

**LEGAL VIDHYA PRESENTS:
CIVIL PROCEDURE CODE
QUESTIONS IN PREVIOUS AIBE
EXAM**

AIBE XVIII

1. Which of the following is material for deciding the jurisdiction of the Civil Court in the light of the Code of Civil Procedure, 1908?
 - A. **Averments made in the plaint**
 - B. Averments made in the written statement
 - C. Both (A) & (B)
 - D. Neither (A) nor (B)

2. Which of the following cannot be considered as the suit of civil nature for Section 9 of the Code of Civil Procedure, 1908?
 - A. Suit for recovery of voluntary payments or offerings.
 - B. Suit for rights of franchise.
 - C. Suit for specific reliefs.
 - D. Suit relating to rights of worship.**

3. Which of the following provision of the Code of Civil Procedure, 1908 makes the doctrine of res judicata applicable in representative suit?
 - A. Section 11, Explanation V
 - B. Section 11, Explanation VI**
 - C. Section 11, Explanation VII
 - D. Section 11, Explanation VIII

4. In which of the following situations a court will not issue summons for personal appearance to the defendant?
 - A. If defendant resides within the local

limit of the court's jurisdiction.

B. If defendant resides within 40 miles from the court.

C. If defendant resides 250 miles away from the court in an area having public conveyance available.

D. Woman to whom Section 132 of the Civil Procedure Code, 1908 does not apply.

5. In which of the following situation plaintiff is precluded from bringing a fresh suit as per the Code of Civil Procedure, 1908?

A. Dismissal of suit where summons not served in consequence of plaintiff's failure to pay costs.

B. Dismissal of suit because neither party appeared.

C. Dismissal of suit because plaintiff did not appear.

D. Dismissal of suit because plaintiff did not apply for fresh summons within given time limit once it returned unserved.

6. How many times at max. may an adjournment be granted to a party during hearing of the suit as per the Code of Civil Procedure, 1908?

A. Two times

B. Three times

C. Four times

D. No limit prescribed

7. Which of the following Amendment

Act made the provision in the Code of Civil Procedure, 1908 to produce a witness without a summons?

A. The Code of Civil Procedure (Amendment) Act, 1976

B. The Code of Civil Procedure (Amendment) Act, 1999

C. The Code of Civil Procedure (Amendment) Act, 2002

D. Such provision does not exist.

8. Which of the following is not included in the word costs as provided under the Code of Civil Procedure, 1908?

A. The expenses of the witnesses incurred.

B. Legal fees and expenses incurred.

C. Fooding and lodging expenses incurred.

D. Any other expenses incurred in connection with the proceedings.

9. What period is prescribed under the Code of Civil Procedure, 1908 for defendant to enter an appearance for filing address for service of notice on him in case of a suit where summary procedure is to be applied?

A. Seven days from the date of receiving of summons.

B. Ten days from the date of receiving of summons.

C. Fifteen days from the date of receiving of summons.

D. Thirty days from the date of receiving of summons.

10. Under which of the following provisions of the Code of Civil Procedure, 1908 the appellate court may remit an issue for trial to lower court?

A. Order XLI Rule 23

B. Order XLI Rule 23-A

C. Order XLI Rule 24

D. Order XLI Rule 25

AIBE XVII

1. Which of the following Section of Civil Procedure Code deals with the concept of Res Judicata?

(A) Section 10

(B) **Section 11**

(C) Section 12

(D) Section 13

2. Mr. X, Mr. Y and Mr. Z are jointly and severally liable for 10,000 under a decree obtained by Mr. A. Mr. Y obtains a decree for 10,000 against Mr. A singly and applies for execution to the Court in which the joint decree is being executed. Which of the following option is correct for Mr. A?

(A) **Mr. A may treat his joint-decree as cross- decree under Order 21 Rule 18.**

(B) Mr. A cannot treat his joint-decree as cross- decree under Order 21 Rule 18.

(C) Mr. A cannot treat his joint-decree as cross- decree under Order 22 Rule 18.

(D) None of these

3. A, B and C are coparceners of Joint Hindu Family. They jointly execute a mortgage in favour of Y. Y files a suit against all of them. Summons is served to C but not to A and B. None of them appears and an ex parte decree is passed against all. A and B applied to set aside the ex parte decree. The decree will be set aside against.

