

AAROHAN CLASSES
OJS PRELIMS TEST SERIES
TEST CODE 01



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Time: 90 Minutes Maximim Marks:100

Answer All Questions

Negative marking of -0.5 for each wrong answer.

1. Separation of the Judiciary from the Executive has been provided in which of the following Article of the Indian Constitution?

- (a) Article 50 (b) Article 49 (c) Article 44
(d) Article 48

2.Equal justice and free legal aid is a Directive Principle mentioned in

- (a) Article 39A (b) Article 51A (c) Article 44
(d) Article 38

3.Equal pay for equal work for both men and Women has been laid down in the Indian Constitution as, one of the Directive Principles of State Policy in

- (a) Article 39 (b) Article 51A (c) Article 44
(d) Article 38

4.Provision for just and humane conditions of Work and maternity relief is a directive principle mentioned in

- (a) Article 43 (b) Article 42 (c) Article 45
(d) Article 46

5.For the enforcement of Directive Principles of State Policy a person can move a writ to

- (a) Supreme Court (b) High Court
(c) Either Supreme Court or High Court
(d) None of the above

6.How many Directive Principles were added by the 42nd Amendment of 1976?

- (a) Two (b) Three (c) Five (d) Six

7.Find the odd one out.

- (a) Uniform civil code (b) Promotion of International peace and security
(c) Protection and improvement of environment
(d) Value and preserve the rich heritage of our composite culture

8.Supremacy of Directive Principles of State Policy over Fundamental Rights was provided in constitutional amendment.

- (a) 39th (b) 41st (c) 42nd (d) None of the above

9.The provision for uniform civil code is contained in Articleof the Constitution of India?

- (a) 42 (b) 43 (c) 44 (d) 41

10. Which Article requires participation of workers in management of industries?.

- (a) Article 43A (b) Article 53A
(c) Article 44 (d) Article 38

11.Can a court allow interest in mesne profit?

- (a) Yes (b) No (c) Never (d) None of the above

12.An issues can be

- (a) Issue of fact (b) Issue of law
(c) Issue of fact and issue of law
(d) Issue of fact, issue of law and mixed issues of fact and law

13.Which of the following is a pleading of the plaintiff?

- (a) Suit (b) Pleaint (c) Affidavit
(d) Written statement

14. Which of the following is a pleading of the defendant?

- (a) Suit (b) Plea (c) Affidavit
(d) Written statement

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15. A written statement

- (a) Must be confined to the reply of the plaintiff
(b) May contain new facts in favour of defendant
(c) May contain legal objections to the claim of the plaintiff
(d) Both (b) and (c)

16. A suit for its maintainability requires no authority of law and it is enough that no statute bars it. The statement is

- (a) Correct (b) Incorrect (c) Partly correct
(d) None of the above

17. An agreement to confine the jurisdiction to a particular court where two or more courts have jurisdiction is

- (a) Legal (b) Illegal (c) Voidable
(d) Non-enforceable

18. There is no distinction between want of jurisdiction and irregular exercise of jurisdiction. The statement is

- (a) Correct (b) Incorrect (c) Partly correct
(d) None of the above

19. In which of the following cases the Supreme Court held that 'once it is held that a court has jurisdiction to entertain and decide a matter, the correctness of the decision given cannot be said to be without jurisdiction inasmuch as the power to decide wrongly as well as rightly'?

- (a) Ujjam Bai v State of UP
(b) Gopal v Shamrao
(c) Subhash v Nemasa
(d) None of the above

20. If a court decreed a time barred debt and the party aggrieved does not take appropriate steps to have that error corrected,

- (a) The erroneous decree will hold good
(b) The party aggrieved will be open to challenge the decree on the basis of being nullity
(c) Both (a) and (b) are correct
(d) None of the above

21. Which of the following sections of the Code of Criminal Procedure, 1973 deals with the proclamation for the absconding person?

- (a) Section 80 (b) Section 81 (c) Section 82
(d) Section 83

22. If any court has a reason to believe that any person against whom a warrant has been issued by it, has absconded or is concealing himself so that such warrant cannot be executed, such court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than days from the date of publishing such proclamation.

