

CPC Full Length (Mock Test)

QUESTIONS

SECTIONS

1. Code of Civil Procedure - 100 Questions

Section 1 : Code of Civil Procedure - 100 Questions

1 A set-off (O. 8, R. 6) is a:

- ☐ Major part of a plaint or written statement.
- ☐ A compromise between the plaintiff and the defendant.
- ☐ Reciprocal acquittal of debts between the plaintiff and the defendant.
- ☐ All of the above

Correct: +1

2 A person against whom summons has been issued may be compelled under Sec. 32 of C.P.C. to attend by –

1. Issue of a warrant
2. Attachment and sale of his property
3. Imposing a fine
4. Ordering him to furnish security for his appearance

Select the correct answer with the help of the code given below –

- ☐ 1 and 4

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

Correct: +1

3 Documents which are meant for cross-examination of a witness of the other party or meant for refreshing the memory of the witness may be produced:

- ☐ At or before the settlement of issues
- ☐ After the settlement of issues
- ☐ At any time when they are required
- ☐ Along with pleading

Correct: +1

4 Under Section 34 of Civil Procedure Code, Court can award Interest from the date of decree to the date of payment or such earlier date as the Court thinks fit. Rate of such Interest shall not exceed per annum

- ☐ Nine per cent
- ☐ Ten per cent
- ☐ Six per cent
- ☐ Twelve per cent

5 Any amount which a Court will order to be paid as compensatory costs in respect of false or vexatious claims or defences, shall not exceed the amount of –

- ☐ Two thousand rupees or the amount within its pecuniary jurisdiction whichever is less
- ☐ Three thousand rupees or the amount within its pecuniary jurisdiction, which ever is less
- ☐ Four thousand rupees or the amount within its pecuniary jurisdiction, which ever is less
- ☐ Five thousand rupees or the amount within its pecuniary jurisdiction which ever is less

Correct: +1

6 Where any party dies after conclusion and before pronouncing Judgment

- ☐ The suit shall abate
- ☐ The suit shall not abate
- ☐ The suit shall not abate if cause of action survives
- ☐ It depends on the discretion of the court whether it shall abate or not

Correct: +1

7 The court may compel the attendance of any person to whom a summons has been issued under Section 32 C.P.C. and for the purpose may impose a fine upon him not exceeding:

- ☐ Rs. Five hundred

- ☐ Rs. One thousand
- ☐ Rs. Three thousand
- ☐ Rs. Five thousand

Correct: +1

8 No second appeal shall lie under Section 102 C.P.C. from any decree, when the subject matter of original suit is for recovery of money not exceeding:

- ☐ Rs. Three thousand
- ☐ Rs. Five thousand
- ☐ Rs. Twenty thousand
- ☐ Rs. Twenty five thousand

Correct: +1

9 Which one of the following is not included in the powers of the appellate court?

- ☐ To determine the case finally
- ☐ To try the case de novo
- ☐ To remand the case
- ☐ To take additional evidence

Correct: +1

10 Which one of the following does not find a place under the provision on Sec. 94, C.P.C. relating to supplemental proceedings?

- ☐ Arrest before judgment
- ☐ Attachment before judgment
- ☐ Temporary injunction
- ☐ Appointment of executors

Correct: +1

11 Where the appellant has withdrawn the appeal preferred against a decree passed ex parte the application under Order 9 Rule 13 is:

- ☐ Non Maintainable
- ☐ Returned
- ☐ Maintainable
- ☐ Referred for opinion to the Appellate Court

Correct: +1

12 An ex parte decree can be set aside on the ground that:

- ☐ Summons were not duly served
- ☐ Non-appearance of defendant as copies of documents filed with plaint were not provided to defendant

- ☐ Defendant refused to receive the summons and thereafter no fresh summons were issued to him
- ☐ All of the above

Correct: +1

13 All orders and notices served on or given to any person under the provisions of C.P.C. shall be in writing is provided under:

- ☐ Section 141
- ☐ Section 142
- ☐ Section 143
- ☐ Section 144

Correct: +1

14 Where any injunction is passed without giving notice to opposite party the court will try to decide the application within:

- ☐ 7 days
- ☐ 15 days
- ☐ 21 days
- ☐ 30 days

Correct: +1

15 A court to which decree has been transferred for execution cannot, while executing

- ☐ order attachment
- ☐ execute the decree against the legal representatives of the deceased judgment debtor
- ☐ send the decree for execution to another court
- ☐ order execution at the instance of the transferee of the decree

Correct: +1

16 An interpleader suit is one in which the real dispute is between the:

- ☐ Plaintiffs
- ☐ Defendants
- ☐ Neither plaintiffs nor defendants but a third party and the plaintiffs.
- ☐ Neither plaintiffs nor defendants but a third party and the defendants.