(A) Only C

(B) Only A C B

(C) **A, B and C**

(D) None of these

4. Which of the following provision of Civil Procedure Code, 1908 deals with the Institution of Suits?

(A) Section 22

(B) Section 24

(C) **Section 26**

(D) Section 28

5. Defendant shall, within ____ days from the date of service of summon on him, present a Written Statement of his defence (ORDER VIII).

(A) 15

(B) **30**

(C) 60

(D) 45

6. Which of the following statement is incorrect?

(A) First appeal can be on question of fact or law or both.

(B) Second appeal can be on substantial question of law only.

(C) **Second appeal can be on question of fact or law or both.**

(D) First appeal may or may not be in the High Court, Second appeal has to be in the High Court.

7. Which Order of Civil Procedure Code deals with Temporary Injunction and Interlocutory Injunction?

(A) Order 38

(B) **Order 39**

(C) Order 40

(D) Order 41

8. A is a tradesman in Ahmedabad, B carries on business in Delhi. B, by his agent in Ahmedabad, buys goods of A and requests A to deliver them to the Western Roadways Transport Company. A delivers the goods accordingly in Ahmedabad. A may sue B for the price of the goods.

(A) In Ahmedabad only

(B) In Delhi only

(C) **In either Ahmedabad or Delhi**

(D) Anywhere in India

9. As per Order VI, Pleading shall mean?

(A)Plaint

(B) Written Statement

(C) **Both Plaint and Written Statement**

(D) None of these

10. Which of the following Order deals with "Death, Marriage and Insolvency of Parties"?

(A)Order 20

(B) Order 21

(C) **Order 22**

(D) Order 23

AIBE XVI

1. Under Civil Procedure Code find the incorrect match:

(A)Section 5, Revenue Court

(B) Section 7, Provincial Small Causes Court

(C) **Section 9, Pecuniary Jurisdiction of Courts**

(D)Section 8, Presidency Small Cause Courts

2. Provisions of Section 10 of CPC are.

(A)Directory

(B) **Mandatory**

(C) Non-Mandatory

(D) Discretionary

3. Recovery of Specific Immovable Property may be obtained by C.P.C within what period:

(A)Within 7 months

(B) **Within 6 months**

(C) Within 8 months

(D) Within 10 months

4. Constructive res-judicata is contained in which of the following?

(A)Explanation III to Section 11

(B) **Explanation IV to Section 11**

(C) Explanation VI to Section 11

(D) Explanation VIII to Section 11

5. Which of the following Sections of the Civil Procedure Code define the 'Mesne Profit'?

(A)Section 2(4)

(B)Section 2(14)

(C) Section 2(6)

(D) **Section 2(12)**

6. Under Civil Procedure Code, 1908 "Foreign Court" means:

- (A) A court situated outside India
- (B) **A court situated outside India and not established under the authority of Government of India**
- (C) A court situated in India, applying foreign law
- (D) All of the above

7. If a party who obtained an order for leave to amend pleading does not amend the same within how many days, he shall not be permitted to do that without the leave of the Court:

- (A) Fifteen days
- (B) **Fourteen days**
- (C) Twenty days
- (D) Thirty days

8. Where a decree is passed against the Union of India or State for the Act done in the official capacity of the person concerned, under section 82 CPC, 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 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 decree

9. Provision for settlement of dispute outside court has been provided under Section of Civil Procedure Code,

- (A) 91
- (B) **89**
- (C) 51
- (D) 151

10. A plaint has to be presented to the Court under Order IV, Rule 1 in:

- (A) Single copy
- (B) **Duplicate**
- (C) Triplicate
- (D) No fixed rule

11. Omission to give notice under Order XXI, Rule 22 will:

- (A) **Render the execution null and void**
- (B) Render the execution irregular
- (C) Render the execution voidable
- (D) Not affect the execution

AIBE XV

1. Provision regarding filing of suits by an alien under the Code of Civil procedure is dealt under

- (A) Section 21A
- (B) Section 15
- (C) Section 21B
- (D) **Section 83**

2. Imposition of compensatory costs in

respect of false or vexatious claims or defences is dealt under

- (A) Section 33 of CPC
- (B) **Section 35A of CPC**
- (C) Section 30 of CPC
- (D) Section 35 of CPC

