Law Graduate Assessment Test (Law GAT) — 2023 · Solved Past Paper

Body: Higher Education Commission (HEC) · **Post:** Law Graduate Assessment Test (Law GAT) · **Year:** 2023 · **Questions:** 100 in the original paper — **49 solved and verified**, 51 unrecoverable (Q50, Q51, Q52, Q53, Q54, Q55, Q56, Q57, Q58, Q59, Q60, Q61, Q62, Q63, Q64, Q65, Q66, Q67, Q68, Q69, Q70, Q71, Q72, Q73, Q74, Q75, Q76, Q77, Q78, Q79, Q80, Q81, Q82, Q83, Q84, Q85, Q86, Q87, Q88, Q89, Q90, Q91, Q92, Q93, Q94, Q95, Q96, Q97, Q98, Q99, Q100) · **Price:** Free

> **How to use this paper:** each question shows the stem, the four options, and the correct answer. Click “Why each option?” under a question to see all four options explained — one question teaches four topics. General Knowledge answers are as of the 2023 sitting.

Source note: Legalversity reproduction, 'LAW GAT Past Paper 19 February 2023' (accessed 9 Nov 2026): Q1–Q49 in ONE continuous numbering, in subject sections (Constitution Q1–Q20, Jurisprudence Q21–Q30, Civil Procedure Code Q31–Q49), each with four options and a marked (bold) key; the page ends with the note 'the rest of the questions will be updated soon' (never updated — page last updated 8 Mar 2023). Q50–Q100 (the PPC, CrPC, QSO, Bar Council Rules and English sections) unrecovered — no second fetchable reproduction found. RECONSTRUCTION CAVEAT: this reproduction is a candidate-recall reconstruction of the 19 February 2023 Law GAT, not an official HEC paper; option order and option letters are the reproduction's and may differ from the original booklet. No option letter in this file is asserted to be the original booklet's letter.

Question 1 Constitution

As per Article 1(1) of the Constitution of Pakistan 1973, Pakistan shall be a ___ to be known as the Islamic Republic of Pakistan.

federation

- B. federal republic ✓ **Correct answer**
- C. federation
- D. state

A. WRONG: a confederation is a loose union of sovereign states; Article 1(1) does not use that word.

B. CORRECT: Article 1(1) reads "Pakistan shall be a Federal Republic to be known as the Islamic Republic of Pakistan".

C. WRONG: close, but the Article's exact words are "Federal Republic", not "federation" alone.

D. WRONG: too vague; the Article names the precise form, "Federal Republic".

Question 2 Constitution (Case Law)

In the case of Khan Asfandyar Wali and others vs. the Federal of Pakistan (PLD 2001 S.C 607), the presiding officer of the bench was ____.

- A. Justice Irshad Hassan Khan ✓ **Correct answer**
- B. Justice Naseem Hassan shah
- C. Justice Iftikhar Chaudhary
- D. Justice Muhammad Munir

A. CORRECT: the judgment header names "Mr. Justice Irshad Hasan Khan, C.J." first, and he authored the unanimous judgment; the press release records the Full Bench as headed by him as Chief Justice.

B. WRONG: he was a former Chief Justice (1987–1993), not on this 2001 bench.

C. WRONG: he joined the Supreme Court later and was not on this bench.

D. WRONG: Chief Justice in the 1950s (Dosso era), decades before this case.

3 Constitution

As per Article 201 of the constitution of Pakistan 1973, Subject to Article 189, any decision of a ___ shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all courts subordinate to it.

- A. Cheif Court
- B. Federal Shariat Court
- C. High Court ✓ **Correct answer**
- D. Supreme Court

A. WRONG: misprint for "Chief Court"; no such court is named in Article 201.

B. WRONG: Article 201 names the High Court, not the Federal Shariat Court (whose decisions are governed by Article 203-G).

C. CORRECT: Article 201 provides that, subject to Article 189, any decision of a High Court deciding a question of law is binding on all courts subordinate to it.

D. WRONG: Supreme Court decisions bind all courts under Article 189, not Article 201.

Question 4 International Law (UN Charter)

As per Article 17(1) of the United Nations charter, the ___ shall consider and approve the budget of the organization.

- A. Economic and Social Council
- B. Finance and Audit Council
- C. General Assembly ✓ **Correct answer**
- D. Security Council

A. WRONG: ECOSOC coordinates economic and social work; it does not approve the UN budget.

B. WRONG: no such UN organ exists.

Article 17(1) of the Charter provides "The General Assembly shall consider and approve the budget of the Organization".

