

BIHAR ASSISTANT PROSECUTION OFFICER (APO) EXAMINATION

High-Yield Practice Sheets [SET B]: Code of Civil Procedure, 1908 (60 Fresh Questions)

Subject:	Code of Civil Procedure, 1908 (CPC) [Set-B]	Total Questions:	60 Unique Exam Items
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FORMAT STRUCTURE INSTRUCTION (SET B)

- **Flashcard Layout:** Every question occupies an isolated odd page, immediately followed overleaf on the even page by its official answer key and clear analytical explanation.
- **Supplementary Question Pool:** This volume contains 60 completely new questions, avoiding any repetition from previous sets, targeting highly critical core areas of the CPC tailored to the Bihar legal pattern.

Question 1:

Under Section 2(3) of the CPC, the term 'decree-holder' denotes any person in whose favor a decree has been passed or:

- (A) An order capable of execution has been made (B) An arrest warrant has been prepared
(C) A caveat has been successfully accepted (D) A property has been attached by a receiver

Official Answer Key & Explanation to Question 1 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: An order capable of execution has been made

Analytical Commentary: Section 2(3) of the Code of Civil Procedure explicitly defines a decree-holder as any person in whose favor a decree has been passed or an order capable of execution has been made.

Question 2:

The definition of 'Legal Representative' is codified under which section of the CPC?

(A) Section 2(10)

(B) Section 2(11)

(C) Section 2(12)

(D) Section 2(14)

Official Answer Key & Explanation to Question 2 [Set B]

Correct Answer Option: (B)

Substantive Rule Text: Section 2(11)

Analytical Commentary: Section 2(11) of the CPC defines a legal representative as a person who in law represents the estate of a deceased person, and includes any person who intermeddles with the estate of the deceased.

Question 3:

An 'Order' is defined under Section 2(14) of the CPC as the formal expression of any decision of a Civil Court which:

- | | |
|--|---|
| (A) Is not a decree | (B) Is always appealable |
| (C) Is binding only on public officers | (D) Deals purely with administrative fees |

Official Answer Key & Explanation to Question 3 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Is not a decree

Analytical Commentary: Section 2(14) explicitly clarifies that an 'order' means the formal expression of any decision of a Civil Court which is not a decree.

Question 4:

Jurisdiction of civil courts to try all civil suits unless explicitly or impliedly barred is saved under Section:

(A) Section 9

(B) Section 10

(C) Section 11

(D) Section 12

Official Answer Key & Explanation to Question 4 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Section 9

Analytical Commentary: Section 9 establishes that the courts shall have jurisdiction to try all suits of a civil nature excepting suits of which their cognizance is either expressly or impliedly barred.

Question 5:

An absolute bar to challenge a decree on the ground of an incorrect determination of Pecuniary Jurisdiction at the appellate level is found under Section:

(A) Section 21(1)

(B) Section 21(2)

(C) Section 22

(D) Section 23

Official Answer Key & Explanation to Question 5 [Set B]

Correct Answer Option: (B)

Substantive Rule Text: Section 21(2)

Analytical Commentary: Section 21(2) specifically provides that no objection as to the competence of a Court with reference to the pecuniary limits of its jurisdiction shall be allowed by an Appellate or Revisional Court unless such objection was taken in the Court of first instance at the earliest opportunity.

Question 6:

Where a suit relates to immovable property situate within the jurisdiction of different courts, the suit may be instituted:

- (A) In any court within the local limits of whose jurisdiction any portion of the property is situate
- (B) Only in the High Court of the state
- (C) Only where the major portion of the property falls
- (D) Where the plaintiff chooses by filing an affidavit

Official Answer Key & Explanation to Question 6 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: In any court within the local limits of whose jurisdiction any portion of the property is situate

Analytical Commentary: Section 17 of the CPC explicitly allows the suit to be instituted in any Court within the local limits of whose jurisdiction any portion of the property is situate, provided the value of the entire claim is cognizable by such Court.

Question 7:

The standard baseline for determining the general 'Place of Suing' for personal wrongs or movable property disputes is found under Section:

(A) Section 15

(B) Section 18

(C) Section 19

(D) Section 21

Official Answer Key & Explanation to Question 7 [Set B]

Correct Answer Option: (C)

Substantive Rule Text: Section 19

Analytical Commentary: Section 19 of the CPC states that where a suit is for compensation for wrong done to the person or to movable property, if the wrong was done within the local limits of the jurisdiction of one Court and the defendant resides within another, the suit may be instituted at the option of the plaintiff in either court.