3. Which provision under the Code of Civil Procedure deals with substituted service of summons upon the defendant

- (A) O.5 R.19A
- (B) O.5 R.19
- (C) **O.5 R.20**
- (D) O.5 R.21

4. The principle of Res Judicata is dealt under Section of CPC

- (A) 9
- (B) 10
- (C) **11**
- (D) 12

5. Suits by indigent persons is dealt under

- (A) Order 44 of C.P.C
- (B) **Order 33 of C.P.C**
- (C) Order 55 of C.P.C
- (D) Order 22 of C.P.C

6. "decree-holder" means

(A) **any person in whose favour a decree has been passed or an order capable of execution has been made**

(B) any person in whose favour a decree has been passed or an order incapable of execution has been made

(C) any Citizen in whose favour a decree has been passed or an order capable of execution has been made

(D) any corporation in whose favour a decree has been passed or an order capable of execution has been made

7. Section 14 of the C.P.C. deals with

(A) Presumption as to decisions of tribunals

(B) **Presumption as to foreign judgments**

(C) Presumption as to judgments of the lower court

(D) Presumption as to judgments of High Court

8. An order issued by court under Civil Procedure Code 1908 as per order XXI, rule 46, for recovery of amount due to judgment creditor - is known as

(A) IT Order

(B) **Garnishee Order**

(C) Decree Holder order

(D) Bank Order

9. Section 88 read with Order XXXV of the Code of Civil Procedure, 1908 deals with

(A) **Interpleader suit**

(B) Interlocutory Order

(C) Restitution Order

(D) Attachment Order

AIBE XIV

1. A reference can be made during the pendency of the case:

(A) **The Subordinate Court refers the case of the High Court for the latter's opinion on a question of law.**

(B) The Subordinate Court refers the case of the High Court for the latter's opinion on a question of evidence

(C) The Subordinate Court refers the case of the High Court for the latter's opinion on a question of fact.

(D) The Subordinate Court refers the case of the High Court for the latter's opinion on a question of court procedure.

2. The Concept of 'Curative' Petition was introduced by the Supreme Court of India in the case of

(A) **Rupa Ashok Hura V/s Ashok Hura, AIR 2002 SC 1771**

(B) M.C. Mehta V/s Union of India, AIR 1987 SC 1087

(C) Krishna Swami V/s Union of India (1992) 45 CC 605

(D) Sheela Barse V/s Union of India (1986) 35 CC 5962

3. 'Mesne Profits' of property means:

(A) **Those profits by which the person in wrongful possession of such property actually received or might have received therefrom, together with**

interest on such profits.

(B) The profits due to improvements made by person in wrongful possession.

(C) Both A C B

(D) None of the above.

4. Which of the following is not a legal representative?

(A) Executor and Administrators

(B) Hindu Coparceners

(C) **Creditor**

(D) Intermeddler

5. A person can apply for review of judgment when:

(A) He is aggrieved by a decree/order from which an appeal is allowed, but no appeal has been preferred.

(B) He is aggrieved by a decree/order from which no appeal is allowed.

(C) He is aggrieved by a decision on a reference from a Court of small causes.

(D) **All of the above.**

6. Which order has been specially enacted to protect the interest of Minors and Unsound Mind:

(A) Order 31

(B) **Order 32**

(C) Order 33

(D) Order 34

7. In which of the following cases, the remedy of revision is not available?

- (A) Cases in which first appeal lies
- (B) Cases in which second appeal lies.
- (C) Interlocutory orders
- (D) **All of the above**

8. Which of the following is not a requirement for a foreign judgment to be conclusive:

- (A) It must be given on merits of the case.
- (B) It must be pronounced by a Court of Competent Jurisdiction.
- (C) It was not obtained by fraud.
- (D) **It is by a Court in an enemy country.**

9. Which order of the CPC lays down general rules governing pleadings in a Court?

- (A) **Order 6**
- (B) Order 7
- (C) Order 8
- (D) Order 9

10. Which of the following is not an essential element of a decree:

- (A) Conclusive determination of the rights of the parties
- (B) Formal expression of adjudication
- (C) **An adjudication from which an appeal lies as an appeal from an order**
- (D) The adjudication must have been given in a suit before the court.

