

**MGM Law College, Nerul , Navi Mumbai**

**MCQ Sample Question Bank of Civil Procedure Code**  
**Examination 2020**

**1. Which of the following deals with the transfer of decree to Court in another State in the Code of Civil Procedure?**

- A. Section 40
- B. Section 36
- C. Section 39
- D. Section 52

**2. Which of the following deals with proceeds of execution- sale to be rateably distributed among decree holders in the Code of Civil Procedure?**

- A. Section 63
- B. Section 72
- C. Section 73
- D. Section 78

**3. Which of the following deals with second appeal in the Code of Civil Procedure?**

- A. Section 111
- B. Section 103
- C. Section 108
- D. Section 100

**4. Which of the following deals with power of High Court to make rules as to their original civil procedure?**

- A. Section 122
- B. Section 103
- C. Section 124
- D. Section 129

**5. Which of the following sections of the Code of Civil Procedure has been repealed by the Repealing and Amending Act, 1952 (48 of 1952)?**

- A. Section 145
- B. Section 150
- C. Section 155
- D. Section 153

**6. Court may order defendant or plaintiff to appear in person under which of the following in the Code of Civil Procedure?**

- A. Order 7, Rule 3

- B. Order 5, Rule 3
- C. Order 6, Rule 10
- D. Order 4, Rule 8

**7. Which of the following deals with when plaintiff sues as representatives in the Code of Civil Procedure?**

- A. Order 5, Rule 30
- B. Order 9, Rule 12
- C. Order 6, Rule 10
- D. Order 7, Rule 4

**8. Parties to appear on day fixed in summons for defendant to appear and answer under which of the following in the Code of Civil Procedure?**

- A. Order 5, Rule 30
- B. Order 4, Rule 13
- C. Order 9, Rule 1
- D. Order 10, Rule 22

**9. Which of the following deals with verified copies in the Code of Civil Procedure?**

- A. Order 16, Rule 12
- B. Order 11, Rule 19
- C. Order 6, Rule 10
- D. Order 8, Rule

**10. Which of the following deals with power to order attendance of deponent for cross-examination in the Code of Civil Procedure?**

- A. Order 12, Rule 5
- B. Order 14, Rule 20
- C. Order 6, Rule 21
- D. Order 19, Rule 2

**11. Which of the following deals with application to Court whose decree complained of in the Code of Civil Procedure?**

- A. Order 25, Rule 5
- B. Order 31, Rule 9
- C. Order 45, Rule 2
- D. Order 9, Rule 10

**12. A sues B to recover a debt or damages for breach of contract. Pending the suit A is adjudged insolvent.**

- A. The official assignee or receiver is a necessary party to suit
- B. The official assignee or receiver is not a necessary party to suit
- C. proper party
- D. pleader

**13. Which of the following deals with the result of execution proceedings to be certified in the Code of Civil Procedure?**

- A. Section 43
- B. Section 41
- C. Section 39
- D. Section 52

**14. Which of the following deals with resistance to execution in the Code of Civil Procedure?**

- A. Section 63
- B. Section 72
- C. Section 59
- D. Section 74

**15. No further appeal in certain cases under which of the following in the Code of Civil Procedure?**

- A. Section 100A
- B. Section 103B
- C. Section 108C
- D. Section 102A

**16. Which of the following deals with powers of other High Court to make rules as to matters other than procedure in the Code of Civil Procedure?**

- A. Section 130
- B. Section 103
- C. Section 124
- D. Section 129

**17. Which of the following sections of the Code of Civil Procedure has been repealed by s. 3 and Schedule II of the Second Repealing and Amending Act, 1914 (17 of 1914)?**

- A. Section 145
- B. Section 143
- C. Section 154
- D. Section 156

**18. No party to be ordered to appear in person unless resident under which of the following in the Code of Civil Procedure?**

- A. Order 7, Rule 3
- B. Order 2, Rule 2
- C. Order 5, Rule 4
- D. Order 4, Rule 8

**19. Defendant's interest and liability to be shown under which of the following in the Code of Civil Procedure?**

- A. Order 7, Rule 5
- B. Order 9, Rule 12
- C. Order 6, Rule 10
- D. Order 10, Rule 22

