AILET

Legal Reasoning Questions for Law Entrance Examinations

Aparna Shukla · 02 Jan 2021

1. PRINCIPLE: Damage without the infringement of a person's legal right is not actionable in a court of law. If the interference with the rights of another person is not unlawful or unauthorised, but a necessary consequence of the exercise of the defendant's own rights, then there lies no cause of action. FACTS: A, B, C and D are ship-owners. They shipped tea from one port to another. They all combined together to drive F out of business and control the trade. For this, they started giving special terms to the customers which dealt with them. This led to the exclusion of F from the business. F sued A, B, C, and D for the loss caused to him by their act and claimed compensation. Which of the following derivations is correct?

- No legal right of F has been violated and therefore F is not entitled to any compensation
- F should be given compensation because he has suffered damage in the form of financial losses.
- A, B, C and D took away many clients of F and conspired against him so they should compensate for the loss.
- F should be given damages because they gave competition in trade.

Option (A) is the correct answer because even if damage has occurred, there is no legal injury caused. D is incorrect as competition in trade is not recognised as a legal injury.

1. PRINCIPLE: When there is an invasion of a legal right, the person in whom the right is vested, is entitled to bring an action though he suffered no actual loss or harm, and may recover damages (compensation). FACTS: X was a legislator. He was travelling where he was stopped unnecessarily and taken into police custody. He was not allowed to go to the state assembly and was detained for more than 24 hours. By the time the case came for disposal before the Supreme Court, he had been already released and as such no real damage had been caused. Decide.

- Since X was not brought before the magistrate within 24 hours, he should be awarded damages.
- Since no legal right of X has been violated, so no compensation should be provided.
- Since X's legal right has been violated, therefore compensation should be provided to him. It should be exemplary as his rights were unjustly violated.
- X's absence in the assembly did not matter for a day. Such cases should not be brought up as they waste the time of the court.

(C) is the correct answer. (A) is also correct but (C) is closer to the principle and seems more correct. B is wrong. D is another wrong answer.

1. PRINCIPLE: Trespass to land means direct interference with the possession of land without justification. Trespass can be committed either by a person himself entering the land of another or doing the same through some tangible object(s). FACTS: A was a homeless person. One day he saw that there was no one in a particular house and it was empty. He went and started living in the house. The house belongs to Z who seemed to be on a vacation. When he returned back, he saw A and asked him to leave the house. A refused to do so.

Decide on the basis of the principle which of the following is correct:

- A is liable for trespass.
- A is not liable for trespass as he had entered into the premises when there was no one living there when he came.
- A is liable for trespass because he started using the house even when it was not in his possession and he had no justified in living there.
- A is liable for nuisance.

(C) is the correct option. A is liable because he is neither the owner nor the possessor of the house and there is absolutely no justification for his staying onto someone else's land. A is also correct but C has provided the reasoning so it is the answer option. The other two are incorrect.

1. PRINCIPLE: Nuisance is an unlawful interference with a person's use or enjoyment of land or some right over or in connection with it. If the interference is direct, the wrong is called trespass; whereas if the interference is consequential it amounts to nuisance.

FACTS: Pujari resided in a house next to a Roman Catholic Chapel of which Popo was the priest. Popo used to ring the chapel bell at all hours of the day and night. This irritated Pujari and he brought up a suit for injunction. Decide.
Which of the following is correct?

- Pujari is unlikely to succeed as it is a religious place and Popo cannot stop ringing the bell just because Pujari does not like it.
- Pujari is likely to get an injunction order passed as Popo has committed nuisance.
- Popo should not be held liable because he is the priest and it is his duty to ring the bell.
- None of the above.

(B) is the correct answer. (A) is incorrect because even if the entire community likes it, still Pujari has the right to the enjoyment of his property and the ringing of bells every hour day and night is not necessary. The other options are incorrect.

1. PRINCIPLE: Damnum sine injuria i.e.(damage without the violation of a legal right). FACTS Manush's house was called Monu Lodge for the last sixty years and the adjoining house which belonged to Manmohan was called Monu Bhavan since the last forty years. Manmohan changed the name of his house to Monu Lodge. Manush was very annoyed at this and he brought a suit against Manmohan alleging that this had caused him great inconvenience and reduced the value of his property.Decide.

- Manmohan is liable for causing damage to the reputation of Manush and hence he should compensate him.
- Manmohan is liable. He should be asked to change the name of his house as he has cheated.
- Manmohan is not liable because he is acting within his rights and has not violated any legal right of Manush.
- Manmohan is not liable because it is his house and he can name it whatever he wants.