11. Second appeal under Section 100 is applicable:

- (A) **Substantial question of law as formulated by the High Court**
- (B) Substantial question of law as not formulated by the High Court
- (C) An appellate decree passed Ex Parte.
- (D) All of the above

AIBE XIII

1. The term 'Suit of a Civil Nature' refers to:

- (A) **Private rights and obligations of a citizen.**
- (B) Political, social and religious question.
- (C) A suit in which principal question relates to caste or religion.
- (D) All of the above

2. The rule of res Sub-Judice Implies:

- (A) **Where the same subject matter is pending in a court of law for adjudication between the same parties, the other court is barred to entertain the case so long as the first suit goes on.**
- (B) Where the same subject matter is pending in a court of law for adjudication between the different parties, the other court is barred to entertain the case so long as the first suit goes on.
- (C) Where the different subject matter is pending in a court of law for adjudication between the same parties, the other court is barred to entertain the

case so long as the first suit goes on.

(D) None of the above

3. State of U.P. Vs. Nawab Hussain, 1977
SCR (3) 428 relates to:

(A) Res subjudice

(B) Res judicata

(C) **Constructive res judicata**

(D) Deemed rejudicata

4. X is living in Pune and Y, his brother in Mumbai, X wants to file a suit for partition of their joint property situated in Delhi and Bangalore.

(A) The suit may be instituted in Delhi only.

(B) The suit may be instituted in Bangalore only.

(C) **The suit may be instituted either in Delhi or Bangalore.**

(D) None of the above.

5. Section 25 empowers the supreme court to transfer any suit, appeal or other proceeding:

(A) From one High Court to another High Court.

(B) From one civil court in one state to another civil court in any other state.

(C) **Both (A) and (B)**

(D) Only (A)

6. In which of the following cases, can C set off the claim?

(A) A sues C on a bill of exchange for Rs. 500/-, C alleges that A has wrongfully neglected to insure C's goods and he is liable to pay compensation.

(B) **A sues C on a bill of exchange for Rs.500/-, C holds a decree against A for recovery of debt of Rs. 1000/-.**

(C) A sues B and C for Rs. 1000/-, the debt is due to C alone by A.

(D) A and B sue C for Rs. 1000/-, the debt is due to C alone.

7. A resides at Hyderabad, B at Calcutta and C at Delhi. A, B and C being together at Allahabad, B and C make a joint promissory note payable on demand, and deliver to A. A may sue B and C:

(A) At Allahabad where the cause of action arises.

(B) At Calcutta, where B resides.

(C) At Delhi, where C resides.

(D) **All of the above.**

8. An immovable property held by Y is situated at Bhopal and the wrongdoer personally works for gain at Indore. A suit to obtain compensation for wrong to the property may be instituted:

(A) At Bhopal

(B) At Indore

(C) **Either at Bhopal or at Indore**

(D) None of these

9. A suit may be dismissed under order IX:

i) Where the summons is not served upon the defendant in consequence of the plaintiff's failure to pay costs for service of summons (Rule 2)

ii) Where neither the plaintiff nor the defendant appears (Rule 3)

iii) Where plaintiff, after summons returned unserved, fails for 7 days to apply for fresh summons (Rule 5)

iv) Where on the date fixed for hearing in a suit only defendant appears and he does not admit the plaintiff's claim. (Rule 8)

Codes:

(A) I, II and III

(B) I, III and IV

(C) I, III and IV

(D) **All of the above**

10. A suit brought by a person to recover possession from a stranger of math property claiming it as heir of the deceased Mahant. The suit is dismissed on his failure to produce the succession certificate. A second suit was filed by him as manager of the math.

(A) The second suit will be barred by Res Judicata

(B) **The second suit will not be barred by Res Judicata**

(C) The second suit will be barred by Res sub-judicae

(D) None of the above

AIBE XII

1. A suit for compensation for false

imprisonment, the period of limitation is

(A) 3 years from the date of sentencing the judgment

(B) 3 Years from the date of release from imprisonment

(C) 3 Years from the date of commencing the imprisonment

(D) **1 Year when the imprisonment ends**

2. Judgement should be delivered to the parties or to their pleaders in the open court

(A) By delivering the whole of the Judgement

(B) By reading out the whole of the Judgement

(C) By reading out the operative part of the Judgement

(D) **All of the above**

3. Which of the following is true of rules framed by the Supreme Court with reference to appeals to it?

(A) They are a special law within section 4 of the code of civil procedure

(B) They must take precedence over section 114 or order 47.

