AILET

Legal Reasoning Practice Questions on Law of Torts

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1. Principle: An Act of God is an operation of natural forces so unexpected that no human foresight or skill could reasonably be expected to anticipate it.

Facts: The Patanjali Housing Complex was celebrating its 10th Anniversary and arranged for a concert by Shanikrama, a leading musical group. The event was organized in one of the best auditoriums, and all the tickets were sold out. On the day of the event, an earthquake destroyed many building including the auditorium. People who had purchased the tickets asked for refund from the Patanjali Housing Complex as the show could not take place.

a. The Patanjali Housing Complex must refund the cost of tickets.
b. The management of the auditorium must refund the cost of the tickets.
c. Neither Patanjali Housing Complex nor anyone else need to refund the cost of tickets as it is an Act of God.
d. The ticket holders can demand the show to be organized at a later point of time.

2. Principle: Harm suffered voluntarily is not actionable in law.

Facts: Dumbdev, a snake charmer, was exhibiting his talents to a group of people. One of the snakes escaped and bit a child who had to be hospitalized for two days for treatment.

a. Dumbdev is liable to compensate the child’s family for his careless act
b. Dumbdev is not liable to anything as such things keep happening.
c. Dumbdev is not in a position to compensate as he is poor
d. The child should have taken adequate care from protecting herself from the snake bite.

3. Lettersworth on returning home late after work was confronted by an armed robber, on an empty street, who tried to take his valuables at knife point. Lettersworth raised an alarm, but in vain. In the ensuing struggle, he snatched the knife from the attacker and killed him. At the trial Lettersworth:

I. Can claim the right of private defence as she was defending his life and property
II. Can claim private defence as he tried to obtain help but could not approach public authorities.
III. Cannot claim private defence as to defend a few valuables a person cannot be killed
IV. Cannot claim private defence as it was his own fault that he was coming home late at night and not careful to avoid an empty street.

a. I and II b. III c. III and IV d. II

4. Every person has a right of self defence, if his life is under imminent threat.

Facts: Mr. Moreno, a mafioso, threatens Mr. Bollinger that he will kill the latter. After saying so, Mr. Moreno turns to take out his automatic firearm from his car. What remedy does Mr. Bollinger have?

a. Mr. Bollinger will have to run away.
b. Mr. Bollinger will have to go to the Police Station and file a complaint.
c. Mr. Bollinger can exercise the right of private defence.
d. Mr. Bollinger cannot exercise the right of private defence.

5. Principle: There is no remedy for the injury caused by an act, to which one has consented.

Facts: In an exhibition cricket match, Sachin hit a full toss delivery of Shane Bond over the fence for a six. The ball fell on the head of Humpty, a spectator, and this severely injured him. Humpty had purchased a ticket costing Rs. 2000 to watch the match. Humpty has past issues with the organizers.

a. Humpty can recover the costs of his medical expenses from Sachin.
b. Humpty can recover the cost of his medical expenses from Shane Bond.
c. Humpty can recover the cost of his medical expenses from the Organizers.
d. Nobody would be liable to pay anything to Humpty.

6. Principle: A right of action cannot arise out of an illegal activity.

Facts: A and B were thieves engaged in stealing cars and other vehicles. Once they stole a car; and while driving off, they had to cross a city. They engaged a driver to drive them through the city, since they did not know the route inside. The indicator lamp of the car was not working and the thieves had not realised this, and therefore, had not told about it to the driver. While driving, through the city, the car was hit by another vehicle because of the faulty indicator. In the accident, the driver was injured and he filed a suit against A and B.

a. The driver would lose, because he was driving a stolen car.
b. The driver would win, because he was not a party to the stealing
c. The driver would win because he did not know anything about the stealing.
d. None of the Above.

7. Principle: Self defense is considered as a universal exception for intentionally causing harm.

Facts: The robbers, armed with knives and crowbars, broke the access door of a house and entered into it. The owner of the house took out his gun and threatened to shoot them. The robbers ran out of the house and started pelting stones. The owner opened the fire. Having heard the gun shot, the police rushed to the place and announced that the owner must stop firing. The owner, suspecting mischief, continued to fire and a policeman was injured by a shot. The robbers meanwhile fled away. The owner was sued for attacking the public servant on duty.

a. The owner shall be liable for causing harm, in excess of what is necessary for self-defence.
b. The owner shall not be liable for attacking the public servant as such, though he may be held liable otherwise.
c. The owner's action is justified by the consideration.
d. The owner shall be liable for not calling the police himself, after the robbers fled.

8. Principle: Tort law states that self defence cannot be used as a defence against private another person's right of private defence.