Correct: +1

17 'X' files a suit for declaration of title and permanent injunction against 'Y' and files an application for temporary injunction under Order XXXIX. The court dismisses the application for temporary injunction. Two months later, during the pendency of the suit, X again files for temporary injunction citing new facts and circumstances -

- ☐ The second application is barred by *res judicata*
- ☐ *Res judicata* does not apply to interlocutory orders like temporary injunctions

- ☐ The decision given by the Court on the first application is binding throughout the pendency of the trial and can be altered only on appeal
- ☐ The second application is subject to the principle of *res sub judice*

Correct: +1

18 A judgment passed by a court can be reviewed by:

- ☐ the court passing the judgment
- ☐ the court of District Judge
- ☐ the High Court
- ☐ the Supreme Court

Correct: +1

19 Who may apply for reference under Section 113 of the Code of Civil Procedure 1908

- ☐ A party to suit
- ☐ Court
- ☐ Both (a) and (b)
- ☐ None of the above

Correct: +1

20 Under section 148 of C.P.C., the Court can enlarge the time not exceeding in total—

- ☐ 90 days
- ☐ 60 days
- ☐ 45 days
- ☐ 30 days

Correct: +1

21 Which is the correct statement in context of summary procedure for civil suits?

- ☐ May be invoked for recovery of a liquidated demand in money payable by the defendant arising out a written contract.
- ☐ May be applied suo motu by any civil court in its discretion in the interest of expeditious adjudication
- ☐ Requires the defendant to seek leave to defend which, if granted, must be unconditional
- ☐ All of the above are correct

Correct: +1

22 Period of detention in civil imprisonment, as a consequence of disobedience or breach of any injunction shall not exceed:

- ☐ One month
- ☐ Three months
- ☐ Six months

☐ One year

Correct: +1

23 Which one of the following modes of settlement of disputes outside the Court has been provided in Section 89 of CPC?

☐ Arbitration

☐ Conciliation

☐ Negotiation

☐ Mediation

Correct: +1

24 Section 115 of the Code of Civil Procedure applies to:

☐ non-exercise of jurisdiction vested in a court

☐ irregular exercise of jurisdiction vested in the court

☐ exercise of jurisdiction not vested in a court

☐ all of the above

Correct: +1

25 Point out the wrong statement:

- ☐ No appeal may lie from an original decree passed ex parte.
- ☐ The plaintiff may apply to the court which passed an ex parte decree against him, for an order to set it aside.
- ☐ No court shall set aside a decree passed ex parte merely on the ground that there has been an irregularity in the service of summon upon the defendant.

Correct: +1

26 On service of summons under Rule 2 of Order XXXVII of the CPC, the defendant has to:

- ☐ Within ten days of such service enter an appearance and file in Court an address for service of notices on him
- ☐ Within seven days of such service enter an appearance and file in Court an address for service of notices on him
- ☐ File written statement within thirty days of such service
- ☐ File leave to defend within ten days of such service

Correct: +1

27 Under section 100A of the CPC, where any appeal from an original or appellate decree or order is heard and decided by a single judge of a High Court:

- ☐ No further appeal shall lie from the judgement and decree of such single judge
- ☐ Further appeal shall lie under the Letters Patent for the High Court
- ☐ Further appeal shall lie with the leave of the Supreme Court

- ☐ Further appeal shall lie before the Division Bench of the High Court

Correct: +1

28 The defendant wants to file an application under Section 152 CPC to correct an accidental slip in a judgment. It should be filed:

- ☐ within 30 days
- ☐ within 60 days
- ☐ within 90 days
- ☐ any time

Correct: +1

29 A petition for review of judgement would lie only when—

- ☐ The person partly obeyed the judgement
- ☐ Deposits entire decretal amount
- ☐ An appeal is allowed by CPC but no appeal has been preferred
- ☐ Leave of the Court is obtained for filing review

Correct: +1

30 The 'doctrine of restitution' is based upon the maxim:

- ☐ actus incumbit onus probandi

- ☐ actus curiae neminem gravavit
- ☐ actus dei nemini facit injuriam
- ☐ actus non-facit reum nisi mens sit rea

Correct: +1

31 Which of the following is correct:

- ☐ Section 113 Review, Section 114 Revision, Section 115 Reference of the CPC
- ☐ Section 113 Reference, Section 114 Review, Section 115 Revision of the CPC
- ☐ Section 113 Reference, Section 114 Revision, Section 115 Review of the CPC
- ☐ None of the above

Correct: +1

32 Which one of the following sections of the Code of Civil Procedure provides for the trial in open Courts where public may have access?