(C) Both (A) and (B)

(D) **None of these**

4. Which of the following deals with plaint in interpleader suits in the code of civil procedure?

(A) Order 12, Rule 1

(B) Order 17, Rule 10

- (C) Order 33, Rule 18
- (D) None of the above
- (D) **Order 35 Rule 1**
5. Section 10 of the CPC Provides for
- (A) **Stay of the suit**
- (B) Summoning witness
- (C) Examination of Witness
- (D) Sentencing the Judgement
6. Clerical or arithmetical mistakes in Judgements, decrees or orders etc can be corrected
- (A) Under section 151 of CPC
- (B) **Under section 152 of CPC**
- (C) Under section 153 of CPC
- (D) Under section 153A of CPC
7. Doctrine of 'LIS PENDENS' is given under which section of the transfer of property act
- (A) 41
- (B) **52**
- (C) 53
- (D) 53A
8. Section 34 of the CPC provides
- (A) The payment of fine imposed by the Court
- (B) Payment of Compensation to the other party
- (C) **Payment of interest**
9. According to clause (i), (ii) and (iii) of Section 145 of the code of civil procedure a surety:
- (A) May render himself personally liable
- (B) He may only give a charge upon his property
- (C) He may undertake a personal liability and charge his property as further charge
- (D) **All of these**
10. The word "case" used in Section 115 of the code of civil procedure is of wide import and
- (A) It means any state of facts juridically considered
- (B) **It includes civil proceeding other suits and is not restricted to anything contained in the section to the entirety of the proceeding in a civil courts**
- (C) Both (A) and (B)
- (D) None of these
11. The word "is not possessed of sufficient means" in Order 33 Rule 1 refer:
- (A) To dower debt due by the petitioner's husband
- (B) To property over which petitioner has actual control
- (C) To sufficient property and excludes sole means livelihoods
- (D) **None of these**

1. Which of the following is not a civil nature
- (A) Right to take out procession
(B) Right to Worship in a temple
(C) Right to Caste and Religion
(D) **All of the above**
2. In a suit where the doctrine of res judicata applies
- (A) **The suit is liable to be dismissed**
(B) The suit is liable to be stayed
(C) Both (a) and (b)
(D) None of the above
3. Under Section 16 CPC a suit relating to Immovable property can be filed in a court whose local jurisdiction is
- (A) Where the property is situated
(B) Where the defendant voluntarily resides or carries on business
(C) **Both (a) and (b)**
(D) None of the above
4. Pleading means
- (A) **Plaint and written statement**
(B) Plaint only
(C) Written statement
(D) Oral statement by the pleader
5. A decree can be
- (A) Final
(B) Preliminary
(C) Only Preliminary and final
(D) **Either Preliminary or final**
6. Foreign Judgement is defined in CPC
- (A) **Under Section 2(6) of CPC**
(B) Under Section 2(7) of CPC
(C) Under Section 2(8) of CPC
(D) None of the above
7. Provision of Section 80 of CPC is binding on
- (A) The High Court
(B) The Court of Civil Judge
(C) The district Judge
(D) **All of the above**
8. Temporary Injunction can be granted
- (A) **Suo Moto**
(B) **Ex Parte**
(C) Hearing both Parties
(D) None of the above
9. Right to appeal is
- (A) Natural Right
(B) Inherent Right
(C) **Statutory Right**

(D) Delegated Right

10. On failure to file a written statement under order VIII Rule 10 of CPC, the court may

- (A) Pass any other order
- (B) Order for striking off the decree
- (C) May pronounce the judgement at once
- (D) **Any of the above**

AIBE X

1. A person cannot be a next friend, a guardian of a person if:

- (A) He is a minor
- (B) He is an opposite party in the Suit
- (C) He has not given consent in writing
- (D) **All of the above**

2. In which of the following cases, it was said that “unless a right of appeal is clearly given by statute it does not exist”:

- (A) M/s. Ram Narayan Pvt. Ltd. V/s Trading Corporation Ltd AIR 1983 SC 786
- (B) Raja Himanshu Dhar Singh V/s Addl. Registrar AIR 1962 ALL 439
- (C) **Zair Hussain Khan V/s Khurshed Jain (1906) AIR 28 ALL 545**
- (D) Smt Gangabai V/s Vijay Kumar AIR 1974, SC 1126

3. Under Section 115, in the exercise of its revisional jurisdiction, a high court can do which of the following things:

- (A) **To call for the record of any case which has been decided by any court, subordinate to the High Court**
- (B) To vary/reverse any decree or order against which an appeal lies to the High Court
- (C) Both a C b
- (D) None of the above