Question 8:

Section 20 of the CPC is a residuary section governing places of suing. It mandates that a suit must be filed where the cause of action arises or where:

- (A) The defendant actually and voluntarily resides, (B) The plaintiff chooses to live during the or carries on business, or personally works for gain litigation
- (C) The property is expected to be moved later (D) The public notary maintains an office

Official Answer Key & Explanation to Question 8 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: The defendant actually and voluntarily resides, or carries on business, or personally works for gain

Analytical Commentary: Section 20 mandates that every suit shall be instituted in a Court within the local limits of whose jurisdiction the defendant, or each of the defendants where there are more than one, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain, or where the cause of action arises, wholly or in part.

Question 9:

Under Section 25 of the CPC, the absolute power to transfer any suit, appeal or proceeding from a High Court or Civil Court in one State to another lies with:

- | | |
|--------------------------------|---|
| (A) The Supreme Court of India | (B) The President of India |
| (C) The Union Ministry of Law | (D) A joint committee of both High Courts |

Official Answer Key & Explanation to Question 9 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: The Supreme Court of India

Analytical Commentary: Section 25(1) of the CPC explicitly empowers the Supreme Court, if satisfied that an order under this section is expedient for the ends of justice, to direct that any suit, appeal or other proceeding be transferred from a High Court or other Civil Court in one State to a High Court or other Civil Court in another State.

Question 10:

A summons to a witness under the framework of Section 31 of the CPC may be accompanied by a dynamic mandate to:

- (A) Produce documents or other material objects in their possession
- (B) Pay a penalty to the court clerk directly
- (C) Execute a personal recognizance bond
- (D) Surrender their personal passport copy

Official Answer Key & Explanation to Question 10 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Produce documents or other material objects in their possession

Analytical Commentary: Section 31 states that the provisions of Sections 27, 28 and 29 shall apply to summonses to give evidence or to produce documents or other material objects.

Question 11:

The maximum fine that a civil court can impose on a person who completely disobeys a summons to attend as a witness under Section 32(c) is capped at:

- | | |
|--------------------------|-------------------------|
| (A) Five thousand rupees | (B) One thousand rupees |
| (C) Two thousand rupees | (D) Ten thousand rupees |

Official Answer Key & Explanation to Question 11 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Five thousand rupees

Analytical Commentary: Section 32(c) was amended to raise the maximum fine threshold to an absolute ceiling of five thousand rupees to check non-compliance by material witnesses.

Question 12:

Which section of the CPC deals with the liability of a legal representative who intermeddles with the property of a deceased judgment-debtor?

(A) Section 50

(B) Section 52

(C) Section 53

(D) Section 47

Official Answer Key & Explanation to Question 12 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Section 50

Analytical Commentary: Section 50(1) provides that where a judgment-debtor dies before the decree has been fully satisfied, the holder of the decree may apply to the Court which passed it to execute the same against the legal representative of the deceased.

Question 13:

Under Section 51 of the CPC, which of the following is NOT a recognized method for the enforcement or execution of a decree?

- (A) By appointing a receiver
- (B) By attachment and sale of property
- (C) By arrest and detention in prison
- (D) By executing an administrative public dynamic lien over ancestral lineage

Official Answer Key & Explanation to Question 13 [Set B]

Correct Answer Option: (D)

Substantive Rule Text: By executing an administrative public dynamic lien over ancestral lineage

Analytical Commentary: Section 51 lists the recognized modes as: delivery of property, attachment and sale, arrest and detention, appointing a receiver, or in such other manner as the nature of the relief requires. Ancestral public administrative liens do not exist under CPC.

Question 14:

Where a decree is passed against a woman for the payment of money, Section 56 of the CPC completely prohibits her execution via:

- | | |
|---|--|
| (A) Arrest and detention in civil prison | (B) Attachment of her independent stridhan property |
| (C) Garnishee execution methods | (D) Appointment of a local receiver |

Official Answer Key & Explanation to Question 14 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Arrest and detention in civil prison

Analytical Commentary: Section 56 contains an absolute statutory prohibition stating that the Court shall not order the arrest or detention in the civil prison of a woman in execution of a decree for the payment of money.