- (a) 15 (b) 30 (c) 45 (d) 60

23. How is a proclamation under section 82 of the Code of Criminal Procedure published?

- (a) It shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides
(b) It shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides or to some conspicuous place of such town or village.
(c) A copy thereof shall be affixed to some conspicuous part of the court-house.
(d) All of the above

24. Can a proclamation under section 82 of the Code of Criminal Procedure, 1973 be published in a newspaper?

(a) Yes (b) No (c) Depends (d) None of the above

25. The procedure for proclamation under section 82 of the Code of Criminal Procedure, 1973 is

(a) Mandatory (b) Directory (c) Discretionary (d) None of the above

26. A proclamation cannot be issued without issuing a warrant of arrest before it. The statement is

(a) True (b) False (c) Partly Correct (d) None of the above

27. A court can declare an accused as a proclaimed offender

(a) In any offence
(b) Only in those offences mentioned in section 82(4) of CrPC
(c) In any warrant case (d) None of the above

28. Simultaneous issue of warrant and proclamation is ?

(a) Legal (b) Illegal (c) Depends (d) None of the above

29. The Supreme Court explained the term 'absconding' in the case of

(a) Kartarey v Staté
(b) Madhulimaye v Vedmurthy
(c) In Re Madhulimaye
(d) None of the above

30. A contemner in a contempt proceedings absconding. Can the court initiate proceedings under section 82 and 83 of the Code of Criminal Procedure, 1973?

(a) Yes (b) No (c) Depends (d) None of the above

31. A super-imposed photograph of the deceased over the skeleton of a human body to prove that the skeleton was of the deceased is relevant under section-..... of the Indian Evidence Act.

(a) Section 6 (b) Section 7 (c) Section 8 (d) Section 9

32. Test identification parade is primarily meant for the

(a) Trial court (b) Investigating agency
(c) Accused (d) None of the above

33. Which of the following assures the investigating agency that they are proceeding in the right direction?

(a) First Information Report (b) Inquest
(c) Test identification (d) None of the above

34. No test identification parade is called or

(a) If the accused is well known to the witnesses from before
(b) If the accused is not known to the witnesses from before
(c) If there is only one accused in the case
(d) None of the above

35. Identification parades are held during the course of

(a) Investigation (b) Enquiry (c) Trial
(d) None of the above

36. Failure to hold the test identification parade

(a) Makes the evidence of identification inadmissible in court
(b) Does not make the evidence of identification inadmissible in court
(c) Is of no consequence
(d) None of the above

37. Identification of the accused before

the police is

- (a) Admissible (b) Not admissible
(c) Relevant and admissible
(d) None of the above

38. Evidence of identification, produced for the first time in court is

- (a) Not admissible
(b) Corroborative only
(c) A weak piece of evidence
(d) None of the above

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39. 'The accused has no right to claim a test identification parade'. The statement is

- (a) True (b) False (c) Partly Correct
(d) None of the above

40. In which of the following cases did the Supreme Court hold, that showing parts of the body by way of identification are not included in the expression to be a witness, and hence not violative of Article 20(3) of the Constitution of India?

- (a) Kathikalu v State of Bombay
(b) Yousuf Ali v State of Maharashtra
(c) State of U.P. v Ram Sewak
(d) None of the above

41. Section 149 of the Indian Penal Code is a

- (a) Rule of evidence (b) Specific offence
(c) Definition clause (d) None of the above

42. Which of the following ingredient is required to form common object?

- (a) Premeditation (b) Pre-concert
(c) Meeting of minds at or before the occurrence (d) None of the above

43. Punishment for being member of unlawful assembly is provided under of the Indian Penal Code.

- (a) Section 141 (b) Section 143 (c) Section 142 (d) Section 149

44. Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of

- (a) Affray (b) Rioting (c) Sedition
(d) None of the above

45. Rioting is defined under the provisions of of Indian Penal Code.

- (a) Section 144 (b) Section 145
(c) Section 146 (d) Section 147

46. Punishment for rioting is provided under the provisions of of the Indian Penal Code.

- (a) Section 144 (b) Section 145
(c) Section 146 (d) Section 147

47. Whoever is guilty of rioting shall be punished with imprisonment of either description for a term which may extend to, or with fine, or with both.

