

**Andhra Pradesh Prelims
Questions 2015**

1. In order to convert a proposal into a promise the acceptance must be:
 - a) absolute and unqualified
 - b) absolute and qualified
 - c) silent
 - d) none of the above
 2. When consent to an agreement is caused by coercion, fraud or misrepresentation, the agreement is a contract which is:
 - a) void
 - b) voidable at the option of the consenting party
 - c) neither voidable nor void
 - d) none of the above
 3. Where a person contracts to sell a certain immovable property without having any title thereto, can the purchaser compel him make good the contract?
 - a) purchaser can only demand compensation for the breach
 - b) purchaser can seek damages
 - c) yes, if the vendor has acquired title to the property in question subsequent to the contract
 - d) none of the above
 4. 'A' has entered into an agreement with 'B' by misrepresentation, the contract is:
 - a) valid
 - b) void
 - c) voidable
 - d) illegal
 5. Ram contracted to pay to Suresh a sum of Rs.25,000/- if Suresh's house is gutted in fire. This contract is called:
 - a) wagering contract
 - b) contingent contract
 - c) quasi contract
 - d) unconscionable contract
 6. Normally the breach of contract to transfer immovable property
 - a) can be compensated in money
 - b) cannot be compensated in money
 - c) cannot be adequately compensated in money
 - d) none of the above
 7. If the transferee takes possession of immovable property in part performance of contract and is ready and willing to perform his part of contract
 - a) can obtain the relief of specific performance notwithstanding the law of limitation
 - b) can get a decree declaring his title
 - c) can protect his possession
 - d) none of the above
 8. If a wife withdraws from the company of her husband, who was diagnosed to be suffering from AIDS, can the Court order for restitution of conjugal rights?
 - a) yes, if the husband is undergoing treatment regularly from an approved physician
 - b) yes if the husband establishes that he is regularly taking medicines
 - c) yes if the husband establishes that he acquired AIDS not due to his fault
 - d) not at all
 9. Marriage between two persons took place but it turned out that one of them was pregnant by some other 3rd party. In such a case the marriage is:
 - a) void marriage
 - b) it is a valid marriage, if the other party has knowledge of the event
 - c) voidable marriage
 - d) it all depends upon the will of the woman
 10. A marriage solemnized after 1-10-2006 can be dissolved by a decree of divorce if:
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- a) the opposite party deserted the petitioner for a continuous period of at least 1 year
- b) the opposite party deserted the petitioner for a continuous period of at least 2 years
- c) the opposite party deserted the petitioner for a continuous period of at least 3 years
- d) the opposite party deserted the petitioner for a continuous period of at least 4 years

11. If a petition is presented under Section 13-B of the Hindu Marriage Act, 1955, by both parties, a decree of divorce can be passed by the Court:

- a) depending upon the urgency pleaded, immediately
- b) not earlier than 6 months period has elapsed from the date of presentation of the petition
- c) only after expiry of 1 year period from the date of marriage
- d) only after expiry of 18 months period from the date of marriage

12. Can a provision be made by the Court in a decree drawn in proceedings initiated under Section 13 of the Hindu Marriage Act, 1955, for the custody of minor children?

- a) yes
- b) no
- c) separate proceedings should be taken out under the Guardianship Act, 1956
- d) none of the above

13. Can irretrievable breakdown of marriage be a ground for seeking divorce under the Hindu Marriage Act?

- a) yes
- b) no
- c) yes, if permitted by court
- d) yes, upon payment of permanent alimony to the counter part

14. Under Section 8 (a) of the Hindu Succession Act, the property of a male Hindu dying intestate shall devolve firstly upon the heirs being relatives specified in class I of the

Schedule to the Act. The class -1 heirs do not include:

- a) widow
- b) son
- c) mother
- d) father

15. Can be the provisions of the Hindu Succession Act, 1956 apply to an illegitimate child one of whose parents is a Buddhist and the other follower of Arya Samaj?