**20. Which of the following deals with the dismissal of suit where summons not served in consequence of plaintiff's failure to pay costs in the Code of Civil Procedure?**

- A. Order 5, Rule 30
- B. Order 4, Rule 13
- C. Order 6, Rule 10
- D. Order 9, Rule 2

**21. Which of the following deals with premature discovery in the Code of Civil Procedure?**

- A. Order 16, Rule 2
- B. Order 4, Rule 13
- C. Order 11, Rule 20
- D. Order 13, Rule 22

**22. Which of the following deals with matters to which affidavits shall be confined in the Code of Civil Procedure?**

- A. Order 19, Rule 3
- B. Order 14, Rule 20
- C. Order 13, Rule 21
- D. Order 11, Rule 7

**23. Which of the following deals with security and deposit required on grant of certificate in the Code of Civil Procedure?**

- A. Order 25, Rule 5
- B. Order 31, Rule 9
- C. Order 45, Rule 7
- D. Order 9, Rule 10

**24. In which of the following way notwithstanding that the former suit was disposed of, a matter will be said to have been 'heard and finally decided'?**

- I. Ex parte
  - II. By dismissal under O. 17 r 3, but not when the dismissal is under O. 16 r 1 for the failure to pay adjournment cost
  - III. By a decree on an award
  - IV. By oath tendered under s. 8 of the Indian Oaths Act, 1873
  - V. By dismissal owing to plaintiff's failure to adduce evidence at the hearing
- A. I, III

- B. II, IV, V
- C. III, IV, V
- D. All of these

**25. Which of the following deals with reference to High Court in the Code of Civil Procedure?**

- A. Section 111
- B. Section 103
- C. Section 108
- D. Section 113

**26. Which of the following states that orders and notices to be in writing in the Code of Civil Procedure?**

- A. Section 140
- B. Section 142
- C. Section 132
- D. Section 100

**27. Which of the following deals with appearance of one of several plaintiffs or defendants for others in the Code of Civil Procedure?**

- A. Order 7, Rule 6
- B. Order 1, Rule 12
- C. Order 13, Rule 5
- D. Order 4, Rule 8

**28. Which of the following deals with substituted service in the Code of Civil Procedure?**

- A. Order 5, Rule 20
- B. Order 9, Rule 12
- C. Order 6, Rule 10
- D. Order 10, Rule 8

**29. Which of the following deals with the duty of defendant to produce documents upon which relief is claimed or relied upon by him in the Code of Civil Procedure?**

- A. Order 5, Rule 1
- B. Order 4, Rule 13
- C. Order 8, Rule 1A
- D. Order 10, Rule 22

**Ans: C**

**30. Ascertainment whether allegations in pleadings are admitted or denied is dealt under which of the following in the Code of Civil Procedure?**

- A. Order 10, Rule 1
- B. Order 4, Rule 13

- C. Order 6, Rule 10
- D. Order 11, Rule 22

**31. Which of the following deals with the effect of non- production of documents in the Code of Civil Procedure?**

- A. Order 16, Rule 2
- B. Order 13, Rule 2
- C. Order 6, Rule 10
- D. Order 16, Rule 22

**32. Which of the following deals with the power to require personal attendance of officer of corporation in the Code of Civil Procedure?**

- A. Order 12, Rule 1
- B. Order 10, Rule 9
- C. Order 29, Rule 3
- D. Order 17, Rule

**33. A, claiming to be the chela and heir of a deceased mohunt sues B for rent of certain lands forming part of the estate of the mohunt. C claims that he, and not A, is the chela and heir of the deceased and that he is entitled to the rent. C is thereupon jointed as a defendant to the suit. The issues raised are: Whether A or C is the chela and heir of the mohunt? Whether any and if so what rent is due from B? The Court finds that A is the chela and heir of the mohunt. It also finds Rs. 2,500 due by B for rent, and A's claim is decreed. Subsequently, C sues A for a declaration that he is the chela and heir of the mohunt and claims that as such he is entitled to the whole of the property left by the mohunt. A contends that the question, who is the chela and heir of the deceased, is res judicata.**