D. WRONG: the Security Council deals with peace and security, not the budget.

Question 5 Constitution

As per Article 203c(2) of the constitution of Pakistan 1973, the Federal Shariat Court shall consist of not more than ___ to be appointed by the President in accordance with Article 175A.

- A. Five Muslim Judges including Chief Justice
- B. Sevel Muslim Judges including Chief Justice
- C. Eight Muslim Judges Including Chief Justice ✓ **Correct answer**
- D. Eight Muslim Judges excluding the chief justice

A. WRONG: too few; the Article allows up to eight.

B. WRONG: "Sevel" is a misprint for "Seven", and the number is eight, not seven.

C. CORRECT: Article 203-C(2) provides the Court "shall consist of not more than eight Muslim Judges, including the Chief Justice".

D. WRONG: the eight INCLUDES the Chief Justice, so excluding him would make nine.

Question 6 International Law (ICJ Statute)

As per article 33 of Status of the International Court of Justice, the expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the ___.

- A. Economic and Social Council
- B. Finance and Audit Council
- C. General Assembly ✓ **Correct answer**
- D. Security Council

A. WRONG: ECOSOC has no role in fixing how the Court's expenses are borne.

no such UN organ exists.

C. CORRECT: Article 33 of the ICJ Statute provides the expenses "shall be borne by the United Nations in such manner as shall be decided by the General Assembly".

D. WRONG: the Security Council does not decide the Court's funding.

Question 7 Constitution

As per article 59(c) of the constitution of Pakistan 1973, the senate shall consist of how many general seats of Federal Capital?

- A. Two ✓ **Correct answer**
- B. Three
- C. Four
- D. Six

A. CORRECT: under Article 59 the Federal Capital (Islamabad) returns two general seats to the Senate (plus one technologist and one woman, making four in total).

B. WRONG: three is not the number of general seats for the Federal Capital.

C. WRONG: four is the TOTAL number of Senate seats from the Federal Capital (2 general + 1 technologist + 1 woman), not the general seats alone.

D. WRONG: no province or territory has six general Senate seats under this head.

Question 8 Constitution

As per Article 19-A of the constitution of Pakistan 1973, every citizen shall have the right to have ___ in all matters of public importance subject to regulation and reasonable restrictions imposed by law.

- A. access to information ✓ **Correct answer**
- B. contribution
- C. involvement

A. CORRECT: Article 19-A provides "Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law".

B. WRONG: the Article does not speak of a right to contribution.

C. WRONG: "involvement" is not the Article's word.

D. WRONG: participation in public affairs is a different idea; Article 19-A names access to information.

Question 9 International Law (UN Charter)

As per article 33(2) of the United Nations Charter, ___ shall, when it deems necessary, call upon the parties to settle their disputes by such means.

- A. General Assembly
- B. The International Court of Arbitration
- C. The International Court of Justice
- D. The Security Council ✓ **Correct answer**

A. WRONG: Article 33(2) gives this power to the Security Council, not the General Assembly.

B. WRONG: no such body is named in Article 33; the Permanent Court of Arbitration is a different institution.

C. WRONG: the ICJ settles disputes judicially; Article 33(2) is about the Council calling on parties to settle.

D. CORRECT: Article 33(2) reads "The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means".

10 Constitution

As per Article 207(3)(a) of the constitution of Pakistan 1973, a person who has held office as a permanent judge of the Supreme court ___ or acts in any court or before any authority in Pakistan.

- A. may not plead
- B. may plead
- C. shall not plead ✓ **Correct answer**
- D. shall plead

A. WRONG: "may not" suggests permission withheld, but the Article's mandatory wording is "shall not plead".

B. WRONG: the opposite of the Article, which forbids a retired Supreme Court judge from pleading.

C. CORRECT: Article 207(3)(a) provides a person who has held office as a permanent Judge of the Supreme Court "shall not plead or act in any Court or before any authority in Pakistan".

D. WRONG: the Article forbids pleading; it does not require it.

Question 11 Constitution (Case Law)

The case of Muhammad Nawaz Sharif vs. President of Pakistan (PLD 1993 S.C 473) was filed against the dissolution of the National Assembly under article ___ of the constitution of Pakistan 1973.

- A. 55(2)B
- B. 56(2)B
- C. 57(2)B
- D. 58(2)B ✓ **Correct answer**

A. WRONG: Article 55 deals with voting in the Assembly, not dissolution.

Article 56 deals with the President's address and messages, not dissolution.