- ☐ Section 153A
- ☐ Section 153B
- ☐ Section 153C
- ☐ Section 153D

Correct: +1

33 Which of the following person may not file an application for execution under Civil Procedure Code, 1908 namely?

- ☐ A decree holder
- ☐ Legal representative, if the decree holder is dead
- ☐ A person claiming under decree holder
- ☐ Judgment debtor

Correct: +1

34 If a defendant fails to put in appearance or fails to apply for leave or where such leave is refused, the summary suit is liable to be:

- ☐ Dismissed
- ☐ Stayed
- ☐ Decreed to the plaintiff.
- ☐ Decreed to the defendant

Correct: +1

35 The duration of existence of a Caveat filed under Code of Civil Procedure 1908 is

- ☐ 60 days from the date on which it was filed
- ☐ 30 days from the date on which it was lodged

- ☐ 90 days from the date, when it was lodged

Correct: +1

36 When a decree is passed against the Union of India, execution of such decree shall not be issued unless it remains unsatisfied for the period of computed from the date of such decree.

- ☐ 1 Month
- ☐ 2 Months
- ☐ 3 Months
- ☐ 6 Months

Correct: +1

37 Right to withdraw the suit, is:

- ☐ an absolute right of the plaintiff
- ☐ a qualified right of the plaintiff
- ☐ fettered by certain conditions
- ☐ Both (a) and (b)

Correct: +1

38 In reference of District Court, which one of the following statements is not correct?

- ☐ It can transfer any suit, appeal or other proceeding pending before it for trial to any Court subordinate to it and competent to try or disposed of the same
- ☐ It can withdraw any suit and appeal or other proceeding pending in any Court subordinate to it
- ☐ It can try or dispose of the suit, appeal or other proceeding withdrawn from any Court subordinate to it or it may transfer the same for trial or disposal to some other Court subordinate to it and competent to try or dispose of the same
- ☐ It cannot retransfer any suit, appeal or other proceeding to the Court from which it has withdrawn

Correct: +1

39 Affidavits to be filed in a Court can be

- ☐ authenticated by a Minister of State
- ☐ cannot be authenticated except by the judge presiding
- ☐ authenticated by a judge, a Magistrate or a Notary and APO
- ☐ authenticated by an advocate

Correct: +1

40 General power to amend any error or defect in any proceedings in a suit vests in the Court by virtue of

- ☐ Section 152, CPC
- ☐ Section 153, CPC

- ☐ Section 153A, CPC
- ☐ Section 15313, CPC

Correct: +1

41 In which of the following cases it was held that "inherent power has not been conferred on a court, it is a power inherent in the court"?

- ☐ Manoharlal v. Seth Hiralal
- ☐ Cotton Corporation India V. United Industrial Bank
- ☐ Satyabrat Biswas v. Kalyan Kumar Kishku
- ☐ Rajani Bai v. Kamla Devi

Correct: +1

42 For an 'inter-pleader suit' which of the following conditions is not necessary?

- ☐ There must be some debt or the property in dispute
- ☐ Two or more persons claiming the debt or the property in dispute adversely to one another
- ☐ There must be suit pending wherein the rights of rival claimants for the debt or the property in dispute can be properly adjudicated
- ☐ All of the above

Correct: +1

43 Mark the incorrect statement:

- ☐ If a pauper suit abates on the death of the plaintiff, the fee payable on the plaint shall be recoverable from the estate of the deceased plaintiff.
- ☐ If the court refuses an application to sue in forma pauperis, this operates as a bar to subsequent similar application, but the applicant may sue in the ordinary manner.
- ☐ An order rejecting an application for permission to sue in forma pauperis is not appealable under O. 43.
- ☐ The defendant who is an indigent person can plead a set-off or counter-claim in that capacity.

Correct: +1

44 Which of the following orders cannot be appealed against under Sec.104:

- ☐ An order for payment of compensatory costs.
- ☐ An order under Sec. 91 or Sec. 92.
- ☐ An interlocutory order.
- ☐ An order imposing a fine or directing the arrest or detention in the civil prison.

Correct: +1

45 Attachment of property attached shall remain operative under Order 39 Rule 2A of CPC for a period of:

- ☐ six months
- ☐ three months

- ☐ one year
- ☐ seven years

Correct: +1

46 Mark the incorrect statement:

- ☐ A court cannot of its own motion issue summons.
- ☐ No summons is to be issued if the defendant has appeared at the time of the presentation of the plaint and admitted the plaintiff's claim.
- ☐ The summons must call upon the defendant to produce all documents in his possession or power which he intends to rely on in support of his case.
- ☐ A court can compulsorily require the personal appearance of the defendant if he resides within the local limits of the ordinary original jurisdiction of the court or within fifty miles from the court in cases where he resides outside such jurisdiction.