Question 15:

The maximum pecuniary threshold below which no arrest or detention can be ordered in civil prison in execution of a money decree is:

- | | |
|---------------------------|--------------------------|
| (A) Two thousand rupees | (B) Five thousand rupees |
| (C) Three thousand rupees | (D) One thousand rupees |

Official Answer Key & Explanation to Question 15 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Two thousand rupees

Analytical Commentary: Section 58(1A) clarifies that no order for detention in civil prison in execution of a decree for the payment of money shall be made where the total amount of the decree does not exceed two thousand rupees.

Question 16:

Under Section 60 of the CPC, what fraction of a judgment-debtor's salary is completely exempt from attachment in execution of a money decree that is NOT for maintenance?

- (A) The first four hundred rupees and two-thirds of the remainder (B) One-half of the absolute total salary flat the remainder
- (C) The first one thousand rupees and one-third of the remainder (D) The absolute entirety of the salary line the remainder

Official Answer Key & Explanation to Question 16 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: The first four hundred rupees and two-thirds of the remainder

Analytical Commentary: Section 60(1) proviso clause (i) exempts salary to the extent of the first four hundred rupees and two-thirds of the remainder in execution of any decree other than a decree for maintenance.

Question 17:

A person who purchases an immovable property in a court auction sale is granted a formal document called a 'Sale Certificate' under Order XXI, Rule:

- | | |
|-------------|-------------|
| (A) Rule 94 | (B) Rule 89 |
| (C) Rule 58 | (D) Rule 64 |

Official Answer Key & Explanation to Question 17 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Rule 94

Analytical Commentary: Order XXI Rule 94 mandates that where a sale of immovable property has become absolute, the Court shall grant a certificate specifying the property sold and the name of the person who at the time of sale is declared to be the purchaser.

Question 18:

Section 74 of the CPC prescribes that if an execution officer is resisted by a judgment-debtor without any just cause, the court can sentence the obstructor to civil prison up to:

- | | |
|-----------------|------------------|
| (A) Thirty days | (B) Fifteen days |
| (C) Sixty days | (D) Six months |

Official Answer Key & Explanation to Question 18 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Thirty days

Analytical Commentary: Section 74 provides that the Court may, at the instance of the decree-holder or purchaser, order the judgment-debtor or obstructor to be detained in the civil prison for a term which may extend to thirty days.

Question 19:

Under Section 79 of the CPC, when a civil suit is instituted by or against the Central Government, the appropriate authority named as the plaintiff or defendant is:

- | | |
|---|-----------------------------------|
| (A) The Union of India | (B) The President of India |
| (C) The Secretary of the Ministry concerned | (D) The Attorney General of India |

Official Answer Key & Explanation to Question 19 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: The Union of India

Analytical Commentary: Section 79(a) mandates that in the case of a suit by or against the Central Government, the authority to be named as plaintiff or defendant shall be the Union of India.

Question 20:

An absolute bar to file a suit against a public officer without notice under Section 80 can be relaxed in case of urgent or immediate relief with the leave of the court under sub-section:

(A) Section 80(2)

(B) Section 80(3)

(C) Section 81

(D) Section 82

Official Answer Key & Explanation to Question 20 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Section 80(2)

Analytical Commentary: Section 80(2) allows a suit to obtain an urgent or immediate relief against the Government or any public officer to be instituted with the leave of the Court, without serving any prior two-month notice.

Question 21:

Under Section 82 of the CPC, an execution shall not be issued on a decree passed against the Government or a public officer unless it remains unsatisfied for a period of:

- | | |
|---|----------------|
| (A) Three months computed from the date of the decree | (B) One month |
| (C) Two months | (D) Six months |

Official Answer Key & Explanation to Question 21 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Three months computed from the date of the decree

Analytical Commentary: Section 82(1) dictates that a time shall be specified in the decree for its satisfaction, and if it is not satisfied within three months, the court can report the case for executive clearance before issuing standard execution.

Question 22:

A person who wants to file a suit against a foreign State can do so only after obtaining the prior written consent of:

- | | |
|---|--------------------------------|
| (A) The Central Government certified by a Secretary | (B) The Supreme Court of India |
| (C) The Ministry of External Affairs directly | (D) The Governor of Bihar |

Official Answer Key & Explanation to Question 22 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: The Central Government certified by a Secretary

Analytical Commentary: Section 86(1) provides that no foreign State may be sued in any Court otherwise than with the consent of the Central Government certified in writing by a Secretary to that Government.