- A. Both the suits was for rent it will be decided against C
- B. The former suit was for rent, the entire question of the title to the property of the deceased was not directly and substantially in issue in that suit and it will be decided against C
- C. The former suit was for rent, the entire question of the title to the property of the deceased was directly and substantially in issue in that suit and it will be decided against C
- D. None of these decided against c

**34. In a suit, A mortgages certain property to B which was then in possession of X, and agrees of deliver possession thereof B after recovering possession thereof from X. Are covers possession of the property from X, but does not deliver possession thereof to B.B sues A for possession, and a decree for costs, B applies for attachment and sale of the mortgaged property. Is B entitled to the order applied for attachment and sale of the mortgaged property?**

- A. Yes, for the claim in respect of costs is not a 'claim arising under the mortgage' within the meaning of O. 34, r 14. It arises under the decree passed for costs
- B. No, for the claim in respect of costs is a 'claim arising under the mortgage' within the meaning of O. 34, r 14. It arises under the decree passed for costs
- C. No, for the claim in respect of costs is a 'claim arising under the mortgage' within the meaning of O. 34, r 14. It does not arise under the decree passed for costs
- D. No claim arising from mortgage

**35. Which of the following deals with summons to defendants in the Code of Civil Procedure?**

- A. Section 27
- B. Section 20
- C. Section 22
- D. Section 25

**36. Which of the following deals with partition of estate or separation of share in the Code of Civil Procedure?**

- A. Section 43
- B. Section 50
- C. Section 59
- D. Section 54

**37. Which of the following deals with definitions of "foreign State" and "Ruler" in the Code of Civil Procedure?**

- A. Section 90C
- B. Section 88B
- C. Section 92A
- D. Section 87A

**38. Which of the following deals with review in the Code of Civil Procedure?**

- A. Section 114
- B. Section 103
- C. Section 108
- D. Section 100

**39. Which of the following deals with postage in the Code of Civil Procedure?**

- A. Section 140
- B. Section 148
- C. Section 143
- D. Section 100

**40. Which of the following deals with objections as to mis joinder or misjoinder in the Code of Civil Procedure?**

- A. Order 6, Rule 1
- B. Order 2, Rule 2
- C. Order 1, Rule 13
- D. Order 4, Rule 8

**41. Which of the following deals with service of summons where defendant resides within jurisdictions of another Court in the Code of Civil Procedure?**

- A. Order 7, Rule 14
- B. Order 9, Rule 12
- C. Order 5, Rule 21
- D. Order 10, Rule 8

**42. Which of the following deals with evasivedenial in the Code of Civil Procedure?**

- A. Order 5, Rule 30
- B. Order 4, Rule 13
- C. Order 6, Rule 10
- D. Order 8, Rule 4

**43. A revision under section 115 shall not operate as a stay of suit or other proceeding before the court except where such suit or other proceeding is stayed by:**

- (a) the High Court
- (b) the Supreme Court
- (c) the Appellate Court
- (d) District and Sessions Court.

**44. The court can enlarge the time under section 148 of CPC for doing any act prescribed or allowed under the Code of Civil Procedure, not exceeding in total:**

- (a) 90 days
- (b) 60 days
- (c) 45 days
- (d) 30 days.

**45. A defendant under Order V, Rule 1(1) of CPC is required to appear, answer the claimant to file the written statement:**

- (a) within 60 days from the date of service of summons
- (b) within 45 days from the date of service of summons
- (c) within 30 days from the date of service of summons
- (d) within 90 days from the date of service of summons.



**46. In case of failure of filing the written statement within thirty days, the defendant can be allowed to file the same on such other day specified by the court for reasons recorded in writing:**

- (a) within 90 days from the date of service of summons
- (b) within 120 days from the date of service of summons
- (c) within 60 days from the date of service summons
- (d) within 45 days from the date of service summons.