Correct: +1

47 Mark the incorrect statement:

- ☐ In every interpleader suit, the plaint must state that the plaintiff claims no interest in the subject matter in dispute, other than for charges or costs.
- ☐ In every interpleader suit, the plaint must state that there is no collusion between the plaintiff and any of the defendants.
- ☐ The court may order the plaintiff to place the thing claimed in the custody of the court and provide his costs by giving him a charge on the thing claimed.

- Where any of the defendants in an interpleader suit files a suit against the plaintiff in
- ☐ another court in respect of the subject matter of the suit, that court shall not stay the proceedings.

Correct: +1

48 Rules 6 to 10 of order 39 of C.P.C. deal with

- ☐ attachment of property
- ☐ arrest of persons
- ☐ complaints
- ☐ interlocutory orders

Correct: +1

49 Under which provision of the Code of Civil Procedure 1908, the Collector may be appointed as receiver?

- ☐ Order XL Rule 5
- ☐ Order XLI Rule 1
- ☐ Order XL Rule 2
- ☐ Order XLI Rule 5

Correct: +1

50 Where a plaint is not filed in duplicate, it is liable to be:

- ☐ Rejected
- ☐ Either (a) or (b).
- ☐ None of the above

Correct: +1

51 In which of the following cases, a right to sue survives:

- ☐ A suit for dissolution of marriage.
- ☐ A suit for right to future maintenance.
- ☐ A suit for breach of contract of betrothal.
- ☐ A suit for partition of ancestral property by a coparcener after his death.

Correct: +1

52 Which Order contain provisions relating to Reference:

- ☐ Order 46
- ☐ Order 47
- ☐ Order 48
- ☐ Order 49

Correct: +1

53 Which one of the following Sections of the CPC provides exemption of certain women from personal appearance in the court?

- ☐ Section 133
- ☐ Section 135
- ☐ Section 135A
- ☐ Section 132

Correct: +1

54 A reference can be made during the pendency of:

- ☐ Suit
- ☐ Appeal
- ☐ Execution proceeding
- ☐ All of the above

Correct: +1

55 A decree cannot be reversed or modified for error or irregularity not affecting:

- ☐ Merits of the case.
- ☐ Jurisdiction of the case.

- ☐ Only (a).

Correct: +1

56 In which of the following cases, an interpleader suit will lie:

- ☐ P is in possession of a jewel box, wherein he claims no interest himself, and is ready and willing to hand over to the rightful owner. The box is claimed by A and B. P wants to file an interpleader suit against A and B.
- ☐ X has a sum of Rs. 10,000, which sum is claimed from him both by Y and Z, adversely to each other. X entered into an agreement with Y, before the institution of suit, that if Y succeeded in the suit, he should accept from X Rs. 7,500 only, in full satisfaction of his claim.
- ☐ Both (a) and (b).
- ☐ Only (b).

Correct: +1

57 Reference under Sec. 113 implies:

- ☐ The subordinate court refers the case to the High Court for the latter's opinion on a question of law
- ☐ The subordinate court refers the case to the High Court for the latter's opinion on a question of evidence.
- ☐ The subordinate court refers the case to the High Court for the latter's opinion on a question of fact.
- ☐ The subordinate court refers the case to the High Court for the latter's opinion on a question of court procedure.

Correct: +1

58 Which of the following pairs is not correctly matched under CPC?

- ☐ Section 2(5) Foreign Court
- ☐ Section 2(6) Foreign judgement
- ☐ Section 2(11) Legal representative
- ☐ Section 2(14) Mense profit

Correct: +1

59 Which of the following statements is incorrect:

- ☐ Under special circumstances, the court may set aside the decree passed in a summary suit and may grant leave to the defendant to appear and defend the suit.
- ☐ The period of limitation for filing a summary suit is one year from the date when the debt becomes due to payable.
- ☐ In an ordinary suit, the defendant is entitled to defend the suit as of right; in a summary suit, he is not so entitled except with the leave of the court.
- ☐ A summary suit is for the benefit of the defendant.

Correct: +1

60 In which of the following cases, can C set-off the claim?

- ☐ A sues C on a Bill of Exchange. C alleges that A has wrongfully neglected to insure C's goods and is liable to pay compensation.

- ☐ A sues C on a Bill of Exchange for Rs. 500. C holds a judgment against A for recovery of debt of Rs. 1000.
- ☐ A sues B and C for Rs. 1000. The debt is due to C alone by A.
- ☐ A and B sues C for Rs. 1000. The debt is due to C by A alone.