Question 23:

Public Nuisances and other wrongful acts affecting the public can be challenged by filing a suit under Section 91 by the Advocate General or by:

- | | |
|--|---|
| (A) Two or more persons with the leave of the Court | (B) Any citizen living in that specific ward |
| (C) The local municipal commissioner independently | (D) A registered non-governmental organization |

Official Answer Key & Explanation to Question 23 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Two or more persons with the leave of the Court

Analytical Commentary: Section 91(1)(b) allows a suit for a declaration and injunction regarding a public nuisance to be instituted by two or more persons, even though no special damage has been caused to them, provided they obtain the leave of the Court.

Question 24:

An appeal from an original decree passed ex-parte by a civil court is maintainable under Section:

(A) Section 96(2)

(B) Section 96(3)

(C) Section 100

(D) Section 104

Official Answer Key & Explanation to Question 24 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Section 96(2)

Analytical Commentary: Section 96(2) explicitly mentions that an appeal may lie from an original decree passed ex-parte.

Question 25:

Section 96(3) of the CPC bars any appeal from a decree passed by the Court with:

- | | |
|--|--------------------------------------|
| (A) The consent of parties | (B) An evaluation error on valuation |
| (C) A monetary threshold below ten thousand rupees | (D) An institutional proxy signature |

Official Answer Key & Explanation to Question 25 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: The consent of parties

Analytical Commentary: Section 96(3) states emphatically that no appeal shall lie from a decree passed by the Court with the consent of parties (Consent Decrees).

Question 26:

Under Section 102 of the CPC, no second appeal shall lie from any decree in any suit for the recovery of money when the amount or value of the subject-matter of the original suit does not exceed:

- | | |
|---------------------------------|-------------------------|
| (A) Twenty-five thousand rupees | (B) Ten thousand rupees |
| (C) Fifty thousand rupees | (D) One lakh rupees |

Official Answer Key & Explanation to Question 26 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Twenty-five thousand rupees

Analytical Commentary: Section 102 bars second appeals in money recovery suits where the absolute value of the subject matter does not exceed twenty-five thousand rupees.

Question 27:

The baseline power to state a case and refer a question of law for the opinion of the High Court under Section 113 forms the jurisdiction of:

- | | |
|---------------|-----------------------------|
| (A) Reference | (B) Review |
| (C) Revision | (D) Appellate clarification |

Official Answer Key & Explanation to Question 27 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Reference

Analytical Commentary: Section 113 handles 'Reference', which is the procedural path where a subordinate court seeks guidance from the High Court on an intricate issue of legal validity.

Question 28:

An application for reviewing a judgment under Order XLVII must be filed within how many days from the date of the decree or order?

- | | |
|-------------|-------------|
| (A) 30 days | (B) 60 days |
| (C) 90 days | (D) 15 days |

Official Answer Key & Explanation to Question 28 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: 30 days

Analytical Commentary: Under the Limitation Act framework matching Order XLVII, an application for review of judgment must be preferred within 30 days from the date of the decree or order.

Question 29:

Under Section 148 of the CPC, the maximum absolute limit up to which a civil court can enlarge or extend a period fixed or granted by it for doing an act is:

- | | |
|--------------------------|---|
| (A) Thirty days in total | (B) Sixty days |
| (C) Ninety days | (D) Left completely to open infinite discretion |

Official Answer Key & Explanation to Question 29 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Thirty days in total

Analytical Commentary: Section 148 provides that where any period is fixed or granted by the Court for the doing of any act, the Court may, in its discretion, from time to time, enlarge such period, even though the period originally fixed or granted may have expired, but such enlargement shall not exceed thirty days in total.

Question 30:

The dynamic protective entry known as a 'Caveat' lodged under Section 148A can be filed by any person who:

- (A) Claims a right to appear before the Court on the hearing of an application expected to be made in a suit
- (B) Is an employee of the state revenue framework
- (C) Wants to challenge an ongoing execution sale
- (D) Seeks to declare himself an indigent person without being a party

Official Answer Key & Explanation to Question 30 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Claims a right to appear before the Court on the hearing of an application expected to be made in a suit

Analytical Commentary: Section 148A(1) provides that where an application is expected to be made, or has been made, in a suit or proceeding instituted, or about to be instituted, in a Court, any person claiming a right to appear before the Court on the hearing of such application may lodge a caveat.