C. WRONG: Article 57 deals with the right to speak in the Assembly, not dissolution.

D. CORRECT: President Ghulam Ishaq Khan dissolved the National Assembly under Article 58(2)(b) in April 1993, and Nawaz Sharif challenged that dissolution in PLD 1993 SC 473.

Question 12 Constitution

As per article 33 of the constitution of Pakistan 1973, the State shall discourage ___ tribal, sectarian, and provincial prejudices among the citizens.

- A. ethnic
- B. parochial
- C. racial
- D. Both B and C ✓ **Correct answer**

A. WRONG: "ethnic" is not among the prejudices Article 33 lists.

B. WRONG on its own: "parochial" is one of the missing words, but the Article lists two words before "tribal".

C. WRONG on its own: "racial" is the other missing word, but it is not the whole answer.

D. CORRECT: Article 33 reads "The State shall discourage parochial, racial, tribal, sectarian and provincial prejudices among the citizens", so the blank is filled by "parochial, racial" — both B and C.

Question 13 Constitution

As per article 204(1) of the constitution of Pakistan 1973, regarding contempt of Court, the "Court" means the ___.

- A. Any Court of Pakistan
- B. High court or a District Court
- C. High Court or a Session Court

reme Court or a High Court ✓ **Correct answer**

A. WRONG: Article 204 confines contempt power to the superior courts, not every court.

B. WRONG: a District Court has no contempt power under Article 204.

C. WRONG: a Sessions Court is not included.

D. CORRECT: Article 204(1) provides that in the Article, "Court" means the Supreme Court or a High Court.

Question 14 Constitution (Case Law)

In Moulvi Tamez Uddin Vs. Governor General of Pakistan (PLD 1955 F.C 240) case, the writ petition was filed under the nature of ____.

- A. Habeous Corpus
- B. Mandamus
- C. Quo Warranto
- D. Both B and C ✓ **Correct answer**

A. WRONG: the petition was not for release from detention, so habeas corpus does not fit.

B. WRONG on its own: mandamus was one of the two writs sought, but not the only one.

C. WRONG on its own: quo warranto was also sought, but not alone.

D. CORRECT: in Tamizuddin Khan's case the writ petition was filed in the nature of mandamus and quo warranto (challenging the Governor-General's assent and the office held under the dissolution).

Question 15 International Law (UN Charter)

As per article 1 of the United Nations Charter, all of the following are the purposes of the United Nations EXCEPT:

- A. develop friendly relations among the states

ntain international peace and security

- C. participate in the main events of the states ✓ **Correct answer**
- D. to be the center for harmonizing the actions of nations in the attainment of these common ends

A. WRONG as the exception: developing friendly relations based on equal rights and self-determination IS a stated purpose (Article 1(2)).

B. WRONG as the exception: this IS the first stated purpose (Article 1(1)).

C. CORRECT as the exception: nothing in Article 1 lists participating in states' main events as a UN purpose.

D. WRONG as the exception: this IS a stated purpose (Article 1(4)).

Question 16 Constitution (Case Law)

In Miss Asma Jilani Vs. Government of Pakistan (PLD 1972 S.C 139) case, challenged detention under Marshal Law regulation number ___ of 1971.

- A. 75
- B. 76
- C. 77
- D. 78 ✓ **Correct answer**

A. WRONG: Martial Law Regulation 75 of 1971 is not the regulation under which Asma Jilani's father's detention was challenged.

B. WRONG: not the regulation in this case.

C. WRONG: not the regulation in this case.

D. CORRECT: Asma Jilani challenged the detention of her father, Ghulam Jilani, under Martial Law Regulation No. 78 of 1971.

17 Constitution (Case Law)

In The State vs. Dosso and Other (PLD 1958 S.C 533) the decision was given regarding ___.

- A. Code of Criminal Procedure 1898
- B. Constitution of Pakistan, 1956
- C. Frontier Crime Regulation, 1901 ✓ **Correct answer**
- D. Government of India Act, 1935

A. WRONG: Dosso was not decided on the CrPC.

B. WRONG: although the 1956 Constitution's abrogation was the background, the convictions at issue had been recorded under the Frontier Crimes Regulation, and the case is listed in the standard Law GAT pool under that head.