Correct: +1

61 An ex parte proceeding against a defendant implies:

- ☐ The court may proceed with the case in the absence of the defendant.
- ☐ The court may proceed with the case in the absence of the defendant on the particular day of hearing on which the defendant remains absent.
- ☐ The court may proceed with the case in the absence of the plaintiff.
- ☐ The defendant cannot be allowed to appear at all in the subsequent proceedings of the suit.

Correct: +1

62 A commission cannot be issued for:

- ☐ To sell any movable property.
- ☐ For the performance of any ministerial act.
- ☐ Both (a) and (b).
- ☐ None of the above.

Correct: +1

63 Under 0. 8, R.1A, if a document is not filed along with the pleadings, such document shall not without the leave of the court, be allowed to be received in evidence:

- ☐ On behalf of the defendant.
- ☐ On behalf of the plaintiff
- ☐ On behalf of either party.
- ☐ None of the above.

Correct: +1

64 Which section provides that if any party aggrieved by a preliminary decree passed against him does not appeal from such a decree, he is precluded from disputing its correctness in any appeal which may be preferred from the final decree?

- ☐ Sec. 95.
- ☐ Sec. 97
- ☐ Sec. 98.
- ☐ Sec. 99

Correct: +1

65 Which of the following acts, a Commissioner cannot do:

- ☐ To summon and procure the attendance of parties/witnesses and examine them.
- ☐ To call for and examine documents.

- ☐ To proceed ex parte.
- ☐ To impose any penalty.

Correct: +1

66 Which Order lays down the detailed rules governing appeals from original decrees:

- ☐ Order 40.
- ☐ Orde 41.
- ☐ Order 42.
- ☐ Order 44.

Correct: +1

67 Where the suit is dismissed under Rr.2 or 3 of O. 9, the plaintiff:

- ☐ May bring a fresh suit subject to Law of Limitation.
- ☐ Cannot bring a fresh suit.
- ☐ May bring a fresh suit with the leave of the High Court.
- ☐ May bring a fresh suit with the leave of the District judge.

Correct: +1

68 Mark the incorrect statement:

- ☐ A receiver cannot sue or be sued for acts done in his official capacity by a third party without the leave of the court.
- ☐ Property in the hands of receiver cannot be attached without the court's leave.
- ☐ A receiver is entitled to be indemnified for the debts incurred or contracts entered into by him in the course of the management of the estate.
- ☐ Receiver's personal property cannot be attached and and sold.

Correct: +1

69 Sec. 64 enacts that a private alienation of property after attachment is:

- ☐ Voidable
- ☐ Void
- ☐ Irregular
- ☐ Depends on the court's discretion.

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Correct: +1

70 A suit may be dismissed where, after a summons has been issued to the defendant and returned unserved, plaintiff fails to apply for fresh summons for the period of how many days from the date of such return:

- ☐ Thirty days.
- ☐ Sixty days.
- ☐ Seven days.

- ☐ Fourteen days.

Correct: +1

71 The hearing of an appeal shall be concluded within how many days of the filing of memorandum of appeal:

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

Correct: +1

72 Which of the following is not essential in respect of a pleading?

- ☐ It should be signed by the party.
- ☐ It should contain a complete address of the party.
- ☐ It should be verified by the party's pleader.
- ☐ None of the above.

Correct: +1

73 Mesne profit means:

- ☐ profit earned by mission

- ☐ loss occurred or could have been occurred to person who was dispossessed from the property
- ☐ profit received or could have been received by a person in wrongful possession of property
- ☐ either b or c

Correct: +1

74 Mark the incorrect statement:

- ☐ The court may at any time require a written statement or additional written statement from any of the parties within 30 days from the date of the order.
- ☐ The court can pronounce a decree straightway on the basis of the plaint.
- ☐ No pleading subsequent to the written statement of a defendant other than by way of defence to set-off or counter-claim should be presented except by the court's leave and terms.
- ☐ It is mandatory for the court to pass a decree in plaintiff's favour when a written statement has not been filed.

Correct: +1

75 A special case under Sec. 90 is one:

- ☐ Where the parties enter into an agreement to refer the dispute for the opinion of the court.
- ☐ Where the parties enter into an agreement to refer the dispute to a Commission.
- ☐ Where the parties enter into an agreement to refer the dispute to a Lok Adalat
- ☐ Where the parties enter into an agreement to refer the dispute to a conciliatory machinery.

76 If the defendant has not filed a pleading at all:

- ☐ The court can pronounce a judgment on the basis of facts in the plaint of the plaintiff.
- ☐ The court can pronounce a judgment on the basis of facts in the plaint except against a person under disability.
- ☐ The court can pronounce a judgment on the basis of facts in the plaint in the plaintiff's favour except against a person under disability.
- ☐ The court cannot pronounce a judgment.