- a) yes
- b) no
- c) yes, by will
- d) none of the above

16. The daughter of a coparcener of a joint family is recognized as coparcener by birth by the Central Amendment (through Parliament) to the Hindu Succession Act, 1956 with effect from 9.9.2005 to one of the following sections:

- a) Section 29A
- b) Section 6
- c) Section 6B
- d) Section 29B

17. General rules of succession in the case of a female Hindu is governed by one of the following provisions of the Hindu Succession Act, 1956:

- a) Section 8
- b) Section 12
- c) Section 15
- d) Section 9

18. An easement is a right which the owner or occupier of certain land possesses:

- a) over his own land for the beneficial enjoyment of such land
- b) over certain other land which is not his own, for the beneficial enjoyment of his own land
- c) over certain other land which the community owns, for the beneficial enjoyment of his own land

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d) over certain other land which should share a common boundary with his own land

19. Can an easement be extinguished?

a) yes, only if the dominant heritage is completely destroyed, leaving intact the servient heritage

b) yes, only if the servient heritage is completely destroyed, leaving intact the dominant heritage

c) yes, in complete destruction of dominant or servient heritages

d) in none of the cases above

20. What is the period prescribed for acquisition of right of easement of light or air for any building without interruption?

a) twenty years

b) twelve years

c) three years

d) thirty years

21. Company 'A' has entitled to a contract for acquiring a certain immovable property belonging to 'B'. Subsequently, company 'A' got amalgamated with company 'C'. Can company 'C' seek specific performance of contract entered into by and between 'A' and 'B'?

a) yes

b) no

c) only with the leave of the court

d) none of the above

22. If a person is not entitled to recover compensation for breach of a contract, can he seek specific performance of the contract?

a) yes

b) no

c) it is for the discretion of the court

d) none of the above

23. In a suit for specific performance of a contract, can a plaintiff be awarded compensation?

a) no

b) it is for the discretion of the court

c) yes, if compensation is claimed in the plaint

d) none of the above

24. Specific performance of part of contract

a) can be enforced

b) cannot be enforced

c) enforced in certain exceptional circumstances

d) none of the above

25. A contract dependent on the volition of parties

a) can be specifically enforced

b) cannot be specifically enforced

c) can be enforced in exceptional cases

d) none of the above

26. Against decree passed in a suit filed under Section 6 of the Specific Relief Act

a) only review is allowed

b) appeal can be filed

c) no appeal or review is allowed

d) none of the above

27. Can a suit instituted after the prescribed period be dismissed?

a) yes, if limitation has been set-up as a defence

b) yes, even though limitation has not been set-up as a defence

c) no

d) none of the above

28. The period prescribed for institution of a suit expired on Sunday that followed the last working day of the Court before it's summer recess. During summer recess, provision is made for receiving urgent cases. However, the suit is instituted on the reopening day of the court after summer recess. Can a suit be treated to have been filed in time?

a) no

b) yes

c) only if the delay is properly explained

d) when leave is obtained by the court

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29. Can the time consumed for deciding an application for leave of suit as a pauper, which application is ultimately rejected be excluded from computation of the period of limitation when a suit was subsequently instituted?

- a) no
- b) yes
- c) yes, with consent of defendant
- d) none of the above

30. When can the period of limitation run when a suit is instituted seeking relief against the consequence of a mistake?

- a) from the date the mistake is discovered with due diligence
- b) from the initial cause of action
- c) a notice pointing out the mistake is drawn
- d) none of the above

31. 'A' instituted a suit against 'B' and 'C' on 6.12.2012. 'D' was added as a plaintiff on 20.11.2014. When is suit deemed to have been instituted as regards 'D' ?

- a) On 6.12.2012
- b) On 20.11.2014 subject to court directing any earlier date
- c) On any date as agreed by 'B' & 'C'
- d) None of the above

32. Sandeep executed a promissory note in favour of Vijay for Rs. 5 lakhs on 18.10.2010. On 15.11.2013 he has acknowledged his liability in writing under his signature. On 16.12.2013 Vijay filed suit for recovery. The suit is:

- a) barred by limitation
- b) not barred by limitation
- c) maintainable on condonation of delay
- d) maintainable subject to discretion of court

33. 'A' institutes suit against 'B' in a civil court and realises that he instituted the suit which lacks jurisdiction. Under which provision of the Limitation Act, 1963, can such period be excluded for computing limitation?