- (a) 2 years (b) 3 years (c) 5 years (d) 7 years

48. Whoever is guilty of rioting, being armed with a deadly weapon or with anything which, used as a weapon of offence, is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to, or with fine, or with both.

- (a) 2 years (b) 3 years (c) 5 years (d) 7 years

49. Which of the following is a sine qua non for the offence of rioting?

- (a) Unlawful assembly (b) Use of force or violence (c) Both (a) and (b)
(d) None of the above

50. Every member of unlawful assembly are guilty of offence committed in prosecution of

common object as provided under
..of the Indian Penal Code

- (a) Section 141 (b) Section 142 (c) Section 143 (d) Section 149

51. The period of limitation for a suit against a carrier for compensation for non-delivery of or delay in delivering goods is

- (a) One year (b) Two years (c) Three years (d) Five years

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52. The period of limitation for a suit against a carrier for compensation for losing or injuring goods is

- (a) One year (b) Two years (c) Three years (d) Five years

53. The period of limitation for a suit against a carrier for compensation for non-delivery of or delay in delivering goods is three years from

- (a) When the price becomes payable
(b) When the loss or injury occurs
(c) When the goods ought to be delivered
(d) None of the above

54. The period of limitation for a suit for the price of goods sold and delivered when no fixed period of credit is agreed upon is years from the date of delivery of goods

- (a) One year (b) Two years (c) Three years (d) Five years

55. The period of limitation for a suit for the money payable for money lent is years from the date on the loan is made.

- (a) One year (b) Two years (c) Three years (d) Five years

56. The period of limitation for a suit when the lender has given a cheque for the money is

- (a) One year (b) Two years (c) Three years-
(d) Five years

57. The period of limitation for a suit for money lent under an agreement that it shall be payable on demand is three years from

- (a) When the loan is made
(b) When the demand is made
(c) When payment is due
(d) None of the above

58. The period of limitation for a suit on a promissory-note or bond payable by installments is three years on the expiration of the first term of payment as to the part then payable; and for the other parts, the expiration of the respective terms of payment. The statement is

- (a) True (b) False (c) Partly Correct '
(d) None of the above

59. The period of limitation for a suit on a bill of exchange or promissory-note payable at a fixed time after date is

- (a) One year (b) Two years (c) Three years (d) Five years

60. The period of limitation for a suit on a bill of exchange payable at sight, or after sight but not at a fixed time is three years from

- (a) When the bill falls due (b) When the bill is presented (c) Date of executing the bill (d) None of the above

61. Section 52 of the Transfer of Property Act, 1882 deals with

- (a) Feeding the grant by estoppel
(b) Holding out (c) Part performance
(d) Lis pendens

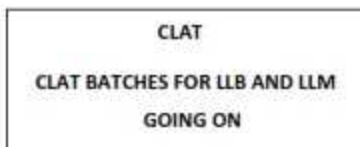
62. Under section 52 of the Transfer of Property Act, 1882 the transferee will be bound by the result of the suit

- (a) If he has knowledge of the litigation '
(b) If he had no knowledge of the interest even when made bonafide enquiry
(c) If he has paid adequate consideration for the purchase

(d) Whether the transferee has knowledge or not as to the litigation

63. Transfer pending litigation is permitted :

- (a) Under the authority of the court
- (b) On mutual agreement between the transferor and the transferee
- (c) On furnishing of security by the transferee
- (d) When the defendant permits.