Correct: +1

77 Sec. 26 lays down that every suit is to be instituted by the presentation of plaint. In which of the following courts a plaint has to be presented:

- ☐ Court of the lowest grade.
- ☐ Court of the lowest grade even if incompetent to try the suit.
- ☐ Court of the highest grade.
- ☐ District court

Correct: +1

78 Mark the incorrect statement in relation to Order 23:

- ☐ At any time after the institution of a suit, the plaintiff may withdraw his suit or abandon part of his claim.

- ☐ If a plaintiff withdraws from a suit without the court's permission, he is precluded from instituting a fresh suit against the same defendant in respect of the same subject matter.
- ☐ If the court is satisfied that a suit must fail by reason of some formal defect or there are other sufficient grounds, it may allow the withdrawal from suit.
- ☐ When there are several plaintiffs, the court can allow one of them to withdraw, even if the other co-plaintiffs do not consent to such withdrawal.

Correct: +1

79 Under which rule of Order 23, the parties to the suit can compromise in a suit:

- ☐ Rule 2.
- ☐ Rule 3.
- ☐ Rule 3-A.
- ☐ Rule 4.

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Correct: +1

80 A party may approach the court for an amendment of his opponent's pleading. Also known as 'compulsory amendment', it is provided for under:

- ☐ O. 6, R. 14.
- ☐ O. 6, R. 16.
- ☐ O. 6, , R. 17.
- ☐ O. 6. R. 18.

81 Where a decree of compromise which was not lawful, there:

- ☐ Suit shall lie to set aside such decree.
- ☐ Complaint has to be made to the court.
- ☐ No suit shall lie to set aside such decree.
- ☐ Suit may lie to set aside such decree with the leave of the court.

Correct: +1

82 Mark the incorrect statement:

- ☐ The court shall pronounce judgment in an open court in the presence of the parties.
- ☐ The Judge need not read out the whole judgment and it would be sufficient if the findings on each issue and the final order is pronounced.
- ☐ The judgment should state precisely the relief granted.
- ☐ Pronouncement of judgment is essential for the validity of judgment.

Correct: +1

83 Where the property is attached, there may be objections to it either by a party or his representative or by a third party. Such objections are to be decided upon:

- ☐ By the executing court.
- ☐ By a separate suit.

☐ Both (a) and (b).

☐ Only (a).

Correct: +1

84 A garnishee order is an order:

☐ Prohibiting the judgment debtor's debtor from making any payment to the judgment debtor

☐ Directing the decree holder to take the payment from the judgment debtor's debtor

☐ Both (a) & (b) above

☐ None of the above

Correct: +1

85 Mark the incorrect statement:

☐ The marriage of a female plaintiff or defendant shall not cause the suit to abate

☐ Where the decree is passed against a female defendant, it may be executed against her alone.

☐ The insolvency of a plaintiff shall not cause the suit to abate and can be continued by his Assignee/Receiver for the benefit of his creditors.

☐ None of the above.

Correct: +1

- ☐ Two thousand rupees and two-third of the remainder.
- ☐ One thousand rupees and two-third of the remainder.
- ☐ One thousand rupees and one-third of the remainder
- ☐ None of the above

Correct: +1

87 In which of the following cases, an attachment before judgment can be made:

- ☐ Suits for partition of immovable property.
- ☐ Suits for foreclosure, sale or redemption in case of a mortgage/charge upon immovable property.
- ☐ Suits for compensation for wrong to immovable property.
- ☐ Suits for the determination of any right/interest in immovable property.

Correct: +1

88 Mark the incorrect statement:

- ☐ An application for arrest may be made by the plaintiff at any time after the plaint is presented, even before the service of summons.
- ☐ In a suit for the recovery or partition of immovable property, arrest before judgment cannot be made.
- ☐ When the defendant fails to furnish security under O. 38, R.1, the court may commit him to civil prison until the decision of the suit/execution of the decree.

☐ None of the above

Correct: +1

89 A sues B and C on a promissory note. An ex parte decree is passed against both. B alone applies to set aside the decree and shows sufficient cause for his absence.

☐ The decree must be set aside against C also.

☐ The decree cannot be set aside against C.

☐ Depends on the court's discretion

☐ The decree can be set aside against C also if he shows sufficient cause for his absence.

Correct: +1

90 Where the property is under attachment, and a decree is subsequently passed in the plaintiff's favour:

☐ It is not necessary to apply for fresh attachment.

☐ It is necessary to apply for reattachment.

☐ It is necessary to apply for reattachment under certain circumstances.