4. Under Section 114, a person can apply for review of judgment when:

- (A) He is aggrieved by a decree / order from which an appeal is allowed but no appeal is allowed
- (B) He is aggrieved by a decree / order from which no appeal is allowed
- (C) He is aggrieved by a decision on a reference from a court of small causes
- (D) **All of the above**

5. Under which section of CPC, option for settlement of dispute is provided outside the Court?

- (A) 80(1)
- (B) 89(2)
- (C) **89(1)**
- (D) 80(2)

6. In a written statement, the defendant can claim

- (A) Set off
- (B) Counter plain

(C) **Both a & b**

(D) None of the above

7. Under O.33 an Indigent is allowed to prosecute any suit, provided he satisfied certain conditions. Which of the following is not such a condition?

(A) He is not possessed of sufficient means to enable him to pay the fees prescribed for the plaint in such suit.

(B) **He is not entitled to property worth Rs.1000/-**

(C) He has no sufficient means for his livelihood

(D) He may present the application for permission to sue as an indigent either himself or through an authorized agent.

8. A decree can be transferred for execution to another court:

(A) If the Judgment debtor actually and voluntarily resides or carries on business or personally works for gain, within the local limits of jurisdiction of such court.

(B) If the Judgment debtor has property sufficient to satisfy the decree within the limits of that court.

(C) If the decree directs the sale or delivery of immovable property situated outside the local limits of Jurisdiction of the court which passed it.

(D) **All of the above**

9. A reference can be made during the pendency:

(A) **The Subordinate court refers the case**

to the high court for the latter's opinion on a question of law

(B) The Subordinate court refers the case to the high court for the latter's opinion on a question of evidence

(C) The Subordinate court refers the case to the high court for the latter's opinion on a question of fact

(D) The Subordinate court refers the case to the high court for the latter's opinion on a question of court procedure.

10. Which of the following case is leading case in term of 'deliberate delay in filing of the suit resulting in huge losses to the complainant?'

(A) **Prof. Krishanraj Goswami V/s Vishwanath D. Mukashikar**

(B) Pratap Narayan V/s Y.P. Raheja

(C) Babulal Jain V/s Subhash Jain

(D) John D' Souza V/s Edward Ani

AIBE IX

1. Section 10 of CPC does not apply

(A) When the previous suit is pending in the same court

(B) **When the previous suit is pending in a foreign court**

(C) When the previous suit is pending in any other court of India

(D) When the previous suit is pending in a court outside India established by the Central Government

2. Principle of Res Judicata is

(A) **Mandatory**

(B) Directory

(C) Discretionary

(D) All the above

3. Objection as to non-joinder or misjoinder of parties under Order 1 Rule 13 of CPC

(A) Can be taken at any stage of the proceedings

(B) **Should be taken at the earliest possible opportunity or shall be invalid**

(C) can be taken in appeal or revision for

(D) either (a) or (c)

4. Objection as to the place of suing

(A) **Can only be taken before the court of first instance at the earliest possible opportunity**

(B) Can also be taken before the appellate court for the first time

(C) Can also be taken before the court of revision for the first time.

(D) all of the above

5. On the retirement, removal or death of a next friend, under Order, XXXII, Rule 10 of CPC, the suit is liable to be

(A) **Stayed**

(B) Dismissed

(C) Rejected

(D) either a, b or c

AIBE VIII

1. Where territorial Jurisdiction of a court is transferred after passing a decree, an execution application may be filed

(A) In the Court which had passed the decree

(B) In the Court to which territorial jurisdiction was transferred only

(C) **In Either of the Court under (A) or (B)**

(D) In any Court In India

2. A is in possession of property claimed by B and C adversely. A does not claim any interest in the property and is ready to deliver it to the rightful owner. A can institute _____ suit

(A) Friendly suit

(B) Caveat

(C) **Interpleader**

(D) Restitution

3. When a decree is transferred for execution to another court and if the decree holder has reasons to apprehend that the judgment debtor will dispose of the property before it is attached by the other court, he may apply to the court which passed the decree to issue a ___ to attach the property at once

(A) Caveat

(B) Restitution Order

(C) Attachment Order

(D) **Precept**

4. Where the right to the discovery or the inspection sought depends on the determination of any issue in the suit, the court may try that issue as a before deciding upon the right to discovery or inspection

- (A) Special Issue
- (B) **Preliminary Issue**
- (C) Res Judicata
- (D) Res sub judice

5. Amendments made in the year through the insertion of Sec ____ to the civil procedure Code introduced provisions to enable the courts to refer pending cases to arbitration, conciliation and mediation to facilitate early and amicable resolution of disputes

- (A) 1989, 98
- (B) 1990, 88
- (C) **1999, 89**
- (D) 2001, 88

6. Which of the following statements hold true for adjudicatory bodies

- (A) Doctrine of Stare Decisis applies to them
- (B) Doctrine of Resjudicata does not apply to them
- (C) Inherent lack of jurisdiction in a tribunal
- (D) None of the above.