64. Principle of lis pendens is applicable to courts established by the central government within the limits of India

- (a) Including Jammu and Kashmir
- (b) Excluding Jammu and Kashmir .
- (c) Or beyond the limits of India
- (d) Excluding the notified areas

65. Lis pendens is not applicable to suit or proceedings which is

- (a) Ex-parte (b) Collusive (c) Pending service of notice (d) In execution

66. Proceedings mentioned in section 52 include proceedings in

- (a) Suit (b) Original proceedings
- (c) Interlocutory proceedings
- (d) All judicial business

67. Lis pendens is applicable to property

- (a) Immovable only (b) Movable only
- (c) Both movable and immovable
- (d) Tangible and intangible

68. Pendency under section 52 of the Transfer of Property Act, 1882 is deemed to commence from the date when a suit or proceeding is

- (a) Presented (b) Admitted (c) Numbered
- (d) Represented

69. Under section 52 of the Transfer of Property Act, 1882 the suit or proceeding shall

be deemed to commence on presentation of the same before

- (a) Any court
- (b) Court of competent jurisdiction
- (c) Quasi-judicial body'
- (d) Court which lacks jurisdiction due to bonafide mistake

70. To apply the principle of lis pendens, right in property must be in question

- (a) Directly and specifically
- (b) Directly or indirectly
- (c) Even remotely and indirectly
- (d) Indirectly and casually

71. An agreement which is enforceable by law at the option of one or more of the parties, but not at the option of the other or others is

- (a) Void agreement (b) Voidable contract
- (c) Valid contract (d) Nudum pactum

72. A voidable contract is one which is

- (a) Not enforceable by either of the parties thereto.
- (b) Enforceable by either of the parties thereto.
- (c) Enforceable only with the permission of the Court of Law.
- (d) Enforceable at the option of one of the parties thereto.

73. A voidable contract is

- (a) Not valid and binding
- (b) Valid but not binding (c) Not enforceable
- (d) Valid and binding until it is rescinded

74. The correct sequence in the formation of a contract is

- (a) Offer, acceptance, agreement, consideration.
- (b) Agreement, consideration, offer, acceptance.
- (c) Offer, consideration, acceptance, agreement.
- (d) Offer, acceptance, consideration, agreement.

75. The acceptance of the offer must be

- (a) Absolute (b) Unconditional
- (c) According to the modes prescribed

(d) All the above

76. A invites his friend B to come and stay with him for a day. B accepted the invitation. When B came to A's house A was not there. Can B sue A for breach of contract?

(a) Yes (b) No (c) Depends (d) None of the above

77. In Lalman Shukla v Gauri Dutt it was held that

- (a) Acceptance can be given without knowledge of the offer
(b) Acceptance cannot be given without knowledge of the offer
(c) Acceptance can be given with or without knowledge of the offer
(d) None of the above

78. An acceptance with a variation is

(a) Acceptance (b) Counter offer (c) Cross offer (d) None of the above

79. When the promisee does not accept the offer of performance, the promisor is not responsible for non-performance. The Statement is

(a) True (b) False (c) Partly correct (d) None of the above

80. A offers B lavish entertainment if B paints his portrait.

- (a) Offer is valid since the work is specified
(b) Offer is valid since the terms are identifiable
(c) Offer is not valid since the terms are vague
(d) None of the above

81. Who among the following is not a Class-I heir?

- (a) Father's father
(b) Son of pre-deceased daughter of a pre-deceased daughter

(c) Daughter of a pre-deceased daughter of a pre-deceased daughter

(d) Daughter of a pre-deceased daughter of a pre-deceased son

82. Who among the following is a Class-I heir?

- (a) Son's daughter's son (b) Son's daughter's daughter
(c) Daughter's son's son
(d) None of the above

83. Who among the following is a Class-I heir?

- (a) Brother's son (b) Sister's son
(c) Brother's daughter (d) None of the above

84. Who among the following is a Class-I heir?

- (a) Father's father (b) Father's mother
(c) Father's brother (d) None of the above

85. Who among the following is a Class-I heir?

- (a) Mother's father (b) Mother's mother
(c) Mother's brother (d) None of the above

86. How many entries are there under Class-II heirs, specified in the Schedule of the Hindu Marriage Act?

(a) 5 (b) 6 (c) 8 (d) 9

87. Which of the following classes was amended by the 'Hindu Succession [Amendment] Act 2005?

- (a) Class-I (b) Class-II (c) Both (a) and (b)
(d) None of the above

88. For an order of succession among the heirs specified in the schedule, those in Class-I shall take and to the exclusion of others.