☐ None of the above

Correct: +1

91 A garnishee order is an order:

- ☐ Prohibiting the judgment debtor's debtor from making any payment to the decree-holder.
- ☐ Prohibiting the judgment debtor's debtor from making any payment to the auction-purchaser.
- ☐ Prohibiting the judgment debtor's debtor from alienating the mortgaged property.

Correct: +1

92 Mark the incorrect statement:

- ☐ A suit filed in a representative capacity does not abate on the death of one of the plaintiffs.
- ☐ A personal action dies with the person.
- ☐ A right to sue survives in a suit by a landlord against his tenant for the possession of the rented house after the death of the landlord.
- ☐ A right to sue survives in a suit for damages for assault.

Correct: +1

93 The court may, by order, appoint a receiver of any property before decree

- ☐ Where it appears to the court to be just and convenient.
- ☐ Where the suit property is in danger of being wrongfully sold in execution of a decree
- ☐ Where the defendant is about to dispose of the whole or any part of his property
- ☐ Where the defendant has absconded the local limits of the court's jurisdiction.

Correct: +1

94 An attachment order may come to an end by:

1. Satisfaction of the decree.
- II. Setting aside or reversal of the decree.
- III. Dismissal of execution application for decree-holder's default.
- IV. Death of the decree-holder.
- V. Agreement/compromise between the parties.

- ☐ I, II, III and V.
- ☐ II, IV and V.
- ☐ II, III, IV and V.
- ☐ All of the above.

Correct: +1

95 Mark the incorrect statement:

- ☐ Any claim preferred to the property attached before judgment shall not be adjudicated upon.
- ☐ An order of attachment will be withdrawn if the defendant furnishes security or the suit is dismissed.
- ☐ An attachment before judgment cannot be ordered in respect of an agricultural produce.
- ☐ An attachment before judgment can be made in respect of immovable as well as movable property.

Correct: +1

96 No attachment under a percept can continue for:

- ☐ More than 2 months.
- ☐ More than 3 months.
- ☐ More than 4 months.
- ☐ More than 6 months

Correct: +1

97 According to O. 39, R.2-A, which of the following is a consequence of the breach of injunction:

- ☐ Attachment of the property.
- ☐ Detention of the person in civil prison up to 3 months.
- ☐ Sale of attached property after one year.
- ☐ All of the above

Correct: +1

98 Certain topics under the Code of Civil Procedure are described hereunder in List-I while their Section/Order numbers are mentioned in List-II. Match the entries of List-I and List-II and write the correct answer using the codes below:

List I

List II

A. Affidavit

1. Order 26

B. Arrest before Judgment

2. Order 33

C. Commission to examine witnesses 3. Order 19

D. Suit by indigent persons 4. Order 38

Codes:

A B C D

☐ 2 1 3 4

☐ 3 2 1 4

☐ 3 4 1 2

☐ 1 2 3 4

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Correct: +1

99 As per the 2002 Amendment, the maximum period within which the court shall pronounce the judgment is:

☐ 30 days from the conclusion of hearing.

☐ 60 days from the conclusion of hearing

☐ 90 days from the conclusion of hearing.

☐ 120 days from the conclusion of hearing

Correct: +1

100 Under O. 22, R.3, where one of the several plaintiffs dies and the right to sue does not survive to the surviving plaintiff or plaintiffs alone, or where a sole surviving plaintiff dies and the right to sue survives:

- ☐ An application for bringing the legal representatives of the deceased plaintiff has to be moved.
- ☐ The proceedings shall be terminated immediately.
- ☐ Both (a) and (b) are correct.
- ☐ Both (a) and (b) are incorrect.

Correct: +1



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TEST

CPC Full Length (Mock Test)

ANSWERS

SECTIONS

1. Code of Civil Procedure - 100 Questions

Section 1 : Code of Civil Procedure - 100 Questions

- 1 Reciprocal acquittal of debts between the plaintiff and the defendant.
- 2 1, 2, 3 and 4
- 3 At any time when they are required
- 4 Six per cent
- 5 Three thousand rupees or the amount within its pecuniary jurisdiction, which ever is less
- 6 The suit shall not abate
- 7 Rs. Five thousand
- 8 Rs. Twenty five thousand
- 9 To try the case de novo
- 10 Appointment of executors
- 11 Maintainable

12 Summons were not duly served

13 Section 142

14 30 days

15 order execution at the instance of the transferee of the decree

16 Defendants

17 *Res judicata* does not apply to interlocutory orders like temporary injunctions