- a) Section 5

- b) Section 14
- c) Section 17
- d) Section 13

34. What is limitation period for filing a suit under Section 6 of the Specific Relief Act?

- a) 1 year
- b) 3 years
- c) 6 months
- d) 12 years

35. The following can be transferred under the Transfer of Property Act:

- a) a right to future maintenance
- b) salary of a public officer whether before or after it has become payable
- c) a mere right to sue
- d) assignment of property

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36. 'Immovable property', as defined under the Transfer of Property Act includes:

- a) standing timber
- b) growing crops
- c) agricultural land
- d) grass

37. A is the paternal uncle of 'B'. His wife 'C' died recently. They have no children. 'B' is taking complete care of 'A'. 'A' has suffered a major heart attack a couple of months ago. 'A', therefore executed a will bequeathing all his immovable properties in favour of 'B' and got it registered. To clear some of the hospital bills, 'B' intends to sell and transfer some of the immovable properties owned by 'A'. Can he do so?

- a) yes

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- b) yes, if there are no Class-I or Class-II heirs of 'A' available
c) no
d) none of the above

38. Where, on a transfer of property, an interest therein is created in favour of a person to take effect only upon the happening of a specified uncertain event, such interest is called:

- a) vested interest
b) contingent interest
c) eventual interest
d) preferential interest

39. Can one of several co-owners of immovable property transfer his share of such property or interest therein in favour of another person who is not a member of the family?

- a) yes
b) no
c) yes, if the co-owners give their consent
d) yes, if the co-owners have been given the first option for transfer

40. If the donor dies before acceptance of the gift by donee?

- a) the gift is valid
b) the gift is void
c) the gift is voidable
d) none of the above

41. Doctrine of lis pendense provided under Section 52 of the Transfer of Property Act lays down:

- a) pending suit, parties are prohibited to alienate the property
b) parties are at liberty to alienate the property
c) if alienation is made, it is subject to certain conditions
d) the parties are bound by the decree passed by the court

42. 'A' has a chance to succeed to the property of 'B' in future,

- a) he can alienate his right
b) he cannot alienate his right
c) he can alienate his right under certain circumstances
d) none of the above

43. 'A' wants to gift away landed property worth Rs. 2 lakhs in favour of a Deity:

- a) the gift shall be registered
b) the gift need not be registered
c) the gift does not require registration if the leave of the court is obtained
d) none of the above

44. Who is a 'tenant holding over'?

- a) person having subsisting lease
b) person having right for grant of lease
c) person whose lease is terminated but continues in possession
d) none of the above

45. What is essential ingredient to claim part performance under Section 53-A of the Transfer of Property Act?

- a) payment in full
b) written agreement
c) 50% payment
d) Written agreement, payment in full followed by possession of the transferee

46. The Indian Penal Code extends to:

- a) the whole of India
b) the whole of India except Arunachal Pradesh
c) the whole of India except Nagaland and Mizoram
d) the whole of India except Jammu & Kashmir

47. The provisions of the Indian Penal Code shall apply also to any offence committed by:

- a) a person of Indian origin and a citizen of a foreign country in any place beyond India
b) any person on any ship or aircraft registered anywhere in the world
c) any citizen of India in any place beyond India

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d) any person in any place without or beyond India, committing offence targeting a computer resource located anywhere in Common Wealth Nations

48. Whoever harbours an officer who has deserted the Army is liable to be punished under Section 136 IPC with imprisonment for a term which may extend to two years. This provision does not extend to the case in which the harbour is given by:

- a) a wife to her husband
- b) a mother to her son
- c) a sister to her brother
- d) none of the above

49. 'A' in exercise in good faith of right of private defence caused death of 'B' with the knowledge that it is likely to cause his death but without the intention of causing his death. 'A' is liable to be sentenced

- a) to imprisonment for life
- b) to imprisonment for 10 years or fine or with both
- c) death
- d) not liable for conviction

50. In case of dowry death punishable under Section 304B of IPC, the presumption under Section 113B of the Indian Evidence Act shall be drawn if the death takes place within how many years of marriage?