Question 31:

Order I, Rule 8 of the CPC regulates which category of civil litigation?

- | | |
|--------------------------|------------------------|
| (A) Representative Suits | (B) Interpleader Suits |
| (C) Pauper Suits | (D) Summary Suits |

Official Answer Key & Explanation to Question 31 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Representative Suits

Analytical Commentary: Order I Rule 8 handles representative suits where one or more persons may sue or defend on behalf of all persons having the same interest in the suit.

Question 32:

Where a plaintiff joins multiple independent causes of action against a defendant in a single suit, this procedural enablement is termed as:

- | | |
|--|------------------------------------|
| (A) Joinder of causes of action | (B) Misjoinder of claims |
| (C) Splitting of remedies | (D) Consolidation of trials |

Official Answer Key & Explanation to Question 32 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Joinder of causes of action

Analytical Commentary: Order II Rule 3 governs the joinder of causes of action, allowing a plaintiff to unite in the same suit several causes of action against the same defendant.

Question 33:

The legal dynamic where a defendant sets up an independent claim against the plaintiff that arose after the filing of the suit is governed by:

- (A) Counter-claim under Order VIII, Rule 6A
- (B) Legal Set-off under Order VIII, Rule 6
- (C) Equitable Set-off
- (D) Rejection of Plaintiff

Official Answer Key & Explanation to Question 33 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Counter-claim under Order VIII, Rule 6A

Analytical Commentary: Order VIII Rule 6A allows a defendant to set up by way of counter-claim against the claim of the plaintiff, any right or claim in respect of a cause of action accruing to the defendant against the plaintiff either before or after the filing of the suit.

Question 34:

Order IX, Rule 9 of the CPC bars a plaintiff from filing a fresh suit if their previous suit was completely dismissed under:

- (A) Order IX, Rule 8 for non-appearance of plaintiff
- (B) Order IX, Rule 3 for non-appearance of both parties
- (C) Order VII, Rule 11 for lack of cause of action
- (D) Order VIII, Rule 10 for failure to file written statement

Official Answer Key & Explanation to Question 34 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Order IX, Rule 8 for non-appearance of plaintiff

Analytical Commentary: Order IX Rule 9 states that where a suit is wholly or partly dismissed under Rule 8, the plaintiff shall be precluded from bringing a fresh suit in respect of the same cause of action, but they may apply for an order to set the dismissal aside.

Question 35:

Under Order XI, a party can apply for the 'Production of Documents' by their opponent, and any non-compliance can lead to the court:

- (A) Striking out their defense under Rule 21
- (B) Issuing an immediate arrest warrant against their legal counsel
- (C) Dismissing the entire pecuniary tier of the court
- (D) Imposing a corporate fine of fifty thousand rupees

Official Answer Key & Explanation to Question 35 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Striking out their defense under Rule 21

Analytical Commentary: Order XI Rule 21 provides that where any party fails to comply with any order to answer interrogatories, or for discovery or inspection of documents, if a defendant, they shall have their defense struck out.

Question 36:

The production, impounding, and return of material documents produced during a civil trial are controlled by:

(A) Order XIII

(B) Order XIV

(C) Order XV

(D) Order XVI

Official Answer Key & Explanation to Question 36 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Order XIII

Analytical Commentary: Order XIII of the CPC explicitly deals with the production, impounding, and return of documents brought before the court during the trial.

Question 37:

Order XVI of the CPC explicitly regulates which of the following vital procedural frameworks?

- | | |
|---|---------------------------------------|
| (A) Summoning and Attendance of Witnesses | (B) Execution of Decrees by Receivers |
| (C) Framing of Issues by Judges | (D) Discovery by Interrogatories |

Official Answer Key & Explanation to Question 37 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Summoning and Attendance of Witnesses

Analytical Commentary: Order XVI explicitly controls the entire layout for summoning, serving, and managing the attendance of witnesses in civil cases.