18 the court passing the judgment

19 Court

20 30 days

21 May be invoked for recovery of a liquidated demand in money payable by the defendant arising out a written contract.

22 Three months

23 Negotiation

24 all of the above

25 No appeal may lie from an original decree passed ex parte.

26 Within ten days of such service enter an appearance and file in Court an address for service of notices on him

- 27 No further appeal shall lie from the judgement and decree of such single judge
- 28 any time
- 29 An appeal is allowed by CPC but no appeal has been preferred
- 30 actus curiae neminem gravavit
- 31 Section 113 Reference, Section 114 Review, Section 115 Revision of the CPC
- 32 Section 153B
- 33 Judgment debtor
- 34 Decreed to the plaintiff.
- 35 90 days from the date, when it was lodged
- 36 3 Months
- 37 an absolute right of the plaintiff
- 38 It cannot retransfer any suit, appeal or other proceeding to the Court from which it has withdrawn
- 39 authenticated by a judge, a Magistrate or a Notary
- 40 Section 153, CPC
- 41 Manoharlal v. Seth Hiralal

- 42 There must be suit pending wherein the rights of rival claimants for the debt or the property in dispute can be properly adjudicated
- 43 An order rejecting an application for permission to sue in forma pauperis is not appealable under O. 43.
- 44 An interlocutory order.
- 45 one year
- 46 A court cannot of its own motion issue summons.
- 47 Where any of the defendants in an interpleader suit files a suit against the plaintiff in another court in respect of the subject matter of the suit, that court shall not stay the proceedings.
- 48 interlocutory orders
- 49 Order XL Rule 5
- 50 Rejected
- 51 A suit for partition of ancestral property by a coparcener after his death.
- 52 Order 46
- 53 Section 132
- 54 All of the above
- 55 Both (a) and (b).

- 57 The subordinate court refers the case to the High Court for the latter's opinion on a question of law
- 58 Section 2(14) Mense profit
- 59 A summary suit is for the benefit of the defendant.
- 60 A sues C on a Bill of Exchange for Rs. 500. C holds a judgment against A for recovery of debt of Rs. 1000.
- 61 The court may proceed with the case in the absence of the defendant on the particular day of hearing on which the defendant remains absent.
- 62 None of the above.
- 63 On behalf of the defendant.
- 64 Sec. 97
- 65 To impose any penalty.
- 66 Orde 41.
- 67 May bring a fresh suit subject to Law of Limitation.
- 68 Receiver's personal property cannot be attached and and sold.
- 69 Void
- 70 Seven days.
- 71 60 days

- 72 It should be verified by the party's pleader.
- 73 profit received or could have been received by a person in wrongful possession of property
- 74 It is mandatory for the court to pass a decree in plaintiff's favour when a written statement has not been filed.
- 75 Where the parties enter into an agreement to refer the dispute for the opinion of the court.
- 76 The court can pronounce a judgment on the basis of facts in the plaint except against a person under disability.
- 77 Court of the lowest grade.
- 78 When there are several plaintiffs, the court can allow one of them to withdraw, even if the other co-plaintiffs do not consent to such withdrawal.
- 79 Rule 3.
- 80 O. 6, R. 16.
- 81 No suit shall lie to set aside such decree.
- 82 The judgment should state precisely the relief granted.
- 83 Only (a).
- 84 Both (a) & (b) above
- 85 None of the above.
- 86 One thousand rupees and two-third of the remainder.

- 87 Suits for compensation for wrong to immovable property.
- 88 None of the above
- 89 The decree must be set aside against C also.
- 90 It is not necessary to apply for fresh attachment.
- 91 Prohibiting the judgment debtor's debtor from making any payment to the judgment debtor.
- 92 A right to sue survives in a suit for damages for assault.
- 93 Where it appears to the court to be just and convenient.
- 94 I, II, III and V.
- 95 Any claim preferred to the property attached before judgment shall not be adjudicated upon.
- 96 More than 2 months.
- 97 All of the above
- 98 3 4 1 2
- 99 60 days from the conclusion of hearing
- 100 An application for bringing the legal representatives of the deceased plaintiff has to be moved.

TEST

CPC Full Length (Mock Test)

SOLUTIONS

SECTIONS

1. Code of Civil Procedure - 100 Questions

Section 1 : Code of Civil Procedure - 100 Questions

1

2

Section 32 of Code of Civil Procedure

3

sec 159 refreshing memory

4

Section 34 of Code of Civil Procedure

5

Section 35A of Code of Civil Procedure

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Section 107 of Code of Civil Procedure

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Section 94 of Code of Civil Procedure

11

Explanation to Order 9 Rule 13 of Code of Civil Procedure

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Order 39 Rule 3A of Code of Civil Procedure

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This is the solution

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This is the solution

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This is the solution

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This is the solution

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This is the solution



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This is the solution

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Section 24 of Code of Civil Procedure

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This is the solution

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This is the solution

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This is the solution

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This is the solution

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