**47. Summons to the defendant under Order V, Rule 9(1) of CPC, can be delivered for the purposes of serving the same on the defendant, to a courier services as:**

- (a) approved by the defendant
- (b) approved by the court
- (c) approved by the plaintiff
- (d) approved by registrar

**48. Under Order VI, Rule 17 at any stage of proceedings the court can allow to alter or amend pleadings to:**

- (a) either party
- (b) to plaintiff only
- (c) to defendant only
- (d) to only one defendant if there are more than one defendant

**Ans. (a)**

**49. The expenses for the service of summons to the defendant have to be borne, under Order V, Rule 9(3) of CPC, by:**

- (a) the plaintiff
- (b) the court
- (c) the defendant
- (d) partly by the plaintiff and partly by the defendant.

**50. If a document, which ought to be produced in the court along with the pleadings, is not produced, under Order VII, Rule 14(3) of CPC, at the hearing of the suit:**

- (a) the same shall not be received in evidence on behalf of the plaintiff
- (b) the same shall not be received in evidence on behalf of the defendant
- (c) the same shall not be received in evidence on behalf of either party
- (d) the same shall not be received in evidence on behalf of a third party

**51. The provisions of Order VIII, Rule 1 of CPC are:**

- (a) directory being procedural
- (b) mandatory though procedural
- (c) optional under all circumstances
- (d) discretionary under all circumstances.

**52. The time schedule contained in Order VIII, Rule 1 of CPC is to be:**

- (a) followed as a rule and departure there from shall also be a rule
- (b) followed as a rule and departure there from would be an exception
- (c) followed as a rule and there is no scope for any departure there from
- (d) followed as an absolute rule as it imposes an embargo on the power of the court to extend the time.

**53. A prayer for extension of time beyond the period of 90 days prescribed under Order VIII, Rule 1 of CPC for filing the written statement is to be:**

- (a) granted just as a matter of routine
- (b) granted ordinarily
- (c) granted on sufficient cause being shown by the defendant
- (d) granted only for exceptional circumstance occasioned by reasons beyond the control of the defendant.

**54. The rule of rateable distribution of the proceeds of execution sale amongst decree holders is contained in:**

- (a) section 73 of CPC
- (b) section 74 of CPC
- (c) section 75 of CPC
- (d) section 76 of CPC.

**55. Supreme Court in case of Union of India v. Somasundaram Mills (P) Ltd. held that under section 73 of CPC, the debts due to the State:**

- (a) stand on equal footing with all other debts
- (b) are to be paid only after payment of all other debts
- (c) are entitled to priority over all other debts
- (d) are not entitled to priority over all other debts

**56. Under Order VII, Rule 11 of CPC:**

- (a) part only of the plaint can be rejected
- (b) whole of the plaint is to be rejected
- (c) part only of the plaint or the whole plaint can be rejected
- (d) it is the discretion of the court to reject the plaint in part.

**57. In case the suit has been instituted in a court having no jurisdiction, territorial or pecuniary, the plaint is liable to be:**

- (a) returned
- (b) rejected
- (c) may be returned or may be rejected
- (d) dismissed

**58. On rejection of a suit under Order VII, Rule 11 of CPC, a fresh suit on the same cause of action under Order VII, Rule 13 of CPC:**

- (a) is barred under all circumstances
- (b) is not barred at all
- (c) can be filed with the leave of the court
- (d) can amend

**59. Multifariousness in a suit results due to:**

- (a) misjoinder of parties
- (b) misjoinder of cause of action
- (c) misjoinder of parties and misjoinder of cause of action
- (d) either misjoinder of parties or misjoinder of cause of action.

**60. Where a person who is a necessary party to the suit has not been joined as a party to the suit; it is a case of:**

- (a) non-joinder
- (b) mis-joinder
- (c) rejoinder
- (d) de joinder

**61. On account of mis-joinder or non-joinder of parties, under Order I, Rule 9 of CPC, the suit is:**

- (a) liable to be dismissed
- (b) cannot be dismissed
- (c) may be dismissed or may not be dismissed as per the discretion of the court
- (d) rejection for joinder of wrong party

**62. Objection as to the non-joinder or mis-joinder of parties under Order I, Rule 13 of CPC:**

- (a) can be taken at any stage of the proceedings
- (b) can be taken at the earliest possible opportunity
- (c) can be taken in appeal or revision for the first time
- (d) cannot take any time .