- (a) Simultaneously (b) One after another
(c) In the same order as in the schedule
(d) None of the above

89. For an order of succession among the heirs specified in the schedule, those in Class-II

- (a) Shall take simultaneously

- (b) First entry shall be preferred to those in second entry
(c) Second entry shall be preferred to those in first entry
(d) None of the above

90. Which of the following sections of the Hindu Succession Act, 1956 deals with distribution of property among heirs in Class-I of the schedule?

- (a) Section 10 (b) Section 11 (c) Section 12
(d) Section 13

91. Can a civil court entertain a suit for rectification of a trust deed?

- (a) Yes (b) No (c) Depends
(d) None of the above

92. A party can file a suit for rectification

- (a) At any time when fraud is discovered
(b) At any time a mistake has come to light
(c) Within three years of execution of instrument
(d) Either (a) or (b)

93. Will the decree of rectification have a retrospective effect?

- (a) Yes (b) No (c) Depends
(d) None of the above

94. Which of the following is termed as the converse of specific performance?

- (a) Rectification (b) Rescission
(c) Both (a) and (b)
(d) None of the above

95. Is a right to rescission assignable?

- (a) Yes (b) No (c) Depends
(d) None of the above

96. A right which a party to a transaction sometimes has, to have the transaction set aside and be restored to his former position is called

- (a) Rectification (b) Rescission
(c) Restoration (d) None of the above

97. Which of the following is not strictly a judicial remedy?

- (a) Rectification (b) Rescission
(c) Both (a) and (b) (d) None of the above

98. Any person interested in a contract may sue to have it rescinded, and such rescission may be adjudged by the court

- (a) Where the contract is voidable or terminable by the plaintiff
(b) Where the contract is unlawful for causes not apparent on its face and the defendant more to blame than the plaintiff
(c) Both (a) and (b) (d) None of the above

99. The court may refuse to rescind the contract

- (a) Where the plaintiff has expressly or impliedly ratified the contract
(b) Where, owing to the change of circumstances which have taken place since the making of the contract (not being due to any act of the defendant himself), the parties cannot be substantially restored to the position in which they stood when the contract was made
(c) Both (a) and (b) (d) None of the above

100. The court may refuse to rescind the contract

- (a) Where third parties have, during the subsistence of the contract, acquired rights in good faith without notice and for value
(b) Where only a part of the contract is sought to be rescinded and such part is not severable from the rest of the contract
(c) Both (a) and (b) (d) None of the above

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**OJS
PRELIMS
TEST
SERIES
TEST CODE
01
SOLUTIONS**

- | | | |
|-------|-------|-------|
| 1. A | 29. A | 70. A |
| 2. A | 30. B | 71. B |
| 3. A | 31. D | 72. D |
| 4. B | 32. B | 73. D |
| 5. D | 33. C | 74. D |
| 6. B | 34. A | 75. D |
| 7. D | 35. A | 76. B |
| 8. C | 36. B | 77. B |
| 9. C | 37. B | 78. B |
| 10. A | 38. C | 79. A |
| 11. A | 39. A | 80. C |
| 12. D | 40. A | 81. A |
| 13. B | 41. B | 82. D |
| 14. D | 42. D | 83. D |
| 15. D | 43. B | 84. D |
| 16. A | 44. B | 85. D |
| 17. A | 45. C | 86. D |
| 18. B | 46. D | 87. A |
| 19. A | 47. A | 88. A |
| 20. A | 48. B | 89. B |
| 21. C | 49. C | 90. A |
| 22. B | 50. D | 91. A |
| 23. D | 51. C | 92. D |
| 24. A | 52. C | 93. A |
| 25. A | 53. C | 94. B |
| 26. A | 54. C | 95. B |
| 27. B | 55. C | 96. B |
| 28. B | 56. C | 97. B |
| | 57. A | 98. C |
| | 58. A | 99. C |
| | 59. C | 100.C |
| | 60. B | |
| | 61. D | |
| | 62. D | |
| | 63. A | |
| | 64. C | |
| | 65. B | |
| | 66. D | |
| | 67. A | |
| | 68. A | |
| | 69. B | |