Question 38:

Under Order XX, Rule 1 of the CPC, once a trial concludes and arguments are wrapped up, the court must pronounce judgment within:

- | | |
|---|--------------------------|
| (A) Thirty days, extendable under exceptional grounds to sixty days | (B) Ninety days flat |
| (C) Fifteen days | (D) Forty-five days flat |

Official Answer Key & Explanation to Question 38 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Thirty days, extendable under exceptional grounds to sixty days

Analytical Commentary: Order XX Rule 1 mandates that the Court, after the case has been heard, shall pronounce judgment in an open Court, either at once or as soon thereafter as may be practicable and when the judgment is to be pronounced on some future day, the Court shall satisfy an endeavor to pronounce it within thirty days.

Question 39:

An absolute restriction preventing a civil court from executing a decree passed against a deceased judgment-debtor without giving notice to the legal heirs is found under Order XXI, Rule:

- | | |
|-------------|-------------|
| (A) Rule 22 | (B) Rule 11 |
| (C) Rule 30 | (D) Rule 58 |

Official Answer Key & Explanation to Question 39 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Rule 22

Analytical Commentary: Order XXI Rule 22 mandates the issuance of a prior show-cause notice where an application for execution is made more than two years after the date of the decree, or against the legal representative of a party to the decree.

Question 40:

Order XXI, Rule 58 of the CPC regulates which critical operational phase during execution?

- (A) Adjudication of claims to, or objections to attachment of, property
- (B) The physical delivery of a minor child to a guardian
- (C) The auction calculation rules for selling cattle
- (D) The management of global corporate share portfolios

Official Answer Key & Explanation to Question 40 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Adjudication of claims to, or objections to attachment of, property

Analytical Commentary: Order XXI Rule 58 explicitly deals with the complete mechanism for entertaining and adjudicating claims or objections raised against the attachment of any property in execution of a decree.

Question 41:

A judgment-debtor arrested in execution of a money decree can apply to the court to be declared an indigent or insolvent person under Section:

(A) Section 55(3)

(B) Section 58

(C) Section 60

(D) Section 75

Official Answer Key & Explanation to Question 41 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Section 55(3)

Analytical Commentary: Section 55(3) provides that before making an order of detention, the Court shall inform the judgment-debtor that he may apply to be declared an insolvent and that he will be discharged if he takes the necessary steps.

Question 42:

Under Order XXXIX, Rule 1, a temporary injunction can be granted if it is proved by affidavit that any property in dispute in a suit is in danger of being:

- (A) Wasted, damaged or alienated by any party to the suit
- (B) Taxed heavily by the state government units
- (C) Evaluated below its market rate by an auctioneer
- (D) Subsumed under an international maritime treaty

Official Answer Key & Explanation to Question 42 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Wasted, damaged or alienated by any party to the suit

Analytical Commentary: Order XXXIX Rule 1(a) clarifies that where property is in danger of being wasted, damaged or alienated by any party to the suit, or wrongfully sold in execution of a decree, the court may grant a temporary injunction.

Question 43:

Where a person breaches or disobeys a temporary injunction order, the court can order their property to be attached for a maximum window of:

- | | |
|------------------|----------------|
| (A) One year | (B) Six months |
| (C) Three months | (D) Two years |

Official Answer Key & Explanation to Question 43 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: One year

Analytical Commentary: Order XXXIX Rule 2A(2) explicitly caps the attachment duration at a maximum line of one year, after which, if the disobedience continues, the property may be sold to compensate the injured party.

Question 44:

The foundational rules regulating 'Suits by or against Corporations' are contained inside:

(A) Order XXIX

(B) Order XXX

(C) Order XXXI

(D) Order XXXII

Official Answer Key & Explanation to Question 44 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Order XXIX

Analytical Commentary: Order XXIX of the CPC controls the procedural specificities regarding pleadings, signatures, and service of summonses for suits involving corporations.

Question 45:

Order XXX, Rule 1 of the CPC explicitly enables suits to be filed by or against:

- | | |
|--|--|
| (A) Firms and persons carrying on business in names other than their own | (B) Minors and persons of unsound mind |
| (C) Foreign sovereign states and ambassadors | (D) Indigent and pauper litigants |

Official Answer Key & Explanation to Question 45 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Firms and persons carrying on business in names other than their own

Analytical Commentary: Order XXX handles the unique procedural structure for suits by or against partnerships, firms, or sole proprietorships operating under trade names.