**63. A suit is bad for non-joinder of a necessary party, as provided:**

- (a) under Order I, Rule 10 of CPC
- (b) under Order I, Rule 9 of CPC
- (c) under Order I, Rule 10A of CPC
- (d) under Order I, Rule 11 of CPC.

**64. A suit in representative capacity can be filed by virtue of:**

- (a) under Order I, Rule 8 of CPC
- (b) under Order I, Rule 9 of CPC
- (c) under Order I, Rule 8A of CPC
- (d) under Order I, Rule 10A of CPC.

**65. A person can be made a party in the suit either as a plaintiff or a defendant:**

- (a) under Order I, Rule 8A of CPC
- (b) under Order I, Rule 10 of CPC
- (c) under Order X, Rule 1 of CPC
- (d) under Order X, Rule 8 of CPC.

**66. The word 'acts' in Order III, Rules 1 & 2 of CPC:**

- (a) is confined only in respect of acts done by the power-of-attorney holder in exercise of power granted by the instrument and would not included deposing in place and instead of the principal
- (b) is not confined only in respect of acts done by the power-of-attorney holder in exercise of the power granted by the instrument and includes deposing in place and instead of the principal
- (c) is not confined only in respect of acts done by the power-of-attorney holder in exercise of the power granted by the instrument but includes appearances a witness on behalf of the party in the capacity of that party
- (d) is confined only to deposing in place and instead of the principal.

**67. Court can direct the parties to opt for any one mode of alternative dispute resolution under:**

- (a) Order X, Rule 1A of CPC
- (b) Order X, Rule IB of CPC
- (c) Order XI, Rule 1 of CPC
- (d) Order XI, Rule 2 of CPC

**68. Letter of Request is a**

- (a) Lieu of issuing a commission the court may issue a letter of request to examine a witness residing at any not within India
- (b) Lieu of issuing a commission the court may issue a letter of request to examine a witness residing in India
- (c) Lieu of issuing a commission the court may issue a letter of request to not examine a witness
- (d) Lieu of issuing a commission the court may issue a letter of request to examine a plaintiff

**69. Commission is a**

- a) Is a advocate to inspect property
- b) An officer of the court to either record or decide the issue
- c) An officer of the court to either record or inspect property to make partition

d) A private officer he can collect record or inspect property

**70.An Order Means**

- a) The formal expression of any decision of Criminal Court
- b) The formal expression of any decision of Civil Court which is not a decree
- c) The formal expression of any decision of Civil Court that is a proper decree
- d) The informal expression of any decision of Criminal Court

**ANSWER KEY :-**

1.	A
2.	C
3.	D
4.	D
5.	C
6.	B
7.	D
8.	C
9.	B
10.	D
11.	C
12.	A
13	B
14	D
15	A
16	A
17	D
18	C
19	A
20	D

21	C
22	A
23	C
24	D
25	D
26	B
27	B
28	A
29	C
30	A
31	B
32	C
33	C
34	A
35	A
36	D
37	D
38	A
39	C
40	C
41	C
42	D
43	A
44	D
45	C
46	A
47	B
48	A
49	A
50	A
51	A
52	B
53	D
54	A
55	C
56	B
57	A
58	B
59	C
60	A
61	B
62	B
63	B
64	A
65	B
66	A

67	A
68	A
69	C
70	B











- b. 9, 12
- c. 6, 10
- d. 10, 8

29. Uponby

- a. 5, 1
- b. 4, 13
- c. 8, 1A
- d. 10, 22

30. ?

- a. 10, 1
- b. 4, 13
- c. 6, 10
- d. 11, 22

31. ?

- a) 16, 2
- b) 13, 2
- c) 6, 10
- d) 16, 22

32. ?

- a. 12, 1
- b. 10, 9
- c. 29, 3
- d. 17,

33. **adeclaration ofthe**  
**bythe**

- a.
- b.

