

10-15



# SAFALTA CLASS<sup>TM</sup>

An Initiative by **अमरउजाला**

# Question No: 1

## Legal Principle:

The rule of Volenti non fit injuria, means voluntarily suffered injury is not fit for action.

## Factual Situation:

X, a pedestrian finds C losing her control over her moped while driving down the flyover, while rescuing C from any harm successfully, X is injured, so is asking for compensation.

C may take the defence of the above principle on the basis of

# Question No:

---

- (a) Plaintiff's free consent ]
- (b) Act of God
- (c) Act of state
- (d) Inevitable accident

# Question No: 1

---

# Question No: 2

## Legal Principle:

Qui facit per alium facit per se, which means, he who does an act through another is deemed in law to do it himself. 

## Factual Situation:

A gave some amount and cheques to his friend B, who was an employee of the State Bank of India, to deposit the same in the account of his wife C.

The employee misappropriated the amount. C files a suit against the State Bank of India.

Choose the correct option.

# Question No:

---

**(a) The State Bank of India would be vicariously liable to C.**

**(b) The State Bank of India would be vicariously liable to B.**

**(c) B would be liable to A.**

# Question No: 1

---

# Question No: 3

## Legal Principle:

Whoever uses force without any lawful justification is deemed to commit (battery.)



## **Factual Situation:**

**Mary and Maya have an argument over an issue in the classroom.**

**In order to take revenge over this Mary tries to humiliate Maya in front of the other classmates by pulling the chair the moment she is about to sit on the chair.**

**Though Maya falls, she is not hurt.**

**However, she files a case against Mary for battery.**

# Question No:

---

**Question: Is Mary liable?**

- (a) Mary is not liable because Maya was not hurt.**
- (b) Mary is not liable because their argument justified her action.**
- (c) Mary is not liable because it did not require any force to pull the chair out before Maya sat.**
- (d) Mary is liable because her action is not justified.**

# Question No: 1

---

# Question No: 4

## Legal Principle:

[Contributory negligence] in an accident is a defence to a charge in criminal law.

## Factual Situation:

X, the deceased was negligently crossing the busy road at Connaught Place in Delhi while Y's car hit him resulting in death of X.

# Question No: 1

---

**What is the liability of Y?**

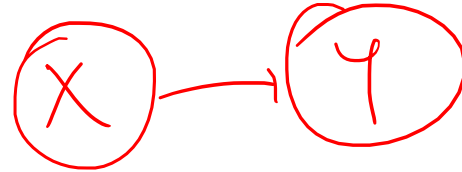
- (a) Y is liable for death of X**
- (b) Y is partly liable as X contributed to his own death**
- (c) Y is absolved from liability based on the principle of contributory negligence**
- (d) None of the above**

# Question No: 1

---

# Question No: 5

## Legal Principle:



A citizen is expected to take reasonable duty of care while driving on the road and not to cause injuries to any person.

## Factual Situation:

X, the owner of a car, asked his friend Y to drive the car to his office. As the car was near his (X's) office, it hit a pedestrian P on account of Y's negligent driving and injured him seriously. P sued X for damages.

# Question No: 1

Which one of the following is correct?

(a) X is not liable as it was the negligence of Y

(b) The liability was solely of Y as X was not accompanying him

(c) As Y was driving under X's care and authority, X is liable

(d) X is not liable under the principle of inevitable accident



# Question No: 1

5 →

10-15

# Question No: 6

## Legal Principle:

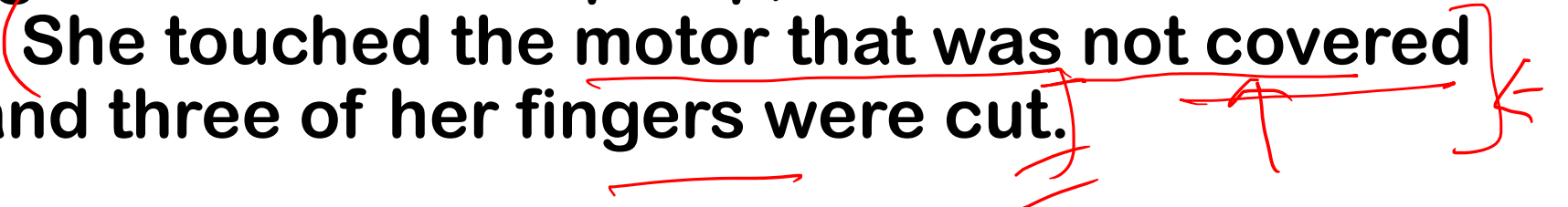
The standard to determine whether a person has been guilty of negligence is the standard of care which, in the given circumstances, a reasonable man could have foreseen.

⑦ yrs

**Factual Situation:** An agricultural university constructed 200 houses for its employees in its premises. Two huge bore wells were sunk and motors were installed. They did not cover the pump rooms properly. A child, 6 years old, from one of the quarters was playing near the pump house.

# Question No:

On hearing the noise of the pump, she was curious to see the motor. She touched the motor that was not covered properly and three of her fingers were cut.



# Question No:

(a) The parents of the child cannot sue the university on any grounds

(b) In spite of the child's act, her parents can successfully sue the university for damages

(c) The university can be made liable only to the extent of the cost of treatment as the child also contributed to the incident (d) None of the above

# Question No: 1

---

# Question No: 7

---

## Legal Principle:

**Nobody shall make use of his property in such a way as to cause damage to others. Any such use constitutes private nuisance, a wrongful act under law of torts.**

# Question No: 1

## Factual Situation:

**Vasan** was living in his own house, adjacent to a cluster of houses, owned by Varadan. Varadan was leasing out these houses, whereas Vasan was living in his house. When Vasan was transferred to another place, he leased out his house to a person suffering from AIDS. Fearing the spread of AIDS, the tenants moved out of Varadan's houses.