Facts: Ratul bashes up Archit. Archit defends himself. Archit drags Ratul to court. Ratul claims that he hit Archit again only because Archit defended himself.

a. Claim is valid.
b. Ratul cannot claim.
c. Claim is invalid in law as he perpetuated the violence first, and thus, he has no claim.
d. None of the above.

9. Principle: Causing damage to another person is not actionable in law unless there is also caused an injury to the plaintiff.

Facts: Career Puncher was a popular tuition center. However, a new coaching center named Proper Coaching opened right next to Career Puncher. As a result, Career Puncher lost out a lot of its students. This also resulted in monetary losses and subsequently it had to be shut down. Career Puncher later filed a suit against Proper Coaching for loss of earnings.

a. Career Puncher will succeed because it has incurred monetary damage.
b. Career Puncher will not succeed because no legal right has been infringed.
c. Career Puncher will succeed because its owners' legal right to livelihood has been curtailed.
d. None of the above.

10. Principle: Something done to prevent a greater harm can be used as a defence.

Mr. A was the captain of Olympus, which was carrying fifty people across the Atlantic. The ship was caught amidst a storm and was about to sink. Mr. A pushed out two passengers with their luggage, so that the ship could maintain balance. He made sure that they had their life-jackets with them. Despite that, they succumbed to their injuries and died. The rest of the passengers, however, got through unscathed.

a. Mr.A is liable for culpable homicide
b. Mr.A is liable for murder
c. Mr.A is not liable
d. Mr.A is guilty of negligence.

11. Principle: An act of God is an operation of natural forces so unexpected that no human foresight or skill could reasonably be expected to anticipate it.

Facts: For the past week, there had been average to high rainfall in the Cherrapunji region. Mr. India was engaged in a dyeing company and had left some dyed cloth on his terrace for drying since it had not rained in the past two days. However, it rained that day and the cloth got washed away. The customers filed a suit against him, in response to which Mr. India claimed the defence of act of God.

a. Mr. India will not be liable since the sudden rainfall could not be predicted.
b. Mr. India will be liable since he did not take adequate precautions
c. Mr. India will not be liable since he had committed the act in good faith
d. None of the above

12. Principle: Mere knowledge of the risk does not imply consent to undergo harm.

Facts: Achilles and Hector had entered into a fight. Paris intervened and got hit by Achilles. Paris filed a suit against Achilles. However, Achilles said that Paris had consented to getting hit.

a. Paris only had knowledge, and did not consent to getting hit.
b. Paris's consent could be inferred from his intervention.

c. Paris had acted in good faith and therefore, the defence cannot be taken.
d. None of the above

13. Principle: There is no liability in tort in cases of inevitable accidents.

Facts: Two strangers took a lift in a jeep. During the journey, one of the bolts that fastened the right front wheel gave way. The two strangers suffered serious injuries in the accident, resulting in the death of one of them. The survivor filed a suit against jeep owner for compensation.

a. The jeep owner is liable.
b. Jeep owner is not liable because it was an inevitable accident and the defect in jeep was not apparent.
c. The jeep owner had the responsibility to maintain his vehicle properly. Proper maintenance would ensure screws from the front wheel didn't come off.
d. The strangers consented to the natural risks of riding on the jeep, which includes such mishaps.

14. Principle: Nothing is an offence which is done in the exercise of right of private defence. This right also extends to lawfully causing the death of the assailant, if the offence which occasions the exercise of the right of private defence be an assault which causes reasonable apprehension of (a) death or grievous hurt (b) rape (c) kidnapping. This right is available for protecting one's own body, as well as the body of any other, provided the assault is not provoked.

Facts: Digvijay and Rajnath were fighting over a girl. Rajnath took out a cycle chain to hit Digvijay. Digvijay, apprehending grievious hurt, struck Rajnath with a knife, which incidentally struck one of his vital organs and killed him instantly. Digvijay is:

a. Protected by law.
b. Not protected by law.
c. Not protected by law because the assault occurred because Digvijay was equally liable in picking up a fight.
d. Not protected because there was no reasonable apprehension of grievous hurt.

15. Principle: Nothing which is not intended to cause death, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to any person for whose benefit it is done in good faith, and who has given a consent, whether express or implied, to suffer that harm, or to take the risk of that harm.

Facts: A fake doctor operated on a man for internal piles by cutting them out with an ordinary knife. The man died of hemorrhage.

a. Doctor is guilty of murder
b. Doctor is not guilty
c. Doctor is guilty of culpable homicide not amounting to murder
d. The man has given his consent to being operated under such grave circumstances and thus agreed to the possible outcomes.

