under Section 113-A of Indian Evidence Act pertains to

- (1) Dowry death
  - (2) Custodial death
  - (3) Abatement of suicide by a married woman
  - (4) Absence of consent in certain prosecutions for rape
- 

92. The period of limitation for filing an application for the restoration of the suit is

- (1) 30 days      (2) 60 days      (3) 90 days      (4) One month
- 

93. Which of the following act will not amount to 'theft' as defined under Section 378 of the Penal Code ?

- (1) A cuts down a tree on B's ground, with the intention of dishonestly taking the tree out of B's possession without B's consent
  - (2) A being B's servant and entrusted by B with the care of B's computer, dishonestly runs away with said computer, without B's consent
  - (3) A going on a journey, entrusts his computer to D, the keeper of the warehouse, till A shall return. D carries the computer to a computer shop and sales it
  - (4) A finds a gold ring belonging to B on a table in the house of B, A removes the said ring dishonestly
- 

94. As provided under Section 32 of the Maharashtra Rent Control Act, the rent shall be recovered according to

- (1) Local usage
  - (2) British calendar
  - (3) Hindu almanac
  - (4) Any other calendar acceptable to the landlord and the tenant
- 

95. Read the following statements and point out which one is incorrect.

- (1) Injunction cannot be granted to restrain any person from applying to any legislative body
  - (2) Injunction cannot be granted to restrain any person from instituting or prosecuting any proceeding in criminal court
  - (3) Injunction cannot be granted to prevent the breach of a contract the performance of which would not be specifically enforced
  - (4) Injunction cannot be granted when the plaintiff has personal interest in the matter
-

96. Where the person summoned cannot, by the exercise of due diligence, be found, the summons may be served
- (1) By affixing the same on the notice board of the Municipal Council of Gram-Panchayat as the case may be
  - (2) By leaving one of the duplicates of the same for him with some adult male member of his family residing with him, and the person with whom the summons is so left shall, if so required by the summoning officer, sign a receipt therefore on the back of the other duplicate
  - (3) By affixing the same on the conspicuous place of his house
  - (4) By serving the same on the servant of the person summoned and obtain from him the acknowledgement thereof on the back of the duplicate
- 

97. Confession recorded by a Magistrate on oath is
- (1) Admissible
  - (2) Inadmissible
  - (3) Admissible only to the extent of corroboration to the other evidence on record
  - (4) Admissible if corroborated by other evidence on record
- 

98. Which Article of the Constitution says that the law declared by the Supreme Court shall be binding on all courts within the territory of India ?
- |                 |                   |
|-----------------|-------------------|
| (1) Article 141 | (2) Article 139-A |
| (3) Article 140 | (4) Article 142   |
- 

99. If an innocent partner seeks dissolution of a firm under Section 44(C) of the Indian Partnership Act, he has to satisfy the court that \_\_\_\_\_
- (1) The conduct of the partner in question is calculated to prejudice the carrying on of the partnership business
  - (2) The partnership firm is not in a position to repay the loan borrowed from a Nationalized Bank
  - (3) The partnership firm has not gained any profit in past three years
  - (4) There are no future prospects to the business of the firm
- 

100. Under the provisions of Code of Civil Procedure, no second appeal lies in a suit for recovery of money not exceeding
- |                    |                    |
|--------------------|--------------------|
| (1) Rs. 25,000/-   | (2) Rs. 50,000/-   |
| (3) Rs. 1,00,000/- | (4) Rs. 2,00,000/- |
-

**सूचना - (पृष्ठ 1 वरून पुढे....)**

- (9) सदर प्रश्नपत्रिकेसाठी आयोगाने विहित केलेली वेळ संपल्यानंतर उमेदवाराला ही प्रश्नपुस्तिका स्वतः बरोबर परीक्षाकक्षाबाहेर घेऊन जाण्यास परवानगी आहे. मात्र परीक्षाकक्षाबाहेर जाण्यापूर्वी उमेदवाराने आपल्या उत्तरपत्रिकेचा भाग - 1 समवेक्षकाकडे न विसरता परत करणे आवश्यक आहे.

**नमुना प्रश्न**

प्रश्न क्र. 201. The Catch varies inversely with the size of the :

- (1) nozzle (2) droplet  
(3) obstruction (4) sprayer

ह्या प्रश्नाचे योग्य उत्तर “(3) obstruction” हे आहे. त्यामुळे या प्रश्नाचे उत्तर “(3)” होईल, आता खालीलप्रमाणे प्र. क्र. 201 समोरील उत्तर-क्रमांक “③” चा कंस खालीलप्रमाणे पूर्णपणे छायांकित करून दाखविणे आवश्यक आहे.

प्र. क्र. 201. ① ② ● ④

अशा पद्धतीने प्रस्तुत प्रश्नपुस्तिकेतील प्रत्येक प्रश्नाचा तुमचा उत्तरक्रमांक हा तुम्हाला स्वतंत्ररीत्या पुरविलेल्या उत्तरपत्रिकेवरील त्या त्या प्रश्नक्रमांकासमोरील संबंधित वर्तुळ पूर्णपणे छायांकित करून दाखवावा. ह्याकरिता फक्त काळ्या शाईचे बॉलपेन वापरावे. पेन्सिल वा शाईचे पेन वापरू नये.

**कच्च्या कामासाठी जागा / SPACE FOR ROUGH WORK**

**SEAL**

परीक्षेचे नांव : दिवाणी न्यायाधीश (कनिष्ठ स्तर) व न्याय दंडाधिकारी (प्रथम वर्ग), पूर्व परीक्षा - २०११

परीक्षेचा दिनांक : २९, मे २०११

विषय : विहित कायदेविषयक ज्ञान

महाराष्ट्र लोकसेवा आयोगामार्फत 'दिवाणी न्यायाधीश (कनिष्ठ स्तर) व न्याय दंडाधिकारी (प्रथम वर्ग) पूर्व परीक्षा - 2011' या स्पर्धा परीक्षेच्या वस्तुनिष्ठ स्वरूपाच्या प्रश्नपत्रिकेची उत्तरतालिका उमेदवारांच्या माहितीसाठी संकेतस्थळावर प्रसिध्द करण्यात आली होती. त्यासंदर्भात उमेदवारांनी अधिप्रमाणित (Authentic) स्पष्टीकरण / संदर्भ देऊन पाठविलेली लेखी निवेदने, तसेच तज्ञांचे अभिप्राय विचारात घेऊन आयोगाने उत्तरतालिका सुधारित केली आहे. या उत्तरतालिकेतील उत्तरे अंतिम समजण्यात येतील. यासंदर्भात आलेली निवेदने विचारात घेतली जाणार नाहीत व त्याबाबत कोणताही पत्रव्यवहार केला जाणार नाही याची कृपया नोंद घ्यावी.

उत्तरतालिका

प्रश्न क्रमांक	उत्तरे				प्रश्न क्रमांक	उत्तरे			
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24	2	1	3	3	49	1	4	1	3
25	1	4	4	1	50	3	3	1	3

# ने दर्शविलेले प्रश्न रद्द करण्यात आलेले आहेत.

6<sup>th</sup> July, 2011

प्रश्न क्रमांक	उत्तरे			
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प्रश्न क्रमांक	उत्तरे			
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96	3	2	3	3
97	2	4	4	4
98	1	4	1	#
99	1	2	3	3
100	1	2	3	1

# ने दर्शविलेले प्रश्न रद्द करण्यात आलेले आहेत.

6<sup>th</sup> July, 2011