Question 46:

A person appointed by a civil court to take custody, manage, or preserve a disputed property during the pendency of a suit is called a:

- | | |
|-----------------------------------|-----------------------------------|
| (A) Receiver under Order XL | (B) Next Friend under Order XXXII |
| (C) Commissioner under Order XXVI | (D) Guardian ad litem |

Official Answer Key & Explanation to Question 46 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Receiver under Order XL

Analytical Commentary: Order XL Rule 1 empowers the court to appoint a receiver of any property, whether before or after decree, to ensure its absolute preservation during litigation.

Question 47:

Under Order XLI, Rule 1, every appeal before an appellate court must be preferred in the form of a formal document called a:

- | | |
|--|--|
| (A) Memorandum of Appeal signed by the appellant or his pleader | (B) Plaint verified by an affidavit |
| (C) Writ of execution entry | (D) Caveat notification statement |

Official Answer Key & Explanation to Question 47 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Memorandum of Appeal signed by the appellant or his pleader

Analytical Commentary: Order XLI Rule 1 mandates that every appeal shall be preferred in the form of a memorandum signed by the appellant or his pleader and presented to the Court or to such officer as it appoints.

Question 48:

An absolute bar to challenge a final decree if a party failed to appeal against the preliminary decree is contained inside Section:

(A) Section 97

(B) Section 96

(C) Section 98

(D) Section 99

Official Answer Key & Explanation to Question 48 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Section 97

Analytical Commentary: Section 97 explicitly provides that where any party aggrieved by a preliminary decree passed after the commencement of this Code does not appeal from such decree, he shall be precluded from disputing its correctness in any appeal which may be preferred from the final decree.

Question 49:

Which section of the CPC dictates that no decree shall be reversed or substantially modified in appeal on account of any misjoinder or non-joinder of parties or causes of action if it does not affect the merits of the case or jurisdiction?

(A) Section 99

(B) Section 96

(C) Section 100

(D) Section 115

Official Answer Key & Explanation to Question 49 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Section 99

Analytical Commentary: Section 99 protects decrees from being overturned on technical grounds, errors, or irregularities that do not go to the core root of the merits or the jurisdiction of the court.

Question 50:

The standard rules regulating 'Suits relating to Mortgages of Immovable Property' are codified inside:

(A) Order XXXIV

(B) Order XXXIII

(C) Order XXXV

(D) Order XXXVI

Official Answer Key & Explanation to Question 50 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Order XXXIV

Analytical Commentary: Order XXXIV of the Code of Civil Procedure explicitly controls the entire procedural landscape for suits concerning foreclosure, sale, or redemption of mortgaged immovable properties.

Question 51:

Under Section 135A of the CPC, members of legislative bodies are exempt from arrest and detention under civil process during the continuance of a session and for how many days before and after it?

- | | |
|-----------------|-----------------|
| (A) Forty days | (B) Thirty days |
| (C) Twenty days | (D) Ten days |

Official Answer Key & Explanation to Question 51 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Forty days

Analytical Commentary: Section 135A(1) exempts members of the Senate, Legislative Assemblies, and Councils from civil arrest for a window of forty days before and forty days after a legislative session.

Question 52:

Where a civil court passes an order under Section 95 for arresting a plaintiff or attaching their property on groundless or insufficient grounds, the maximum compensation it can award to the defendant is:

- | | |
|---------------------------------|-------------------------|
| (A) Fifty thousand rupees | (B) Ten thousand rupees |
| (C) Twenty-five thousand rupees | (D) One lakh rupees |

Official Answer Key & Explanation to Question 52 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Fifty thousand rupees

Analytical Commentary: Section 95(1) enables the court to award an amount not exceeding fifty thousand rupees as reasonable compensation to the defendant for the expense or injury caused.

Question 53:

The structural power of a civil court to correct clerical or arithmetical mistakes in judgments, decrees or orders arising from any accidental slip or omission is saved under Section:

(A) Section 152

(B) Section 151

(C) Section 150

(D) Section 153

Official Answer Key & Explanation to Question 53 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Section 152

Analytical Commentary: Section 152 explicitly allows clerical or arithmetical mistakes in judgments, decrees or orders, or errors arising therein from any accidental slip or omission, to be corrected by the Court at any time either of its own motion or on the application of any of the parties.

