AILET

AILET 2023 Sample Paper Based on New Pattern

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Are you an aspiring law student? Attempt the following AILET 2023 sample paper questions based on the latest pattern of the exam. The article consists of some questions and answers on the AILET 2023 Legal Reasoning Section.

AILET 2023 Sample Paper:

Read the principles and answer the questions by applying it to the facts:

1. Principle: The rule of 'Volenti non fit injuria', means 'an injury voluntarily suffered is not fit for legal action'.

Facts: 'X, a pedestrian, finds C losing her control over her scooter while driving down the flyover. While successfully rescuing C from any harm, X is injured, and is asking for compensation.' C may take the defence of the above principle on the basis of:

a) Plaintiff's free consent.

b) Act of God.

c) Act of state.

d) Inevitable accident.

2. **Principle:** A parent is not liable for a tort committed by his/her child except when the parent affords the child an opportunity to commit the tort.

Facts: A mother takes her seven-year-old son to market. On reaching the market she shuts the car engine, pulls the hand-brake and puts the car in gear. She leaves her son in the car itself. The child starts playing around in the car, when he releases the brakes and pushes the gear lever to neutral. As a result, the car starts moving down the road and runs down a pedestrian. What is the liability of the mother?

a) The mother is not liable because she took great care to ensure that the car would remain stationery.

b) The mother is liable because she was negligent.

c) The son is liable because his action cause accident.

d) The pedestrian is liable as he should have been careful while walking on the road.

3. **Principle:** The occupier of a premises owes a duty of care to all his invitees and visitors.

Facts: Laloo was running a dairy from his farm. People used a part of his farm as a short cut to get to a nearby railway station. Laloo who did not approve of this, put up a notice stating, “Trespassers will be prosecuted”. However, since a number of these people were also his customers, he tolerated them. One day, a person who was using this short cut was attacked by a bull belonging Laloo. The injured person filed a suit against Laloo.

a) Laloo is liable for having kept a bull on his farm.

b) Laloo is not liable in view of the clear notice against trespassers.

c)Laloo is liable because in fact he allowed the people to use his premises.

d) Laloo is not liable to the people other than his customers.

4. **Principle:** A master will be liable for the negligent acts of his servant in the course of employment.

Facts: Samuel was a driver employed by Kohinoor Company to drive their luxury buses during the night. Mohammed has been his assistant over a period of time. One night, when he was driving he felt terribly sleepy and he handed over the steering wheel to Mohammed and dozed off. The bus hit against a car coming from the opposite side due to the inexperience of Mohammed. The owner of the car filed a suit against Kohinoor Co.

a) Kohinoor will be liable, because it was negligent on the part of Samuel to ask Mohammed to drive considering his inexperience.

b) Kohinoor will not be liable to pay, because Samuel was not supposed to ask Mohammed to drive.

c) Kohinoor will be liable, because Mohammed was also an employee of Kohinoor.

d) Kohinoor will not be liable because Mohammad was not acting in the course of his employment.

5. **Principle:** The State is liable for the act of its employees when the act is of private nature in the same manner and under the same conditions as any other employer. The State is not liable when the act is in the exercise of sovereign power or in performance of an act of State.

Facts: An army truck driven by a military driver 'A' was proceeding on duty to check the army men on duty at different military posts. The truck hit a civilian 'B' and caused serious injury. The fact showed that the injury was caused due to rash and negligent driving by the driver 'A'. The injured civilian 'B' brought a suit in tort against the Union of India. The suit:

a) Succeeded on the principle of qui facit per alium facit per se (he who does an act through another is deemed to do it himself)

b) Succeeded on the master and servant relationship between the Union of India and the military driver.

c) Failed because the Union of India did not ratify the rash and negligent driving.

d) Failed because the incident occurred in the course of discharge of sovereign functions of the State.

Answers

1. A (the question asks for that particular factor which helps the plaintiff use the defence of volenti. Optioin A is that option.)
2. B (a seven-year-old boy can expected to easily move about in the car, but may not be aware of the consequences of, let's say, pulling the handbrake. This creates a foreseeably dangerous situation. The answer would be different if the child was an infant, who cannot be expected to reach the gear/handbrake on its own and move it.)
3. C (Laloo had continued to allow people to enter his property even after putting up the notice; which means that he impliedly accepted the "trespass". In doing so, he continues to owe a duty of care to the trespassers/visitors.)
4. A (In line with the facts, it is negligent to let a inexperience person drive the truck. Mohammed may have been employed by Samuel directly, and is not necessarily Kohinoor Company's employee.)
5. D (straightforward application of the principle.)

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