C. CORRECT: Dosso and another had been convicted by a Loya Jirga under the Frontier Crimes Regulation, 1901, and the Supreme Court's decision turned on proceedings under that Regulation. *Note:* the stem is loosely worded — the case is equally famous for upholding the 1958 abrogation — but among the four options the Regulation is the subject-matter of the convictions decided.

D. WRONG: the 1935 Act was not the instrument under which the decision was given.

Question 18 Constitution

Article 12 of the Constitution of Pakistan 1973, deals with the protection against ___.

- A. double jeopardy
- B. retrospective punishment ✓ **Correct answer**
- C. self-incrimination
- D. slavery, forced labor, etc.

A. WRONG: protection against double jeopardy is Article 13(a), not Article 12.

B. CORRECT: Article 12(1) provides no law shall authorise the punishment of a person for

ission that was not punishable by law when it was done — protection against retrospective punishment.

C. WRONG: protection against self-incrimination is Article 13(b).

D. WRONG: that is Article 11, not Article 12.

Question 19 International Law (ICJ Statute)

As per Article 8 of the Statute of the International Court of Justice, the General Assembly and the Security Council shall proceed ___ to elect the members of the Court.

- A. in collaboration with each other
- B. in a joint sitting
- C. independently of one another ✓ **Correct answer**
- D. with mutual consensus

A. WRONG: the Statute does not say the two organs collaborate in the election.

B. WRONG: the General Assembly and Security Council do not sit jointly to elect judges.

C. CORRECT: Article 8 of the ICJ Statute provides "The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court".

D. WRONG: no consensus requirement is stated in Article 8.

Question 20 Constitution

As per article 63-A(6) of the constitution of Pakistan 1973, the defection clauses shall not apply to the ___.

- A. Chairman or Speaker of a House ✓ **Correct answer**
- B. President and Governor
- C. Prime Minister and Cheif Minister
- D. Both A and B

Article 63-A(6) provides the defection provisions "shall not apply to the Chairman or Speaker of a House".

B. WRONG: the President and Governors are not mentioned in Article 63-A(6).

C. WRONG: the Prime Minister and Chief Ministers are not exempted by Article 63-A(6).

D. WRONG: only A is exempted; B is not.

Question 21 Jurisprudence (Islamic)

As per Islamic jurisprudence by Imran Ahsan Khan Nyazee, the following are the qualification of Mujtahid, EXCEPT:

- A. Aptitude for ijtihad
- B. Knowledge of Al-Kitab
- C. Knowledge of ijma
- D. Knowledge of Latin ✓ **Correct answer**

A. WRONG as the exception: aptitude for ijtihad IS a stated qualification of a mujtahid in Nyazee.

B. WRONG as the exception: knowledge of the Qur'an (Al-Kitab) IS a stated qualification.

C. WRONG as the exception: knowledge of ijma IS a stated qualification.

D. CORRECT as the exception: Latin has no place among the qualifications of a mujtahid (which concern Arabic, the Qur'an, the Sunnah, ijma, qiyas and related sciences).

Question 22 Jurisprudence (Islamic)

As per Islamic Jurisprudence by Imran Ahsan Khan Nyazee, ___ is the ability or fitness to acquire rights and exercise them and to accept duties and perform them.

- A. Ahliyyah ✓ **Correct answer**
- B. Aql

- D. Dhimmah

A. CORRECT: in Nyazee, ahliyyah (legal capacity) is defined as the ability or fitness to acquire rights and exercise them and to accept duties and perform them.

B. WRONG: aql is intellect/reason, an element underlying capacity, not the definition itself.

C. WRONG: bulugh (balogha) is puberty/majority, a stage affecting capacity, not the definition of capacity.

D. WRONG: dhimmah is the receptacle of capacity (the legal personality that holds rights and duties), not the ability itself.

Question 23 Jurisprudence (Salmond)

As per Jurisprudence by Sir John Salmond, literally interpreted, "jus in rem" means a right against or in respect of a ___.

- A. Association
- B. corporate body
- C. person
- D. thing ✓ **Correct answer**

A. WRONG: jus in rem is not defined against an association.

B. WRONG: a corporate body is a person in law, not the object of jus in rem.

C. WRONG: a right against a determinate person is jus in personam, the opposite of jus in rem.

D. CORRECT: Salmond explains jus in rem, literally, as a right against or in respect of a thing (available against the world at large).

24 Jurisprudence (Islamic)

As per Islamic Jurisprudence by Imran Ahsan Khan Nyazee, which one of the following terms is used for insanity?