- c.  $\frac{1}{2}$  of the total number of employees are women, and 30% of the total number of employees are men. What percentage of the total number of employees are neither men nor women?
- d.  $\frac{1}{2}$  of the total number of employees are women, and 30% of the total number of employees are men. What percentage of the total number of employees are neither men nor women?

34. A certain store has a total of 100 items. Of these items, 40 are shirts, 30 are pants, and 20 are jackets. The remaining items are hats. What percentage of the total number of items are hats?
- a. 10% of the total number of items are hats.
- b. 15% of the total number of items are hats.
- c. 20% of the total number of items are hats.
- d. 25% of the total number of items are hats.

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- c. 20% of the total number of items are hats.
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39.  $\frac{1}{2} + \frac{1}{3} + \frac{1}{4} + \frac{1}{5} + \frac{1}{6} + \frac{1}{7} + \frac{1}{8} + \frac{1}{9} + \frac{1}{10} + \frac{1}{11} + \frac{1}{12} + \frac{1}{13} + \frac{1}{14} + \frac{1}{15} + \frac{1}{16} + \frac{1}{17} + \frac{1}{18} + \frac{1}{19} + \frac{1}{20}$   
 is equal to  $\frac{p}{q}$ , where  $p$  and  $q$  are coprime integers. What is the value of  $p$ ?

a. 140  
 b. 148  
 c. 143  
 d. 100

40. A sequence of numbers is defined by  $a_1 = 1$  and  $a_n = a_{n-1} + \frac{1}{a_{n-1}}$  for  $n \geq 2$ . What is the value of  $a_{100}$ ?

a. 6, 1  
 b. 2, 2  
 c. 1, 13  
 d. 4, 8

41. A sequence of numbers is defined by  $a_1 = 1$  and  $a_n = a_{n-1} + \frac{1}{a_{n-1}}$  for  $n \geq 2$ . What is the value of  $a_{100}$ ?

a. 7, 14  
 b. 9, 12  
 c. 5, 21  
 d. 10, 8

42. A sequence of numbers is defined by  $a_1 = 1$  and  $a_n = a_{n-1} + \frac{1}{a_{n-1}}$  for  $n \geq 2$ . What is the value of  $a_{100}$ ?

a. 5, 30  
 b. 4, 13  
 c. 6, 10  
 d. Order 8, 4

43. A sequence of numbers is defined by  $a_1 = 115$  and  $a_n = a_{n-1} + \frac{1}{a_{n-1}}$  for  $n \geq 2$ . What is the value of  $a_{100}$ ?

a. 115, 115  
 b. 115, 115  
 c. 115, 115  
 d. 115, 115

44. A sequence of numbers is defined by  $a_1 = 148$  and  $a_n = a_{n-1} + \frac{1}{a_{n-1}}$  for  $n \geq 2$ . What is the value of  $a_{100}$ ?

a. 90  
 b. 60  
 c. 45  
 d. 30

45. A sequence of numbers is defined by  $a_1 = V$ ,  $a_2 = 1$  and  $a_n = a_{n-1} + \frac{1}{a_{n-1}}$  for  $n \geq 3$ . What is the value of  $a_{100}$ ?

a. 60  
 b. 45  
 c. 30  
 d. 90

46. A sequence of numbers is defined by  $a_1 = 90$  and  $a_n = a_{n-1} + \frac{1}{a_{n-1}}$  for  $n \geq 2$ . What is the value of  $a_{100}$ ?

a. 90











1	<b>D</b>
2	D
3	C
4	B
5	D
6	C
7	B
8	D
9	C
10	A
12	B
13	D
14	A
15	A
16	D
17	C
18	A
19	D
20	C
21	A
22	C
23	D
24	D
25	B
26	B
27	A
28	C
29	A
30	B
31	C
32	C
33	A
34	A
35	D
36	D
37	A
38	C
39	C
40	C
41	D
42	A
43	D
44	C

45	A
46	B
47	A
48	A
49	A
50	A
52	B
53	D
54	A
55	C
56	B
57	A
58	B
59	C
60	A
61	B
62	B
63	B
64	A
65	B
66	A
67	A
68	A
69	C
70	B