7. Identify a case where set off can be pleaded

- (A) Claim for unliquidated damages
- (B) **Suit for recovery of ascertained sum of money**
- (C) Suit for a sum legally non-recoverable
- (D) None of the above

AIBE VII

1. "A", a railway company is in possession of goods as a consignee. It does not claim any interest in the goods except lien on wharfage, demurrage and freight but rival claims have been made by "B" and "C" adversely to each other "A" can institute:

- (A) An application to decide the same
- (B) **An interpleader suit**
- (C) Friendly suit
- (D) None of the above

2. In the judgment of the Supreme Court in Salem Bar Association V/s Union of India, the Supreme Court had requested this committee headed by _ to prepare a case management formula

- (A) Justice Bhagwathi
- (B) Justice Muralidhar
- (C) Justice Raveendra
- (D) **Justice Jagannandha Rao**

3. 'A' resides at Delhi and 'B' at Agra. 'B'

borrows Rs.20000/- from A at Benares and passes a promissory note to A payable at Benares. B fails to repay the loan. A may sue B at:

- (A) **Benares or Agra**
- (B) Benares only
- (C) Agra only
- (D) Benares, Agra and Delhi

4. The general principle of waiver that provides that failure to raise objection in the court of the first instance and at the earliest opportunity shall prevent the defendant from raising such objection at a subsequent stage and the judgment would not be vitiated on the ground of absence of territorial or pecuniary jurisdiction is reflected in which provision of civil Procedure Code

- (A) Section 15
- (B) Section 16
- (C) Section 51
- (D) **Section 21**

5. Act of Court can do no wrong to any person.

Which concept relates to this ideology

- (A) Precept
- (B) Caveat
- (C) **Restitution**
- (D) Injunction

AIBE VI

1. Claim made by the defendant in a suit against the plaintiff

- (A) Cross Claim
- (B) Cross suit
- (C) **Counter claim**
- (D) Cross decree

2. Interpleader suit is dealt with in which of the following sections of C.P.C?

- (A) Section 87
- (B) **Section 88**
- (C) Section 89
- (D) Section 90

3. As required by S.80 C.P.C., the suit can be instituted after the expiry of notice

- (A) 1 month
- (B) **2 months**
- (C) 60 days
- (D) 30 days

4. Under Section 2(2) of C.P.C. Rejection of a plaint is

- (A) Decree
- (B) **Deemed decree**
- (C) Cross Decree
- (D) Cross Appeal

5. Ratilal V/s State of Bombay is a popular case on the point of

(A) Res Judicata

(B) Res sub-Judice

(C) Restitution

(D) **Doctrine of Cy-pres**

6. Pick out the case U/s S.58 (1-A), in which arrest or detention in civil prison is not maintainable

(A) A judgment debtor, where decretal amount does not exceed Rs.5,000/-

(B) A judgment debtor, where decretal amount does not exceed Rs.2,500/-

(C) **A judgment debtor, where decretal amount does not exceed Rs.2,000/-**

(D) A judgment debtor, where decretal amount does not exceed Rs.1,000/-

7. A precept seeks to _____ of the judgment debtor

(A) Attach the property

(B) **Prevent alienation of property**

(C) Prevent attachment and alienation

(D) None of the above

8. R. 90 of Order 21 deals with

(A) Pre-sale illegalities committed in the execution

(B) **Post-sale irregularities causing**

substantial injury to judgment debtor

(C) Both (A) and (B)

(D) None of the above

9. The place of suing in a suit for partition will be

(A) Court within whose Jurisdiction the person is residing

(B) Court within whose jurisdiction the elder person of the family resides

(C) Court within whose Jurisdiction the entire property of the family is situated

(D) **Court within whose jurisdiction the immovable property is situated**

AIBE V

1. Existence of two suits, by parties litigating under same title, one previously instituted which is pending at present and the other filed later, wherein a matter in issue in the subsequently filed suit is directly and substantially in issue in the other and the relief claimed in the subsequent suit can effectively be passed by the court of previous instance. Which Section of CPC decides the fate of the subsequently filed suit and its proceeding?