- A. Junun ✓ **Correct answer**
- B. Riqq
- C. Sibyan
- D. Sighar

A. CORRECT: in Nyazee's Islamic Jurisprudence, junun is the term for insanity (a cause affecting legal capacity).

B. WRONG: riqq is slavery, not insanity.

C. WRONG: sibyan relates to childhood/minority, not insanity.

D. WRONG: sighar is minority/infancy (sighar/sibyan), not insanity.

Question 25 Jurisprudence (Islamic)

As per Islamic Jurisprudence by Imran Ahsan Khan Nyazee, the real distinction between Shariah and Fiqh however is that Shariah is the law itself, while Fiqh is ___.

- A. implementation of that law
- B. knowledge of that law ✓ **Correct answer**
- C. science of law
- D. translation of law

A. WRONG: fiqh is not the implementation/enforcement of the law.

B. CORRECT: Nyazee states the real distinction is that Shariah is the law itself, while fiqh is the knowledge of that law.

C. WRONG: "science of law" is the wide sense of jurisprudence, not Nyazee's Shariah/Fiqh distinction.

iqh is not a translation of the Shariah.

Question 26 Jurisprudence (Salmond)

As per Jurisprudence by Sir John Salmond, in the widest of its application the term Jurisprudence means the ___ of law.

- A. approach
- B. scheme
- C. science ✓ **Correct answer**
- D. system

A. WRONG: Salmond does not define jurisprudence as an "approach" to law.

B. WRONG: "scheme" is not Salmond's word here.

C. CORRECT: Salmond defines jurisprudence in its widest sense as the science of law.

D. WRONG: a system of law is the object studied, not Salmond's definition of jurisprudence.

Question 27 Jurisprudence (Salmond)

As per Jurisprudence by Sir John Salmond, may be divided into two kinds, distinguished by the civilians as *"jura in re propria"* and *"jura in re aliena"*.

- A. Right of way
- B. right of usufruct
- C. Rights ownership and encumbrances ✓ **Correct answer**
- D. Rights to information

A. WRONG: a right of way is only one kind of encumbrance, not the pair the civilians divide.

B. WRONG: usufruct is only one kind of encumbrance, not the pair.

in Salmond, ownership may extend to rights in re propria (over one's own thing — ownership) and in re aliena (over another's thing — encumbrances); the two kinds are ownership and encumbrances. *Note:* the stem as printed omits the subject noun ("[Ownership] may be divided…") — the subject is recovered from Salmond's text, not invented.

D. WRONG: no such pair exists in Salmond's classification.

Question 28 Jurisprudence (Salmond)

As per jurisprudence by Sir John Salmond, the law of Torts is the law of Civil injuries other than breaches of ___.

- A. contract ✓ **Correct answer**
- B. criminal law
- C. natural law
- D. solemn oath

A. CORRECT: Salmond defines the law of torts as the law of civil injuries other than breaches of contract.

B. WRONG: tort is civil law, but the definition contrasts it with contract, not with criminal law.

C. WRONG: natural law is not the contrast in Salmond's definition.

D. WRONG: no such contrast exists in the definition.

Question 29 Jurisprudence (Islamic)

As per Islamic Jurisprudence by Imran Ahsan Khan Nyazee, which one of the following sources of law was rejected by the Zahiri school and the Jafari school?

- A. Ijma
- B. Qawl-al-Sahabi

as ✓ **Correct answer**

- D. Urf

A. WRONG: the Zahiris accept ijma (of the Companions, in their doctrine) and the Jafaris accept ijma; neither school is defined by rejecting it.

B. WRONG: the saying of a Companion is not the source both schools are noted for rejecting.

C. CORRECT: in Nyazee, qiyas (analogical reasoning) is the source rejected by the Zahiri school and also rejected by the Jafari (Shi'i) school.

D. WRONG: urf (custom) is not the source whose rejection defines these two schools.

Question 30 Jurisprudence (Salmond)

The Law is the body of principles recognized and applied by the state in the administration of justice as defined by ___.

- A. Sir Jeremy Bentham
- B. Sir John Austin
- C. Sir John Salmond ✓ **Correct answer**
- D. Sir Thomas Hobbes

A. WRONG: Bentham defined law differently (as an assemblage of signs declarative of a volition conceived by a sovereign); this wording is Salmond's.

B. WRONG: Austin defined law as the command of the sovereign, not in these words.

C. CORRECT: "Law is the body of principles recognised and applied by the State in the administration of justice" is Salmond's definition.

