AILET

Legal Aptitude: Past Year CLAT Questions on torts

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This is a compilation of past year questions on torts from CLAT.

1. Principle: A master will be liable for the wrongful acts of his servants in the course of employment.

Facts: Maria was an old widow who opened an account with Indian Bank wherein she should deposit INR 5/- everyday in the bank. Stephen was her neighbour who used to collect the amount and deposit them in the bank.

Stephen would get a small commission from the bak for the money deposited. One day it was discovered that Stephen, who had not deposited the money for more than three months, had vanished with the amount. Maria filed a suit against the bank.

(a) Bank would not be liable because Stephen was not an employee of the bank.

(b) Bank would not be liable because Stephen was paid commission by the bank for doing its work.

(c) Bank would be liable because Stephen was paid commission by the bank for doing its work.

(d) None of the above

2. **The act of unlawfully entering into another's property constitutes**

(a) Trespass

(b) Restraint

(c) Appropriation

(d) Encroachment

3. **When the master is held liable for the wrongful act of his servant, the liability is called**

(a) Strict liability

(b) Vicarious liability

(c) Tortuous liability

(d) Absolute liability

4. **Principal:** Any direct physical interference with goods in somebody's possession without lawful justification is called trespass of goods

Facts: Z purchased a car from a person who had no title to it and sent it to a garage for repair. X believing wrongly that the car was his, removed it from the garage.

(a) X can be held responsible for trespass of goods.

(b) X cannot be held responsible for trespass of goods as he was under a wrong belief.

(c) X has not committed any wrong.

(d) None of the above.

5. **Principle:** Whoeer by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said to defame that person.

Facts: In a community, there is a custom of stealing shoes of bridegroom during the marriage ceremony. The shoes of the bridegroom were stolen by Y. 'A' announced that Z has stolen the shoes. Everyone present in the marriage party started staring a Z with great surprise. Z felt very ashamed.

(a) A defamed Z

(b) A did not defame Z

(c) A defamed Z for Z felt very ashamed

(d) A defamed the whole marriage party

6. **Principle:** Damages are the money recompense, as far as money can do, for the violation of a right.

Facts: A, an Indian citizen, having a right to vote, was not allowed to cast his vote on the polling booth, by the returning officer. Name of A was mentioned in the voter's list. A has also reported at

the polling booth in time. However, the candidate in whose favour A would have cast his vote won the election. A filed a suit claiming damages.

(a) A will be entitled to damages

(b) A will not be entitled to damages

(c) A will be entitled to only nominal damages

(d) A will be entitled to exemplary damages

7. **Principle:** The master/principal is liable for all acts done by his duly appointed servant/agent for all acts done by his duly appointed servant/agent for all acts done by him lawfully in the course of his employment.

Fact: A had an agency which used to lend carpenters to people on need basis. A deputed B to do some work in C's shed. While so doing, B lit up a cigarette and threw it as soon as he saw someone coming there. The cigarette and threw it as soon as he saw someone coming there. The cigarette remaining lit caused a fire and the shed was reduced to ashes. C sued A and B. Decide.

Decide

(a) A is liable as B was his servant.

(b) A is liable as he should have chosen responsible people.

(c) A is not liable as B's act was not an authorised act.

(d) A is not liable but B is liable.

8. **Principle:** Ms. Usha wants to file a suit against Bhagyalaxmi Theatre praying for a permanent injunction (stay order) restraining the theatre from running the film named 'Jai Santoshi Maa', Her contention is that the film hurt her religious feelings and sentiments as Goddess Saraswati, Laxmi and Parvati were depicted as jealous and were ridiculed.

(a) She cannot file a suit because injury to religious feelings is not a legally recognized right.

(b) She cannot file a suit because the Theatre has a fundamental right to speech and expression.

(c) She can file a suit as injury to religious feelings has been legally recognized as a right (injuria sine damnum).

(d) It is a case of complete judicial discretion.

9. ‘No-fault liability’ means

(a) liability for damage caused through negligence.

(b) liability for damage caused through fault.

(c) absolute liability even without any negligence or fault.

(d) freedom from liability.

10. **Unliquidated damages mean**

(a) Damage to something solid

(b) Damage caused by a firm which has gone in liquidation

(c) Damage to a firm in the hands of receivers

(d) Damage to be assessed by a court as these are not pre-determined.

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