16. Principle: When a person consents to the infliction of some harm upon himself, he has no remedy in tort.

Facts: The plaintiff was at a motor car race being held on a track owned by a organizers. During the race there was a collision between two cars, one of which was thrown among the spectators, thereby injuring the plaintiff. Plaintiff filed a suit against the organizers.

a. Organizers are liable.
b. Organizers are not liable.
c. Organizers are not liable because plaintiff impliedly took the risk of injury.
d. Organizers are not liable because they owed no duty of care to the plaintiff.

17. The wooden wall of a building which had been ravaged by termites was allowed to remain standing. A medium-force wind pushed it down to the ground, killing the son of the plaintiff, who was playing near it. The plaintiff was unaware that the wall was weak. The landowner asserted non-liability because of the intervention of the high-speed wind. Do you think he is liable?

a. He is liable since a person owes a duty of care to his neighbours.
b. He is not liable since the wind, a natural force, was outside his control.
c. He is not liable since the neighbour did not take into account that the wall was unstable and allowed his son to play near it.
d. He is liable since he was aware of the fact that the wall was destroyed and was structurally weak.

18. Rolls, a fraudster, burnt down his failing shoe factory, of which he was the sole director and shareholder, in order to cash in on the insurance worth Rs. 10 crore. After he set the factory on fire, the fire fighters were quick to reach the spot. However, they could not quell the fire, owing to their own inefficiency. The investigators discovered that the fire could have been quelled if the

fire fighters addressed the issue in the right way. Rolls claimed the 10 crore from Royce, the insurance company, and damages from the state for the fire department's delay.

a. Rolls' claim will be successful since the fire fighters could have quelled the fire had worked properly.
b. Rolls' claim will not be successful since he himself set fire to the factory, which caused him damage.
c. Rolls' claim will not be successful since if his participation is not proved, the fire was caused by an Act of God, for which insurance companies do not pay.
d. None of the Above.

19. ABD lives in an area which is prone to flooding during the monsoons. The people in his area including ABD have taken adequate precautions to avoid flooding. Despite that, there is an unprecedented amount of rainfall, and ABD is forced to put up barricades to stop the water from entering his land. He knew the water would enter MSD's, his neighbour, property and damage great parts of it, including flooding his house where MSD lived with his entire family including his elderly parents who were restricted to the bed and wheelchair, but ABD chose to run the risk anyway. The same does happen. Do you think ABD can successfully claim the defence of necessity?

a. Yes, since MSD should have put up a barricade too to protect his land from flooding. It was a lapse on his part.
b. Yes, since it was a reasonable act was to prevent imminent damage to his property.
c. No, since his actions caused damage to MSD's property.
d. No, since MSD's property was not in the way of harm and was deliberately brought into it.

20. Shubham was engaged in the business of transporting of goods. His customers would mostly restrict their items to home and office goods. A wooden box was received, to be transported, and Shubham was not aware of its contents. It was labelled only as a table lamp, but contained a flask of nitroglycerin along with it. While the box was in his office, it exploded (because of the nitroglycerine stored in it), causing damage to property. Shubham's landlord sued him for damages.

a. Shubham put his faith on the label, since he cannot reopen a box once it is sealed, and could not have expected such dangerous substances to be present.
b. Shubham should have inspected the goods prior to storing it.

c. Shubham's office was rented out, so there is a demand to be cautious with what he keeps in his house. Sealed boxes with unknown contents should not be one.
d. Shubham had taken all possible care in not causing damage by storing it in his own house, rather than anywhere else where others would have been exposed.

ANSWERS

1. c

2. a (because merely watching the snake charmer ply his trade does not mean agreeing to getting bit by the snake)

3. a (this option gives both the requirements of RPD to be fulfilled under the given circumstances)

4. c

5. d

6. c

7. d (for the said reasons, and also that the threat to his person had passed)

8. c

9. b (every person has a right to earn his livelihood and compete using legitimate means, so PC does not infringe any legal rights of the owners of Career Puncher)

10. c

11. a

12. a

13. b

14. a (a cycle chain, made of metal, has the power to incapacitate and can function as a deadly weapon. Hence, the using of a knife is justifiable in law)

15. a (the doctor is fake. One cannot be said to have consented to be operated by a 'fake' doctor, and in the absence of facts which indicate in that direction, we make a reasonable assumption that he did not consent to such harm. On the other hand, the fake doctor was well aware of his lack of capacity, and still went ahead with the operation, hence he is liable)

16. a (the spectator went to watch the race, not hit by flying cars – the check here is to examine whether the harm suffered was one which would have been normally caused in the course of events)

17. a

18. b (had the fire not been set by Rolls, then the answer would have been ‘a’)

19. d

20. a

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