Question 54:

Under Order V, Rule 20 of the CPC, where the court is completely satisfied that the defendant is keeping out of the way to evade standard service, it can order:

- (A) Substituted Service by affixing the summons in a conspicuous place or publishing it in a newspaper
- (B) Dasti Service by delivering it to the plaintiff's neighbor
- (C) Immediate execution of an arrest warrant without service
- (D) Dismissal of the suit under Order IX, Rule 2

Official Answer Key & Explanation to Question 54 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Substituted Service by affixing the summons in a conspicuous place or publishing it in a newspaper

Analytical Commentary: Order V Rule 20 governs 'Substituted Service', which allows alternative modes like publication or conspicuous attachment when standard personal service is unachievable due to deliberate evasion.

Question 55:

A plain document or written statement containing a distinct claim of Set-off filed by a defendant under Order VIII, Rule 6 has the same effect as a:

- (A) Complaint in a cross-suit, enabling the court to pass a final decree on it (B) Caveat petition tracking upcoming applications
- (C) Memorandum of appeal filed before the High Court (D) Interlocutory temporary injunction application

Official Answer Key & Explanation to Question 55 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Plaint in a cross-suit, enabling the court to pass a final decree on it

Analytical Commentary: Order VIII Rule 6(2) provides that the written statement shall have the same effect as a plaint in a cross-suit so as to enable the Court to pronounce a final judgment in respect both of the original claim and of the set-off.

Question 56:

Where a suit is instituted by an alien enemy residing in India with the explicit permission of the Central Government, their right to sue is governed by Section:

(A) Section 83

(B) Section 84

(C) Section 85

(D) Section 86

Official Answer Key & Explanation to Question 56 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Section 83

Analytical Commentary: Section 83 provides that alien enemies residing in India with the permission of the Central Government may sue in any Court to which this Code applies, as if they were subjects of India.

Question 57:

Under Order XI, Rule 15, every party to a suit has an absolute right to give notice to their opponent to produce any document which has been explicitly referred to in their:

- | | |
|--|---|
| (A) Pleadings (Plaint or Written Statement) or affidavits | (B) Private banking lockers or transaction books |
| (C) Income tax evaluation statements | (D) Lineage title deeds registered outside Bihar |

Official Answer Key & Explanation to Question 57 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Pleadings (Plaint or Written Statement) or affidavits

Analytical Commentary: Order XI Rule 15 allows a party to seek inspection of any document referred to by the other side in their specific pleadings or supporting affidavits to ensure transparency before trial pricing.

Question 58:

The dynamic restriction known as 'Waiver of Exemption' prevents a judgment-debtor from voluntarily signing away their protective shield under Section 60. This principle establishes that the exemptions under Section 60 are based on:

- (A) Public Policy and cannot be waived by private contract
- (B) Arbitrary local rules that vary per district
- (C) The absolute discretion of the executing officer
- (D) The commercial volume of the execution application

Official Answer Key & Explanation to Question 58 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Public Policy and cannot be waived by private contract

Analytical Commentary: Exemptions under Section 60 are rooted in public policy to prevent a citizen from being reduced to absolute destitution; hence, any private agreement to waive these exemptions is void.

Question 59:

Where a court passes a decree for the 'Specific Performance' of a contract, and the judgment-debtor disobeys it, the decree can be enforced under Order XXI, Rule 32 by:

- (A) Attachment of their property or detention in civil prison, or both
- (B) Imposing an immediate penalty of one lakh rupees
- (C) Striking out their entire civil citizenship status
- (D) Transferring the suit to a public administrative tribunal

Official Answer Key & Explanation to Question 59 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Attachment of their property or detention in civil prison, or both

Analytical Commentary: Order XXI Rule 32(1) clarifies that decrees for specific performance, restitution of conjugal rights, or an injunction can be enforced by the attachment of property or detention in civil prison, or both.

Question 60:

Under Section 141 of the Code of Civil Procedure, the procedure provided in this Code in regard to suits shall be followed, as far as it can be made applicable, in all:

- (A) Proceedings in any Court of civil jurisdiction
- (B) Criminal trials conducted by an Executive Magistrate
- (C) Administrative evaluations inside police stations
- (D) Arbitration matters held outside court annexes

Official Answer Key & Explanation to Question 60 [Set B]

Correct Answer Option: (A)

Substantive Rule Text: Proceedings in any Court of civil jurisdiction

Analytical Commentary: Section 141 explicitly mandates that the procedure provided in the CPC in regard to suits shall be followed, as far as it can be made applicable, in all proceedings in any Court of civil jurisdiction, which includes miscellaneous execution and miscellaneous civil trials.