- a) 9
- b) 6
- c) 11
- d) 7

51. In an offence of rape, the consent given by a minor is no consent. What is the age of minor mentioned in section 375 of IPC:

- a) 16 years
- b) 18 years
- c) 21 years
- d) 14 years

52. An instrument in writing containing an unconditional undertaking signed by the

maker to pay a certain sum of money only to, or to the order of a certain person or to the bearer of the instrument is called:

- a) cheque
- b) currency note
- c) bill of exchange
- d) promissory note

53. When no interest rate is specified in the instrument, Section 80 of the Negotiable Instruments Act requires interest on the amount due thereon to be calculated at the rate of:

- a) 18% per annum
- b) 15% per annum
- c) 12% per annum
- d) 9% per annum

54. The section governing the dishonour of cheque for insufficiency of funds is:

- a) section 132
- b) section 129
- c) section 138
- d) section 136

55. A promissory note is required to be attested by a minimum of

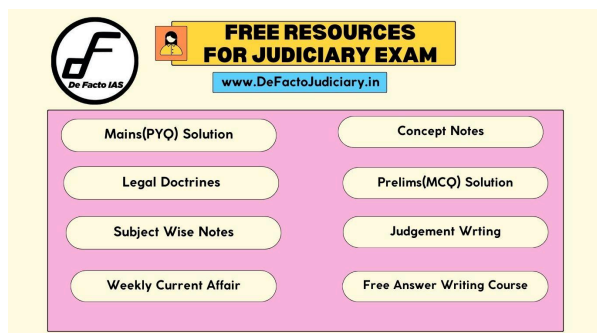
- a) one witness
- b) two witnesses
- c) three witnesses
- d) no attestation is required

56. Ram holding an account in a bank at Hyderabad issued a cheque to Krishna, a resident of Vijayawada for discharging his liability in respect of a transaction which took place at Chittoor. The said cheque got dishonoured where can Krishna file complaint under Section 138 of the Negotiable Instruments Act.

- a) Hyderabad
- b) Vijayawada
- c) Chittoor
- d) Any place of his choice

57. Which of the following is not a negotiable instrument?

- a) promissory note
- b) bond
- c) bill of exchange
- d) cheque



58. Under section 85 of the Registration Act, documents (other than wills) remaining unclaimed in any registration office for a period exceeding may be destroyed:

- a) two years
- b) eighteen months
- c) one year
- d) six months

59. Under Section 47 of the Registration Act a document once registered takes effect from:

- a) the date of registration
- b) one month after the date of registration
- c) the date of its execution
- d) one month after the date of execution

60. A certificate of sale granted to the purchaser of any immovable property sold by public auction, by a civil or revenue officer, the value of which exceeds Rs. 100:

- a) is not liable to be compulsorily registered
- b) is liable to be compulsorily registered
- c) the authority who conducted the auction can grant exemption from compulsory registration
- d) the Collector of the District in which the property is located when applied for, can grant exemption from compulsory registration.

61. Under Section 33 (1) of the Stamp Act, every person incharge of a public office,

except , may impound an instrument which is not duly stamped:

- a) a District Court
- b) the Sub Collector
- c) the Tahsildar
- d) a police officer

62. Under Section 35 of the Indian Stamp Act, no instrument chargeable with duty, unless such instrument is duly stamped, shall be admitted in evidence:

- a) except regarding any collateral transaction only
- b) for any purpose
- c) except in the case of a contract in a suit for specific performance only
- d) both (a) and (c)

63. Under Section 30 of the Indian Stamp Act, any person receiving any money exceeding rupees shall, on demand by the person paying the money, give a duly stamped receipt for the same:

- a) ten
- b) twenty
- c) fifty
- d) hundred

64. An insufficiently stamped instrument can be admitted in evidence upon:

- a) payment of the differential amount which would make up the duty properly chargeable
- b) payment of the differential amount together with penalty of Rs. 5/- or ten times the differential amount whichever is higher
- c) payment of the differential amount together with fixed penalty of ten times the duty chargeable
- d) payment of the normal duty chargeable upon the instrument

65. Under the Andhra Pradesh Buildings (Lease, Rent & Eviction) Control Act, 1960 no tenant shall be evicted, whether in execution of a decree or otherwise, except in accordance with the provisions of:

- a) section 10 of the Act

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- b) section 16 of the Act
c) section 20 of the Act
d) none of the above

66. The Andhra Pradesh Buildings (Lease, Rent & Eviction) Control Act, 1960 shall apply to:

- a) buildings belonging to State Government
b) buildings belonging to Central Government
c) buildings belonging to Cantonment Board
d) buildings belonging to private individuals

69. Under Section 40 of the Civil Procedure Code, where a decree is sent for execution in another State, it shall be sent to such Court and executed in such manner as may be prescribed by rules in force:

- a) in the State where the decree was passed
b) in the State where the decree was sent for execution
c) either of the above
d) neither of the above

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67. For initiating eviction petition under the Andhra Pradesh Buildings (Lease, Rent & Eviction) Control Act, a prior notice of termination to tenant is compulsory -

- a) not correct
b) correct
c) not correct, if Court dispenses with
d) none of the above

68. Where a suit has been duly instituted summons may be issued to the defendant, under section 27 of the Civil Procedure Code, to be served in the manner prescribed on such day not beyond days from the date of institution of the suit:

- a) 30
b) 60
c) 90
d) 120

70. Pleading means:

- a) plaint or rejoinder
b) plaint or written statement
c) plaint or written statement or rejoinder
d) plaint alone

71. When a suit is pending in a Foreign Court,

- a) the trial of the very same suit in India is barred
b) it is not barred
c) it is not barred if it is not based on the same cause of action
d) none of the above

72. Both parties entered into agreement that the suit has to be filed at place - A. But the part of cause of action arose at places B and C also,

- a) the suit is maintainable at places - A, B and C

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- b) suit is maintainable at place - B only
- c) with the leave of the Court, can be filed at places - A, B or C
- d) none of the above

73. Objection as to the pecuniary jurisdiction of the Court of first instance can be taken in the appellate court

- a) at any time before the disposal of the appeal
- b) cannot be taken unless the objection was taken in the court of first instance before the settlement of issues
- c) can be taken at any time on the ground that there has been a consequent failure of justice
- d) none of the above

74. The judgment debtor in execution proceedings raised objection that the trial court has no jurisdiction over the subject matter

- a) he cannot raise such objection unless he raised the same before the trial court
- b) he has to challenge the same only by way of filing the appeal
- c) he can raise the said issue for the first time in executing court
- d) none of the above

75. In a money suit the court granted interest at the rate of 12% per annum from the date of suit till the date of decree. The decree is silent about payment of further interest on principal sum from the date of decree to the date of payment. In such an event

- a) further interest can be granted at the rate of 12% per annum in the execution petition
- b) further interest can be granted at the rate of 6% per annum in the execution petition
- c) no such further interest can be granted as the court shall be deemed to have refused such further interest
- d) none of the above

76. After pronouncing judgment the court found that there are some clerical and arithmetical mistakes

- a) it cannot correct them and they can be corrected by appellate court only
- b) it can correct if both parties agree for such correction
- c) it can correct on its own without notice to the parties
- d) none of the above

77. What is meaning of expression 'indigent'?

- a) made in India
- b) a liberal and carefree person
- c) dishonest person
- d) pauper

78. A suit is filed against 'A' and his sons, daughters and wife for declaration of ownership of plaintiff and permanent injunction. 'A' dies pending suit. No application is filed for setting aside abatement and for substitution. Whether the suit abates?

- a) no
- b) yes
- c) no, if the Court passes order for addition of State
- d) none of the above

79. Application under Order 6, Rule 17

C.P.C., for amendment of written statement to withdraw admissions of plaintiff's claim. Whether permissible?