Option (C) is correct. (A) and (B) are incorrect because a legal injury has been caused. (D) is correct but it does not give the correct reasoning and that is why we have not chosen it as the answer.

1. PRINCIPLE: Any direct physical interference with goods in somebody else's possession without lawful justification is called Trespass to goods. FACTS: A came to B's house to invite him for his birthday. B was not present there at that time. B had promised to give him a very nice gift.

A saw the gift lying wrapped in a beautiful paper on the table nearby. He thought it was his gift anyways so he took it and went away. Decide.

- A can be held liable for trespass of goods.
- A cannot be held liable as it was his gift anyway and if he had not taken it, B would give it to him later.
- A has not committed any wrong as B was his friend.
- None of the above.

(A) is the correct answer. This is because there is no lawful justification for taking away the gift. A was not in possession of the gift at that time and is therefore liable for trespass.

1. PRINCIPLE: Defamation is the lowering of a person's reputation in the eyes of the right-minded people. Defamation occurs when a person makes a defamatory remark about someone and also publishes it and publishing occurs when the defamatory statement gets known to a third person.

FACTS: Ram told Sita that you are a thief and you stole my heart. Sita was furious. She filed a defamation suit against Ram. Decide.

- Ram is liable for defamation.
- Ram is liable because his remark lowers Sita's reputation in the eyes of the right minded people.
- Ram is not liable for defamation.
- None of these.

(C) is the correct answer. He is not liable because there was no publication and otherwise also, it is not a defamatory material because the word thief has been used not in it's literal sense.

1. PRINCIPLE: The tort of assault is committed when someone threatens another of physical injury. FACTS: Ayush and Raju were discussing their favourite TV shows. During the discussion Ayush mentioned that his favourite show is Chocoland and the show called Vanillaland is so boring that it should be taken off the air. Vanillaland is Raju's favourite show and he feels offended at Ayush's comment. Raju states that if Ayush does not take his words back, he will get his elder brother to come and beat Ayush up.Is Raju guilty of assault? Decide.

- Such threats are common during conversations between children. They are too trivial for the law to consider.
- Raju is liable because he threatened Ayush of physical injury.
- Raju is not liable because the threat was caused by his brother and not him.
- None of the above.

Going by the principle, (B) is the correct answer. Note option (A) is incorrect and has an assumption in it that they both are children. The facts nowhere mention this. Never assume anything by yourself while solving questions.

1. PRINCIPLE: Nuisance is the unreasonable use of one's own property which causes problems to his neighbours or it is the unlawful interference with someone else's property in such a way that it causes irritation. FACTS: Christie used to offer music lessons which used to disturb his neighbour Davis. Davis wanted these lessons to stop. So, he used to hammer at the wall from his side solely to disrupt and interrupt in the music lessons. Christie got irritated at this disturbance and brought a case against Davis. Decide.

- Davis is not liable because he was hammering the wall in his house and it is his property and he may do whatever he wishes in his property.
- Davis made unreasonable use of her own land and caused unreasonable interference with Christie's use of her land with the sole purpose of interruption. Hence, liable for nuisance.
- Davis should not be held liable because Christie was causing him disturbance everyday.
- None of the above.

(B) is the correct option. (A) and (C) are incorrect because going by what the principle says, Davis is using his own property unreasonably and thereby causing disturbance to Christie.

1. PRINCIPLE: Battery is the direct use of physical force against a person. FACTS: Arjun was a very naughty child. He never paid attention in his classes. One day when his English teacher was teaching, he saw a scorpion under her chair. His teacher was suffering from arthritis. She was moving about in the class as she taught. Then she came towards the chair. She was about to sit when Arjun, seeing the scorpion under the chair pulled the chair. The teacher landed with a thud on the ground and almost broke her bones. Is Arjun guilty of any tort?

- Arun is not guilty of any tort as he was just trying to save his teacher from the scorpion.
- Arun is guilty of the tort of battery as the intention is not relevant in torts.

- Arun is guilty because he was not paying attention in class and was rather looking at the scorpion.
- The law does not take care of trifles.

(D) Is the correct option. He is guilty because the intention is irrelevant in torts. (C) does not offer the proper reasoning and (A) is not correct because again, the intention is irrelevant in torts.

This article is posted in association with clatapult.com