D. WRONG: Hobbes defined law as the command of the sovereign power, not in these words.

31 Civil Procedure Code

Under Section 47(1) of the Code of Civil Procedure 1908, all questions arising between the parties to the suit in which the decree was passed, or their representatives, and relating to the execution, discharge, or satisfaction of the decree, shall be determined by the ___ and not by a separate suit.

- A. appellate court
- B. court executing the decree ✓ **Correct answer**
- C. court originally issued the decree
- D. higher court

A. WRONG: execution questions are not determined by the appellate court under section 47(1).

B. CORRECT: section 47(1) provides all such questions "shall be determined by the Court executing the decree and not by a separate suit". *Defect noted:* the source prints "court executing the decre" (truncated).

C. WRONG: the section names the executing court, which may or may not be the court that passed the decree.

D. WRONG: no "higher court" is named in the section.

Question 32 Civil Procedure Code

As per illustration (c) of Order VIII, rule 6 of the Code of Civil Procedure 1908, A sues B on a bill of exchange. B alleges that A has wrongfully neglected to ensure B's goods and is liable to him in compensation which he claims to set off. the amount not being ascertained.

- A. can be set-off
- B. cannot be set-off ✓ **Correct answer**
- C. partially set-off
- D. shall be set-off

Order VIII Rule 6 allows set-off only for an ascertained sum of money legally recoverable; this claim is unascertained.

B. CORRECT: illustration (c) to Order VIII Rule 6 states the unascertained compensation claimed by B "cannot be set-off" (the amount not being ascertained).

C. WRONG: the illustration gives no partial set-off; an unascertained sum cannot be set off at all.

D. WRONG: the opposite of the illustration's answer.

Question 33 Civil Procedure Code

As per section 2(8) of the Code of Civil Procedure 1908, "Judge" means presiding officer of ____.

- A. any court
- B. the bench of magistrates
- C. the civil court ✓ **Correct answer**
- D. the criminal court

A. WRONG: the definition is confined to a civil court, not any court.

B. WRONG: a bench of magistrates is a criminal forum, not the section 2(8) definition.

C. CORRECT: section 2(8) defines "Judge" as "the presiding officer of a Civil Court".

D. WRONG: the definition is expressly of a civil court.

Question 34 Civil Procedure Code

As per Sectio 3 of the Code of Civil Procedure 1908, for the purposes of the Code, the District Court is subordinate to the High Court, and every civil court of a grade inferior to that of a District Court and every Court of Small Causes is subordinate to the ___ and District court.

- B. High Court ✓ **Correct answer**
- C. Session Court
- D. Supreme Court

A. WRONG: the Federal Shariat Court is not in the section 3 hierarchy of civil courts.

B. CORRECT: section 3 provides every civil court inferior to a District Court and every Court of Small Causes is subordinate "to the High Court and District Court".

C. WRONG: a Sessions Court is a criminal court, not in the civil hierarchy of section 3.

D. WRONG: the section names the High Court, not the Supreme Court.

Question 35 Civil Procedure Code

As per provision of Section 115(4) of the Code of Civil Procedure 1908, no proceedings in revision shall be entertained by the High Court against an order made under subsection (2) by the ____.

- A. Appellate Court
- B. District Court ✓ **Correct answer**
- C. High Court
- D. Supreme Court

A. WRONG: section 115(4) names the District Court, not an appellate court generally.

B. CORRECT: section 115(4) provides no revision shall be entertained by the High Court against an order made under sub-section (2) "by the District Court".

C. WRONG: the High Court is the forum entertaining revision, not the court whose order is protected.

D. WRONG: the Supreme Court is not named in section 115(4).

36 Civil Procedure Code

As per Section 15 of the Code of Civil Procedure 1908, every suit shall be instituted in the court of the ____ competent to try it.

- A. District Judge
- B. Lowest Grade ✓ **Correct answer**
- C. Magistrate
- D. Middle grade

A. WRONG: section 15 does not name the District Judge; it names the court of the lowest grade.

B. CORRECT: section 15 provides "Every suit shall be instituted in the Court of the lowest grade competent to try it".

C. WRONG: a Magistrate is a criminal forum, not the civil court of section 15.

D. WRONG: the section says "lowest grade", not middle grade.

Question 37 Civil Procedure Code

Under Section 75 of the Code of Civil Procedure 1908, subject to such conditions and limitations as may be prescribed, the court may issue a commission for the following EXCEPT:

- A. to adjust accounts
- B. to make a local investigation
- C. to examine any person
- D. to execute the conviction ✓ **Correct answer**

A. WRONG as the exception: issuing a commission to adjust accounts IS a section 75 purpose.

B. WRONG as the exception: a commission for local investigation IS a section 75 purpose.

s the exception: a commission to examine a person IS a section 75 purpose.