(A) S.11

(B) **S.9**

(C) S.10

(D) S.12

2. Where there are mutual debts between

the plaintiff and the defendant, one debt may be settled against another. This can be a statutory defence to a plaintiff's action and is called as

- (A) Cross-Claim
- (B) **Set-off**
- (C) Cross-demands
- (D) Cross-decrees

3. An attachment before judgment order takes away

- (A) Right to ownership
- (B) Right to file suit
- (C) **Power to alienate the property**
- (D) Capacity of execution of a decree

4. The three pillars on which foundation of every order of injunction rests

- (A) Prima facie case, injury with damage and balance of inconvenience
- (B) Prima facie case, reparable injury and balance of convenience
- (C) **Prima facie case, irreparable injury and balance of convenience**
- (D) Prima facie case, damage without injury and balance of convenience

5. _____ is to enable subordinate courts to obtain in non-appealable cases the opinion of the High Court in the absence of a question of law and thereby avoid the commission of an error which could not be

remedied later on

- (A) Review
- (B) **Reference**
- (C) Appeal
- (D) Revision

6. Who decides as to which of the several modes he/she will execute the decree

- (A) Plaintiff
- (B) Court
- (C) Judgment debtor
- (D) **Decree holder**

7. Where a party to a suit requires information as to facts from the opposite party, he may administer to his adversary a series of questions.

It is called as

- (A) Question Petition
- (B) Question pamphlet
- (C) **Interrogatories**
- (D) Discovery

8. _____ is a suit filed by or against one or more persons on behalf of themselves and others having the same interest in the suit

- (A) Joint Suit
- (B) **Representative Suit**

- (C) Collusive suit
- (D) Collective Suit

9. A person appointed by the court to protect, preserve and manage the property during the pendency of the litigation

- (A) Amicus Curiae
- (B) Preserver
- (C) Protector
- (D) **Receiver**

10. The provision under CPC that relates to suit by indigent persons

- (A) O.32
- (B) O.34
- (C) O.35
- (D) **O.33**

11. Which section under the Civil Procedure Code, 1908 deals with the settlement of disputes outside the court.

- (A) S.98
- (B) S.99
- (C) **S.89**
- (D) S.88

AIBE IV

1. Foreign Court under Section 2(5) of CPC Means:

- (A) A Court situated outside India

(B) **A Court situated outside India the authority of Government of India**

(C) A Court situated in India applying foreign law

(D) All of these

2. Judgment under Section 2(9) Means

- (A) A Decree
- (B) Dismissal of an appeal
- (C) **Statement of grounds of an order or decree**
- (D) All the above

3. Principle of Res-sub Judice is provided in:

- (A) **Section 10 of CPC**
- (B) Section 11 of CPC
- (C) Section 13 of CPC
- (D) Section 14 of CPC

4. Doctrine of Res-Judicata as contained in Section 11 of CPC is based on the maxim:

- (A) Nemo debet his vexari pro uno eteadem causa
- (B) Interest republicae at sit finis litium
- (C) **Both (a) C (b)**
- (D) Either (a) or (b)

5. Principle of Res-Judicata applies;

(A) Between Co-defendants

(A) Oral evidence

(B) Between Co-plaintiffs

(B) **Affidavit**

(C) Both (a) & (b)

(C) Document

(D) **Neither (a) nor (b)**

(D) Oral evidence as well as document

6. Validity of a foreign judgment can be challenged under Section 13 of CPC:

(A) **In a civil court only**

(B) In a Criminal Court only

(C) In both civil and criminal court

(D) Neither in civil nor in criminal court

7. Under Section 15 of CPC, every suit shall be instituted in:

(A) The District Court

(B) **The court of the lowest grade**

(C) The Court of higher grade

(D) All of the above

8. "X" residing in Delhi, publishes statements defamatory to "Y" in Calcutta. "Y" can sue "X" at:

(A) Delhi

(B) Calcutta

(C) Anywhere in India

(D) **Either in Delhi or in Calcutta**

9. In every plaint, under Section 26 of CPC, facts should be proved by: