BLOGS

Passage-Based Questions on Legal Reasoning for CLAT UG [Part 5]

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Passage 1 (P.1)

Trespass to land has been consistently defined by courts as an unjustifiable interference with the possession of land, rather than with ownership. The emphasis on possession reflects the legal recognition that it is the person in actual or constructive control of the land who is entitled to protection against unauthorized entry. Consequently, even a person without legal title, such as a tenant or licensee in lawful occupation, may maintain an action for trespass against a stranger.

Judicial interpretation has clarified that trespass is committed by any direct physical entry onto land without lawful justification. Such entry may be effected by a person's body, by an object placed or thrown onto the land, or by causing a third party or animal to enter. The courts have treated the requirement of "directness" as distinguishing trespass from other forms of injury, such as nuisance, which may involve indirect or consequential interference.

The element of intention in trespass has been the subject of particular emphasis. It is not necessary that the defendant intended to trespass as a legal wrong; it is sufficient that the defendant intended the act that resulted in the entry. Thus, a person who knowingly walks onto land, believing in good faith that they have a right to do so, may still be liable if that belief is mistaken and no lawful authority exists.

Courts have also recognized that trespass is not confined to a single moment of entry. Where a person initially enters lawfully but remains on the land after the authority to be there has been withdrawn, the continued presence may amount to trespass. This principle has been applied in cases involving licensees and invitees who refuse to leave after being asked to do so by the person in possession.

In considering defenses, judicial commentary has identified certain circumstances in which entry may be justified. These include situations of necessity, such as entering land to prevent serious harm to persons or property, and acts done under legal authority, such as the execution of a valid

court order. However, such justifications are narrowly construed, and the burden lies on the defendant to establish their applicability.

Remedies for trespass have been described as both compensatory and preventive in nature. While damages may be awarded even in the absence of actual harm, courts have also emphasized the role of injunctions in restraining continuing or repeated trespass. The availability of these remedies reflects the importance attached to the protection of possession as a foundational principle of property law.

Questions (Passage 1)

1. What level of intention is sufficient to establish liability for trespass?

a) Intention to commit a legal wrong

b) Intention to harm the land

c) Intention to perform the act that resulted in entry

d) Intention to claim ownership

2. A delivery worker enters a property believing it to be open to the public, but it is actually a private residence. The worker leaves a package on the porch. Applying the passage, the worker is most likely?

a) Not liable, because there was no intention to trespass

b) Liable, because the worker intended the act of entry, even if mistaken

c) Not liable, because no damage occurred

d) Liable only if the owner complains

3. A hiker enters fenced land to rescue a child who has fallen and is injured inside the property. Based on the passage, this entry would most likely be justified under?

a) Consent

b) Legal ownership

c) License

d) Necessity

4. A café allows a customer to sit inside during business hours. After closing, the customer refuses to leave despite being asked to do so. According to the passage, the customer's continued presence is best described as?

a) Trespass after withdrawal of authority

b) Lawful occupation

c) Nuisance

d) Harmless entry

5. A tenant in lawful occupation sues a stranger for unauthorized entry. Based on the passage, the tenant's claim is most likely?

a) Invalid, because only owners can sue

b) Valid, because possession is with tenants as well

c) Valid only if damage is shown

d) Invalid unless police action is taken

Passage 2 (P.2)

Adoption has been described by courts as a legal process by which a child is permanently transferred from the family of birth to a new family, thereby creating a relationship equivalent in law to that of a natural-born child. This transformation is not merely social or emotional in nature but carries with it significant legal consequences in matters of inheritance, maintenance, and family status.

Judicial interpretation has emphasized that adoption is governed not only by personal or religious law but also by overarching principles of child welfare and best interests. Even where statutory requirements regarding age, capacity, and formal consent are satisfied, courts have retained the authority to examine whether the adoption serves the long-term well-being of the child.

Consent has been treated as a central requirement in the adoption process. The courts have distinguished between biological parents or guardians who are legally competent to give consent and those who are disqualified by law due to incapacity or loss of parental rights. In circumstances where both parents are alive and legally capable, the consent of each has generally been regarded as necessary, unless a statutory exception applies.

The form and manner of consent have also received judicial attention. It has been observed that consent must be free, informed, and expressed in a manner recognized by law, such as through prescribed documentation or appearance before a competent authority. Allegations of coercion, fraud, or misunderstanding have been grounds for courts to set aside an adoption if they are substantiated by evidence.

Courts have further considered the role of authorized agencies and institutions in the adoption process. These bodies are often tasked with conducting home studies, background verification, and post-adoption follow-ups to ensure that the adoptive environment is suitable. Judicial commentary has recognized that such institutional involvement does not replace the court's duty but assists in forming an informed assessment.

Finally, judicial decisions have clarified that once a valid adoption is completed, the legal ties between the child and the biological family are, subject to statutory exceptions, severed and replaced by the legal relationship with the adoptive family.

Questions (Passage 2)

6. Whose consent is generally required when both biological parents are alive and legally capable?

a) Only the mother's

b) Only the father's

c) The consent of each parent

d) The child's only

7. A biological parent signs consent for adoption after being falsely told the child will be returned later. Applying the passage, the adoption is most likely?

a) Valid, because consent was signed

b) Valid, because agencies approved it

c) Invalid only if the child objects

d) Invalid, due to consent obtained by fraud or misunderstanding

8. Both biological parents are alive, but only one gives consent without any statutory exception applying. Based on the passage, the adoption is most likely?

a) Invalid, because consent of each legally capable parent is required

b) Valid, because one parent's consent is sufficient

c) Valid, if an agency approves

d) Automatically valid after court review

9. An adoption meets all formal legal requirements, but evidence shows the adoptive home is unsafe for the child. According to the passage, a court may?

a) Approve the adoption because formalities are complete

b) Reject or review the adoption based on child welfare

c) Ignore the evidence

d) Transfer the case to an agency

10. After a valid adoption, a biological relative claims inheritance rights over the child's property. Based on the passage, the claim is most likely?

a) Accepted, because blood relations prevail

b) Rejected only if a court order exists

c) Accepted if consent was given earlier

d) Rejected, because legal ties are severed

Passage 3 (P.3)

Section 13 of the Hindu Marriage Act, 1955, provides the statutory framework under which either spouse to a Hindu marriage may seek a decree of divorce. The provision sets out specific grounds on which the marital bond may be dissolved, reflecting a balance between the preservation of marriage as a social institution and the recognition that certain conduct or circumstances render the continuation of the relationship unjust or impracticable.

One of the central grounds recognized under Section 13 is cruelty, which has been judicially interpreted to include both physical and mental conduct. Courts have emphasized that mental cruelty is not confined to overt acts of violence or abuse but may consist of a pattern of behavior that causes such mental pain and suffering that it becomes impossible for the aggrieved spouse to reasonably be expected to live with the other.

Another significant ground is desertion, which has been defined as the intentional and permanent forsaking of one spouse by the other without reasonable cause and without the consent of the abandoned spouse. Judicial interpretation has clarified that desertion requires both a factum of separation and an animus deserendi.

Section 13 also incorporates grounds related to conversion of religion, mental disorder, venereal disease, and renunciation of the world by entering a religious order. Courts have examined whether such conduct undermines the foundation of cohabitation and mutual obligations.

Judicial commentary has underscored the burden of proof resting on the petitioner and recognized that matrimonial disputes often rely on testimony and surrounding circumstances

rather than strict documentary proof. Courts have also acknowledged the relevance of reconciliation and condonation within the scheme of Section 13.

Questions (Passage 3)

11. According to the passage, what does Section 13 of the Hindu Marriage Act provide?

a) Conditions for judicial separation only

b) A framework for dissolving a Hindu marriage on specified grounds

c) Guidelines for adoption and guardianship

d) Rules for property division after marriage

12. A spouse leaves the marital home for employment in another city but regularly communicates and expresses an intention to return. The other spouse files for divorce on the ground of desertion. Based on the passage, desertion is most likely?

a) Not established, because animus deserendi is absent

b) Established, because physical separation exists

c) Established, because communication is irrelevant

d) Not established, because two years have not passed

13. A petitioner alleges mental cruelty based on a continuous pattern of humiliating conduct in private. There are no documents, but consistent witness testimony supports the claim. According to the passage, the court is most likely to?

a) Reject the claim for lack of written proof

b) Require a medical certificate

c) Consider the surrounding circumstances and testimony

d) Dismiss the petition automatically

14. A spouse converts to another religion and joins a religious order, ceasing all marital obligations. Applying the passage, this conduct most directly relates to which statutory ground under Section 13?

a) Cruelty

b) Desertion

c) Conversion and renunciation of the world

d) Mental disorder

15. On whom does the burden of proof rest, according to the passage?

a) The respondent spouse

b) The court

c) The family of the spouses

d) The petitioner seeking divorce

Answers & Explanations

1. B – Trespass does not require intent to commit a legal wrong, it is enough that the person intended the physical act that caused entry onto the land.
2. C – Good faith belief is irrelevant in trespass; since the worker intentionally entered the land, liability can arise despite the mistake.
3. D – Entry to prevent serious harm to a person is a recognised justification, and rescuing an injured child clearly falls within necessity.
4. A – Once permission to remain is withdrawn, continued presence becomes unauthorized and therefore amounts to trespass.
5. B – Trespass protects possession, not ownership, and a tenant in lawful occupation can sue a stranger for unauthorized entry.
6. C – Where both biological parents are alive and legally capable, courts generally require consent from both .
7. D – Consent must be free and informed.
8. A – In the absence of any statutory exception, lack of consent from one capable parent makes the adoption legally defective.
9. B – Even if formal requirements are met, courts retain the power to intervene where the child’s best interests are at risk.
10. D – A valid adoption permanently replaces biological ties with adoptive ones, making inheritance claims by biological relatives invalid.
11. B – Section 13 lays down the statutory grounds on which a Hindu marriage may be dissolved by a decree of divorce.
12. A – Desertion requires intention to permanently abandon; continued communication and intent to return negate this intention.

13. C – Mental cruelty is often private in nature, so courts rely on consistent testimony and overall circumstances rather than strict documentation.
14. C – Conversion combined with renunciation directly falls within the statutory grounds recognised under Section 13.
15. D – The spouse asking for divorce must prove the alleged ground through credible evidence, as the burden lies on the petitioner.