D. CORRECT as the exception: section 75 lists commissions to examine persons, make local investigations, examine/adjust accounts and make partitions — "to execute the conviction" is not among them (and a conviction is a criminal matter, outside the CPC).

Question 38 Civil Procedure Code

According to illustration (b) of Section 19 of the Code of Civil Procedure 1908, A, residing in Karachi, published in Quetta statements defamatory of B. B may sue A ____.

- A. Anywhere in Pakistan
- B. either in Quetta or in Karachi ✓ **Correct answer**
- C. only in Karachi
- D. only in Quetta

A. WRONG: jurisdiction lies where the wrong was done or the defendant resides/carries on business, not anywhere.

B. CORRECT: illustration (b) to section 19 states B may sue A either in Quetta (where the defamatory statements were published) or in Karachi (where A resides).

C. WRONG: Quetta is also available, since the wrong was committed there.

D. WRONG: Karachi is also available, since A resides there.

Question 39 Civil Procedure Code

As per Sections 10 and 11 of the Code of Civil Procedure 1908, one of the differences between *"res-judicata"* and *"res sub-judice"* is that in one case the suit ___.

- A. has been decided while pending in another case ✓ **Correct answer**
- B. is in appeal while pending in another case
- C. is in execution while pending in another case
- D. is in execution while stay in another case

as the intended answer: res judicata (section 11) bars a suit on a matter already decided by a competent court, while res sub judice (section 10) stays a suit on a matter pending in another court — the distinguishing mark is that in res judicata the matter has been decided. *Note:* option A as printed is garbled ("decided while pending" conflates the two doctrines), but it is the only option naming a decided matter, and it is the reproduction's marked key.

B. WRONG: pendency in appeal is not the section 10/11 distinction.

C. WRONG: execution is not the distinction between the two doctrines.

D. WRONG: this describes no part of the section 10/11 distinction.

Question 40 Civil Procedure Code

As per Order XXXIX, Rule 4 of the Code of Civil Procedure 1908, any order for an injunction may be discharged, or varied, ___.

- A. but cannot be liquidated
- B. but cannot be remanded
- C. but cannot be set aside
- D. or set aside ✓ **Correct answer**

A. WRONG: "liquidated" has no place in Order XXXIX Rule 4.

B. WRONG: remand is not mentioned in Rule 4.

C. WRONG: the Rule expressly allows setting aside.

D. CORRECT: Order XXXIX Rule 4 provides any order for an injunction "may be discharged, or varied, or set aside" by the Court.

Question 41 Civil Procedure Code

As per section 2(10) of the code of civil procedure 1908, ___ means any person against

...cree has been passed or an order capable of execution has been made.

- A. Accused
- B. Decree holder
- C. Judgement-debtor ✓ **Correct answer**
- D. Judgement-holder

A. WRONG: "accused" is a criminal-law term, not a section 2(10) term.

B. WRONG: the decree-holder is the person in whose favour the decree was passed (section 2(3)), the opposite party.

C. CORRECT: section 2(10) defines "judgment-debtor" as any person against whom a decree has been passed or an order capable of execution has been made.

D. WRONG: there is no such defined term; the decree-holder is defined separately in section 2(3).

Question 42 Civil Procedure Code

As per order I, Rule 10(3) of the Code of Civil Procedure 1908, no person shall be added as a plaintiff suing without a next friend or as the next friend of a plaintiff under any disability without ___.

- A. notice to all the parties
- B. his consent ✓ **Correct answer**
- C. consent of the defendant
- D. order of the Superior Court

A. WRONG: notice to the parties is not what Rule 10(3) requires.

B. CORRECT: Order I Rule 10(3) provides no person shall be added as a plaintiff suing without a next friend, or as the next friend of a plaintiff under any disability, "without his consent".

C. WRONG: the defendant's consent is not required; it is the added person's own consent.

...no order of a superior court is required by the Rule.

Question 43 Civil Procedure Code

As per Section 9 of the Code of Civil Procedure 1908, the Courts shall (subject to the provisions herein contained) have jurisdiction to try all suits of ___ excepting suits of which their cognizance is either expressly or impliedly barred.