# Question No: 1

Varadan requested Vasan to evict AIDS patient and he offered to fix a suitable tenant for Vasan's house, if the AIDS patient is evicted. (But Vasan refused by arguing that AIDS would not spread as feared by Varadan's tenants.) Varadan filed a suit against Vasan.



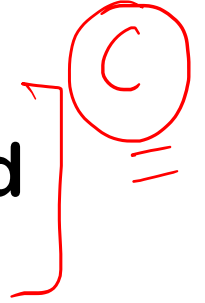
# Question No: 1

(a) Varadan will win, because Vasan knowingly caused him financial damage

(b) Varadan will not win, because Vasan could lease his house to whomever he wanted

(c) Varadan will not win, because Vasan should not be held responsible for public mis-perception

(d) None of the above



# Question No: 1

---

# Question No: 8

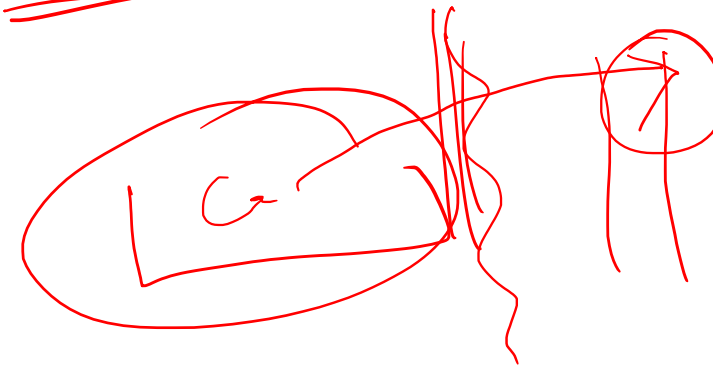
## Legal Principle:

One has to compensate another for the injury caused due to his wrongful act. The liability to compensate is reduced to the extent the latter has contributed to the injury through his own negligence. This is the underlying principle of contributory negligence.

# Question No:

## Factual Situation:

Veerappa owns a farm at a distance of half a furlong from the railway track. He stored in his land the stacks of dried up straw after the cultivation as is normal in farming. One day when the train was passing through the track, the driver was negligently operating the locomotive by allowing it to emit large quantities of spark.



# Question No:

---

The high wind, normal in open fields, carried the sparks to the stacks stored by Veerappa and the stacks caught fire thereby causing extensive damage. Veerappa filed a suit against the Railways claiming damages. The Railways while acknowledging liability alleged contributory negligence on the part of Veerappa.

# Question No:

- (a) Veerappa was not liable since his use of land was lawful
- (b) Veerappa's farm being at a reasonable distance from the railway track, he cannot be held responsible for the high winds
- (c) Veerappa should have anticipated the possibility and hence he is liable for contributory negligence
- (d) None of the above

Act of  
God

# Question No: 1

---

# Question No: 9

## Legal Principle:

A person is entitled to protect his property by using lawful means.

## Factual Situation:

Ramlal is growing valuable vegetables and fruits in his farm and he has fenced the farm to prevent the cattle from entering into it. In addition, he has kept a ferocious dog to chase away intruding urchins and cattles. Some children were playing in a nearby playground and the ball slipped into the farm.



# Question No:

---

**A boy who was running after the ball came near the fence and shouted for the ball. But when there was no response, he managed to creep into the farm to get the ball. The dog which was surreptitiously waiting attacked the boy and badly mauled him. The boy's parents filed a suit against Ramlal.**

# Question No:

- (a) Ramlal is not liable, since the fence and the dog are lawful means of protecting the property
- (b) Ramlal is not liable for the boy trespassing and getting badly injured in that process
- (c) Ramlal is liable, since an ordinary barking dog would have sufficed for the purpose
- (d) None of the above

# Question No: 1

---

# Question No: 10

---

## Legal Principle:

**Whoever stores a substance which would cause damage on escape shall be strictly liable (i.e. liable even when he has exercised necessary care) for any damage caused by the escape of that substance.**

# Question No:

---

## Factual Situation:

**Cynamide Company was manufacturing acrylonitrile, an extremely toxic chemical.**

**This chemical is used in manufacturing certain pharmaceuticals, manufactured in another factory, owned by Cynamide itself.**

**While transporting acrylonitrile stored in a sealed container to the factory where the pharmaceuticals were manufactured, there was unexpected leakage from the container and the chemical split on the ground.**

# Question No:

---

The local municipal authorities immediately rushed in and decontaminated the place. The container was sealed back within a short period of time and subsequently it was realized that the contamination was not that significant and it was not necessary to spend so much resources for decontamination.

# Question No:

---

**The municipal authorities filed a suit against Cynamide Company for whatever cost incurred in decontamination process.**

**But Cynamide Company argued that it would pay only a small sum, which could have taken care of contamination in this case.**

# Question No:

---

- (a) Cynamide Company would be liable only to the extent of contamination caused.**
- (b) The municipal authorities are entitled to recover the entire cost incurred in performance of their duty of safeguarding public interest.**
- (c) Cynamide is not liable for unexpected leakage.**
- (d) None of the above**