

TEST PAPER

1. Which of the following section specifically provides that the jurisdiction to decree specific performance is discretionary
 - a. Section 10
 - b. Section 14
 - c. Section 20
 - d. Section 21
2. The court shall refuse to grant specific performance of the contract
 - a. If it is enforceable at the instance of the plaintiff
 - b. If it is enforceable at the instance of the defendant
 - c. Both a and b
 - d. None of the above
3. The plaintiff filing suit for specific performance of a contract
 - a. May also claim compensation for breach of contract
 - b. Cannot claim compensation for breach of contract
 - c. May also with the permission of court claim compensation for breach of contract
 - d. None of the above
4. Which one of following relief cannot be claimed by the plaintiff in a suit for specific performance for the transfer of immovable property
 - a. Possession
 - b. Partition
 - c. Separate possession
 - d. None of the above
5. An executory consideration is
 - a. The one which has already been executed in the past
 - b. A mere consideration promised by the executive of the company
 - c. A consideration consisting simply of mutual exchange of promises each forming a consideration for each other
 - d. Both a and b
6. Doctrine of frustration will not apply in the case of
 - a. Commercial hardship
 - b. Default of the contracting party himself
 - c. Failure of one of the objects of a contract
 - d. All of the above
7. For acceptance of an offer which of the following is not essential
 - a. Motive
 - b. Intention
 - c. Knowledge
 - d. None of the above
8. Hardly v. Baxendale is a leading case on
 - a. Anticipatory breach
 - b. Remoteness of damages
 - c. Breach of implied term
 - d. None of the above

9. If the sum fixed by the parties represents a genuine pre-estimate of the probable damages that is likely to result from the breach, it is
- Liquidated damages
 - Penalty
 - Special damages
 - None of the above
10. Evidence relating to the state of mind of a person must show that the state of mind exists
- Specific
 - Generally
 - Normally
 - All of the above
11. An admission made by a party in a plaint signed and verified by him may be used against him
- In same suit
 - In other suit
 - Both a and b
 - None of the above
12. The accused went to a police station and lodges a first information of murder narrating the events preceding the commission of the offence and stating further how the offence was committed. The narrative of the antecedent events is
- Admissible as admissions amounting to confession
 - Admissible as admissions not amounting to confession
 - Not admissible at all
 - Either a or b as the case may be
13. Evidence u/s 12 of IEA to determine damages may be given
- In an action for breach of contract
 - In an action for adultery
 - In an action for malicious prosecution
 - All of the above
14. Under section 55 of IEA evidence to character may be given in
- Criminal cases
 - Civil cases
 - Both a and b
 - None of the above
15. Within the meaning of definition given u/s 3 of the IEA "court" includes
- A magistrate holding a preliminary inquiry u/s 164 of the Cr.P.C. in a police investigation
 - A magistrate committing a case to the court of session
 - Both a and b
 - None of the above
16. In criminal proceedings the fact that the accused person has a bad character is relevant
- When evidence has been given that he has a good character
 - When the bad character of accused is itself a fact in issue
 - Both a and b
 - None of the above
17. Judicial review is the power of the supreme court to examine the constitutionality of

- a. Legislative enactments
 - b. Executive orders
 - c. Both a and b
 - d. None of the above
18. Originally the right of property was one of the seven fundamental rights under part III of the constitution. It was dealt by
- a. Article 19 (1) (c)
 - b. Article 19 (1) (e)
 - c. Article 19 (1) (f)
 - d. Article 19 (1) (g)
19. Under the constitution of India protection against impairment of the guarantee of fundamental rights is determined by
- a. The nature of the right
 - b. The interest of the aggrieved party
 - c. The degree of harm resulting from the state action
 - d. All of the above
20. The enforcement of fundamental right get suspended during the operation of national emergency excepting right conferred under
- a. Article 20
 - b. Article 21
 - c. Article 19 and 20
 - d. Article 20 and 21
21. The Government of India may sue or be sued in the name of
- a. President of India
 - b. Prime minister of India
 - c. Union of India
 - d. None of the above
22. The consolidated fund of India is created under Article
- a. 266
 - b. 366
 - c. 280
 - d. 270
23. Section 5 of the Limitation Act applies in case of
- a. Suit
 - b. Execution proceeding
 - c. Both a and b
 - d. None of the above
24. The object of section 6 of the Limitation Act is
- a. To place minors or lunatics etc under a special disability
 - b. To make special concession in favour of minors, insane and idiot
 - c. Both a and b
 - d. None of the above