- A. any nature
- B. a civil nature ✓ **Correct answer**
- C. a criminal nature
- D. a revenue nature

A. WRONG: section 9 is confined to suits of a civil nature, not suits of any nature.

B. CORRECT: section 9 provides 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".

C. WRONG: criminal matters are outside the CPC's civil jurisdiction.

D. WRONG: revenue suits are a class of civil suits, not the section 9 wording.

Question 44 Civil Procedure Code

As per Order IX Rule 3 of the Code of Civil Procedure 1908, where neither party appears when the suit is called on for hearing, the court may make an order that the ___.

- A. ex-Parte proceedings be initiated
- B. suit be dismissed ✓ **Correct answer**
- C. summon be sent again
- D. Warrant be issued

A. WRONG: ex parte proceedings follow when only the defendant is absent (Order IX Rule 6), not when neither party appears.

B. CORRECT: Order IX Rule 3 provides where neither party appears when the suit is called

ng, the Court may make an order that the suit be dismissed.

C. WRONG: the Rule does not direct fresh summons.

D. WRONG: no warrant issues under Order IX Rule 3.

Question 45 Civil Procedure Code

As per Order 41(15) of the Code of Civil Procedure Code 1908, the notice to the respondent shall declare that if he does not appear in the Appellate Court on the day so fixed the appeal will be ___.

- A. dismissed
- B. heard ex-parte ✓ **Correct answer**
- C. postponed
- D. rejected

A. WRONG: dismissal is what happens to an appellant's appeal for default, not to a respondent who fails to appear.

B. CORRECT: Order XLI Rule 15 provides the notice shall declare that if the respondent does not appear, the appeal will be heard ex parte.

C. WRONG: the Rule does not postpone the appeal.

D. WRONG: the appeal is not rejected for the respondent's absence; it is heard ex parte.

Question 46 Civil Procedure Code

As per Order VI, Rule 1 of the Code of Civil Procedure 1908, ___ shall mean plaint or written statement.

- A. complaint
- B. petition
- C. pleading ✓ **Correct answer**
- D. suit

complaint" is a criminal-law term, not the Order VI Rule 1 definition.

B. WRONG: a petition is not what Rule 1 defines.

C. CORRECT: Order VI Rule 1 provides "'Pleading' shall mean plaint or written statement".

D. WRONG: a suit is the proceeding itself, not the defined term.

Question 47 Civil Procedure Code

As per section 16(b) of the Code of Civil Procedure 1908, subject to the pecuniary or other limitations prescribed by any law, for the partition of immovable property, the suit shall be instituted where ___.

- A. plaintiff files a suit
- B. place of the defendant
- C. subject matter situates ✓ **Correct answer**
- D. the causes of action are wholly or partly arisen

A. WRONG: the plaintiff's choice of forum is not the section 16 test.

B. WRONG: the defendant's residence governs other provisions, not section 16(b).

C. CORRECT: section 16(b) provides a suit for partition of immovable property shall be instituted in the Court within whose local limits the subject-matter is situate.

D. WRONG: that is the section 20 test, not section 16(b).

Question 48 Civil Procedure Code

In accordance with section 151 of the Civil Procedure Code 1908, nothing in this code shall be deemed to limit or otherwise affect the inherent power of the court to make such orders as may be necessary for the ___ or to prevent abuse of the process of the court.

- A. ends of justice ✓ **Correct answer**

- C. execution of the decree
- D. review of judgment

A. CORRECT: section 151 preserves the Court's inherent power to make such orders as may be necessary "for the ends of justice or to prevent abuse of the process of the Court".

B. WRONG: not the section 151 wording.

C. WRONG: execution is governed by Order XXI, not the section 151 formula.

D. WRONG: review is governed by section 114 and Order XLVII, not section 151.

Question 49 Civil Procedure Code

As per section 96(3) of the code of the civil procedure 1908, no appeal shall lie from a decree passed by the court ___.

- A. on the direction of the High Court
- B. on the direction of the Supreme Court
- C. with the consent of parties ✓ **Correct answer**
- D. with the consent of public prosecutor

A. WRONG: no such bar is stated in section 96(3).

B. WRONG: no such bar is stated in section 96(3).

C. CORRECT: section 96(3) provides "No appeal shall lie from a decree passed by the Court with the consent of parties".

D. WRONG: the consent of a public prosecutor is not mentioned in section 96(3).

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