- a) yes
- b) no
- c) no, beyond 30 days from the date of filing of written statement
- d) none of the above

80. On completion of investigation, the officer incharge of a police station shall forward the police report under Section 173 (2) Cr.P.C., to:

- a) Sessions Court
- b) High Court
- c) District Collector

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d) Magistrate empowered to take cognizance of the offence

81. In the absence of a special order of a Magistrate, no police officer shall detain in custody a person arrested without warrant for a period exceeding hours, exclusive of the time necessary for the journey from the place of arrest to the Court of the Magistrate.

- a) 12 hours
- b) 24 hours
- c) 36 hours
- d) 48 hours

82. Under Section 125 Cr.P.C., a Magistrate can order a person to make a monthly allowance for the maintenance of:

- a) his married daughter who has attained majority
- b) his brother
- c) his sister
- d) his father

83. Maximum sentence prescribed for offences in a summons case is:

- a) two years
- b) one year
- c) three years
- d) five years

84. Amendment to the Code of Criminal Procedure can be made

- a) by Parliament
- b) by State Legislature
- c) by both
- d) none of the above

85. Cognizable offence means

- a) offence of serious nature
- b) non bailable offence
- c) bailable offence
- d) an offence where police officer may arrest without warrant

86. In a complaint to the Magistrate

- a) name of the accused shall be mentioned

b) name of the accused need not be mentioned

c) name of the accused need not be mentioned if the descriptive particulars of the accused are given

d) none of the above

87. Police report under the Code of Criminal Procedure means

- a) report given to the police
- b) complaint
- c) charge sheet
- d) none of the above

88. At the stage of consideration for application for discharge can the accused summon a document or thing?

- a) he has a right to summon
- b) he has no right to summon
- c) he can exercise such right with the permission of the court
- d) none of the above

89. The investigating officer while recording statement of a witness under section 162 Cr.P.C.,

- a) shall obtain the signature of the witness
- b) shall not obtain the signature of the witness
- c) it is left to the discretion of the Investigating Officer
- d) none of the above

90. After taking cognizance the Magistrate issued process to the accused

- a) he can reconsider his decision
- b) he has no power to reconsider his decision
- c) in exceptional circumstances he can reconsider his decision
- d) none of the above

91. An "admission" can be used against

- a) a witness
- b) party who makes it
- c) opposite party
- d) none of the above

92. Evidence of hostile witness

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- a) cannot be taken into consideration for any purpose
b) it can be relied on by the prosecution
c) it can be relied on by the defence
d) it can be relied on by the prosecution as well as the defence

93. Motive becomes more relevant in a case based on

- a) direct evidence
b) circumstantial evidence
c) direct and circumstantial evidence
d) none of the above

94. In an application seeking bail in a non-bailable offence

- a) notice to the prosecution is not necessary
b) notice is mandatory
c) notice is mandatory only when the provision relating to the offence alleged so requires
d) none of the above

95. Which of the statements is correct?

- a) a related witness is unreliable
b) a related witness is reliable
c) evidence of related witness shall be subjected to strict scrutiny
d) none of the above

96. When the evidence is improperly admitted or rejected at the trial

- a) it shall be ground for new trial
b) it shall not be ground for new trial
c) it shall be ground for new trial, when there was no sufficient evidence, other than the evidence which was objected to
d) none of the above

97. In a criminal case, previous good character is

- a) not relevant
b) relevant
c) relevant in rare cases
d) none of the above

98. Evidentiary value of report of handwriting expert?

- a) conclusive
b) opinion subject to acceptance by court
c) nil, since irrelevant
d) none of the above

99. Rule 5 of the Criminal Rules of Practice enables cases relating to Juvenile Offenders and women to be tried:

- a) in camera
b) open court house
c) mobile courts
d) all the above

100. Effect of death of the sole defendant in a money suit in between the date of conclusion of the hearing and that of the pronouncement of the judgment:

- a) suit abates
b) suit does not abate, judgment can be pronounced
c) judgment cannot be pronounced, re-hearing of the suit
d) none of the above

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