



SAFALTA CLASSTM

An Initiative by **अमरउजाला**

Question No: 1

Legal Principle:

- 1. A person defames another if he states anything, which exposes the other to hatred or ridicule or results in him being shunned by others or injures him in his trade, business or profession.**
- 2. To commit the offence of defamation, there must be communication of defamatory statement to a third party.**

Factual Situation:

A, a patient of B, is dissatisfied with the treatment. He discontinues the treatment and after sometime leaves the city.

After a while, his illness was automatically cured by lapse of time.

A was upset because B has made him spent a lot of money on his illness which was cured on its own.

He writes a letter accusing B for cheating.

Question No:

He alleges that B magnified the effects of the illness, deliberately treated him in a manner so that it persisted and also cause deterioration of his health. The letter is shown by B to his lawyer.

In consultation with the lawyer, B files a suit for damages against A for defamation

Question No:

(a) A has defamed B and is liable to pay compensation.

(b) A has defamed B when the letter was seen by the lawyer and therefore the compensation has to be paid.

(c) A has not defamed B.

(d) None of the above

Question No: 1

Question No: 2

Legal Principle:

1. A doctor is to keep the information given by patient in strict confidence and cannot provide the information to any party.
2. Information in public interest cannot be withheld.

Factual Situation:

A, a medical practitioner from Assam came to hospital in Madras due to serious illness.

The hospital authorities after detailed investigation found that A also suffers from HIV.

After the treatment for disease which was cured, (not the HIV) A went to Assam.

Question No:

A marriage proposal between A and B was being considered.

B after coming to hear from some anonymous sources asked the hospital authority of Madras to inform her about the real situation as to whether A is suffering from HIV.

Question No:

The hospital authority after understanding that, B was going to marry A, and therefore ought to know about the health condition of A, disclosed the information to B. A files a suit for realization of compensation of ` 5 lac against the hospital authority of Madras.

11

Question No:

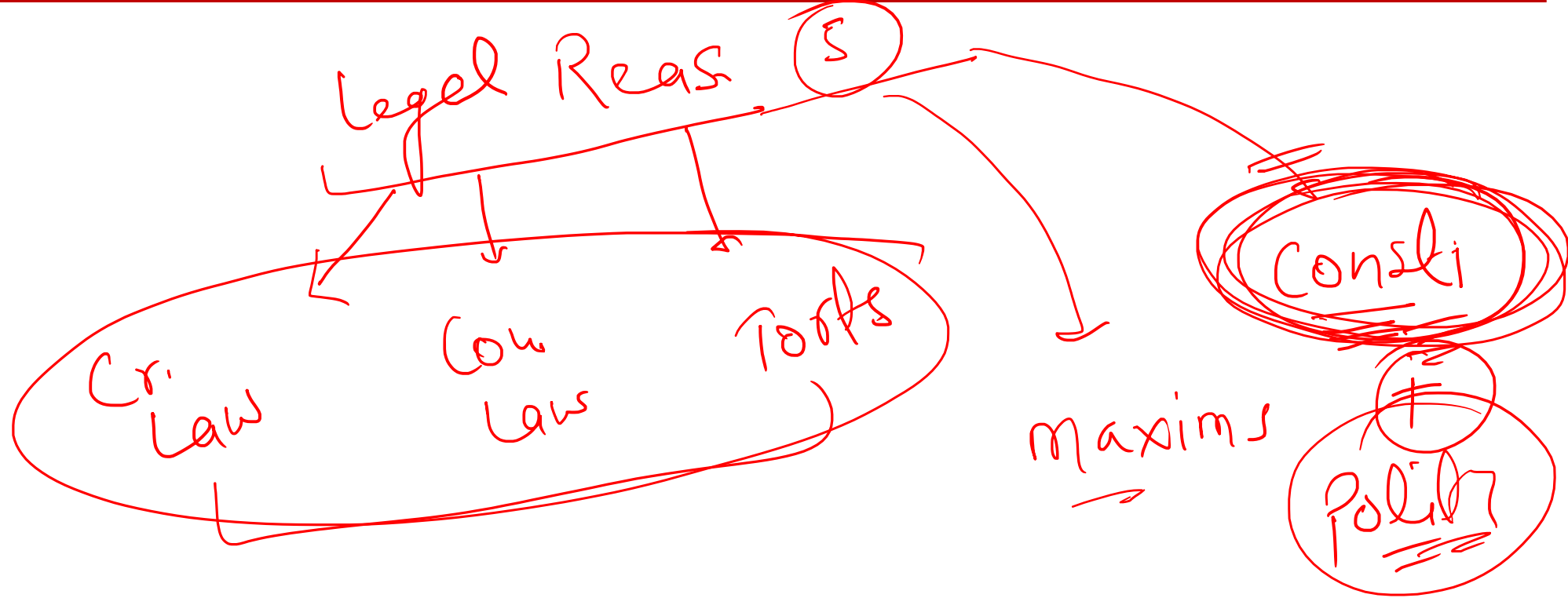
(a) The Madras authority has to pay ` 5 lac or any other amount decided by the court.

(b) The hospital is justified to disclose the information to any one interesting to know the information.

(c) The hospital is justified in giving the information only to B and not to make the information public otherwise.

(d) None of the above

Question No: 1



Question No: 3

Legal Principle:

The 'last opportunity rule' fixes the liability on the person who had the last opportunity of avoiding an accident by taking ordinary care.

Factual Situation:

A fettered the forefeet of his donkey and left the donkey in a narrow highway.

B was driving through the highway in a horse drive wagon. The wagon was going too fast and killed the donkey.

A sued B.

Question No:

- (a) A was at fault.**
- (b) A fettered the fore leg of his donkey. He was negligent.**
- (c) Despite A being negligent B could have still avoided the accident.**
- (d) None of these.**

Question No: 1

Question No: 4

Legal Principle:

Unlawful interference with a person's use or enjoyment of his premises is a civil wrong and forbidden by law.



Factual Situation:

Ramarao's neighbor was running a small printing establishment in his house.

Though it was noisy at times, the neighborhood found it tolerable. One day, Ramarao's aged father came to his house to convalesce after a major operation.

Question No:

He found the noise intolerable. Ramarao took up the matter with his neighbor and the latter refused to oblige him.

As a result, Ramarao's father died on account of the irritation. Ramarao filed a suit to close the press.

Question No:

- (a) Ramarao would win, because his neighbor interfered in his right to relax in his own house.
- (b) Ramarao would win, because his neighbor did not oblige him even after knowing the serious condition of Ramarao's father.
- (c) Ramarao would lose, because his neighbor need not take into the peculiar problems of every neighbor around.
- (d) None of these.

Question No: 1

Legal Principles:

1. Vicarious liability is when employers are held liable for the torts of their employees that are committed during the course of employment.
2. A servant is a person subject to the command of his master as to the manner in which he shall do his work. The question of whether a person is an employee depends upon the degree of control which the 'employer' exercises over the worker.

Facts:

Raja is a travel agent and possessed certain houses, which had an internal communication throughout, and which were used for the purposes of his business. Ramesh looked after the houses, and lived in them for this purpose, but he was also a clerk in the Raja's pay at a set annual salary.

Question No:

He lived in the houses with his wife, a child, and a servant. The case concerned the payment of inhabited house duty.

There was a statutory exemption for premises which were occupied by a "servant" or person occupying the premises "for the protection thereof. Raja was claiming the exemption from tax liability by claiming that Ramesh was the servant.

Decide whether Ramesh was a servant or an independent contractor ?

(a) Ramesh is not a servant as the premises was held purely for trade purposes, and as Ramesh's position was simply that of a caretaker.

(b) Ramesh earned a salary per annum in his separate role as a clerk and merely enjoyed residence of the building with his family members. Thus, he is an employee of the building owner for tax purposes.

(c) Ramesh is a servant as servant is a person subject to the command of his master as to the manner in which he shall do his work.

(d) Ramesh is a servant as Raja can control his work of caretaker of the building as well as his job of clerk.

Question No: 1

Legal Principles:

- 1. Private nuisance is a continuous, unlawful and indirect interference with the use or enjoyment of land, or of some right over or in connection with it.**
- 2. The person who for his own purposes brings on his lands and collects and keeps there anything likely to do mischief if it escapes, must keep it in at his peril, and, if he does not do so, is prima facie answerable for all the damage which is the natural consequence of its escape.**

3. Generally, nuisances cannot be Justified on the ground of necessity. pecuniary interest, convenience, or economic advantage to a defendant.

Facts:

Dr. Hemant had for 18 years operated a clinic and hospital for the treatment of ENT. Dr. Karan operated a renal clinic in which patients receive haemo-dialysis on the floor above Dr. Hemant's clinic.

Karan was found liable for obnoxious fumes emitting from the clinic which escaped downwards into Dr. Hemant's clinic.

Question No:

Hemant, his staff and patients were found to have suffered substantial damage ranging from skin diseases, red and swollen eyes, headaches, lethargy and breathing difficulties. Decide whether Karan is liable?

Question No:

(a) Karan is not liable as the work is of **public welfare** and if required, a nuisance may be permitted for special purposes.

(b) Hemant cannot claim damages as he is voluntarily operating his clinic since a decade.

(c) Karan is not liable as he is running the clinic for 18 years and Hemant has not raised any issue earlier.

(d) Karan is liable for the damages caused to Hemant and his staff and patients.

Question No: 1

Legal Principles:

1. The Tort of Negligence is a legal wrong that is suffered by someone at the hands of another who fails to take proper care to avoid what a reasonable person would regard as a foreseeable risk.

Question No: 1

2. The test of liability requires that the harm must be a reasonably foreseeable result of the defendant's conduct, a relationship of proximity must exist and it must be fair, just and reasonable to impose liability.

3. Volenti non-fit injuria is defence to action in negligence.

Question No: 1

Facts:

In a sad incident, 95 fans of a Football club died in a stampede in the Nehru Stadium. The court has decided that the accident was caused due to the negligence of the Police in permitting too many supporters to crowd in one part of the stadium.

Now, a suit is filed by Harman and several other people against the Commissioner of State Police. Harman and the other claimants had relatives who were caught up in the Nehru Stadium disaster.

Question No: 1

The disaster was broadcast on live television, where several claimants alleged, they had witnessed friends and relatives die.

Others were present in the stadium or had heard about the events in other ways. All claimed damages for the psychiatric harm they suffered as a result.

Determine whether, for the purposes of establishing liability in negligence, those who suffer purely psychiatric harm from witnessing an event at which they are not physically present are sufficiently proximate for a duty to be owed, and thus can be said to be reasonably within the contemplation of the tortfeasor?

Question No: 1

(a) Police is liable for all of the consequences of their negligence because they could reasonably foresee the injury. The liability towards victims who are not physically present is also there in all circumstances.

(b) Police is not liable because the duty of care towards Harman and others will be breached if they were present at the event and the harm caused was foreseeable.

The liability towards victims who are not physically present is only in certain exceptional circumstances.

Question No: 1

(c) Police is not liable because the incident was an accident and supporters were there by their own free will.

(d) Police is liable only for the death of 95 fans but not for the psychiatric harm to relatives of deceased fans which happened due to their own delicate mental condition.

Question No: 1

LEGAL PRINCIPLES:

- 1. Once a person accepts another's offer, and signifies such acceptance to the former, a contract comes into existence between them.**
- 2. Uncertain agreements are void agreements.**
- 3. Rejected offers can be accepted only if renewed.**

FACTUAL SITUATION:

Bakshi wanted to purchase a particular land. He sent a letter to his cousin. Dutt, offering him ` 4 lakhs for it. Dutt replied that he would not sell it below 5 lakhs.

Bakshi communicated his willingness to pay this amount. Dutt did not sell the land to Bakshi. Bakshi sued him for breach of contract.

DECISION:

- (a) Dutt is liable because once he communicates an offer to Bakshi and Bakshi accepts it, a contract comes into existence.
- (b) Dutt is liable as he has misled Bakshi by his actions.
- (c) Dutt is not liable because he has rejected the offer by giving a counter offer which is also not specific.
- (d) Dutt is not liable as there is no legally enforceable contract.

Question No: 1

Question No: 9

LEGAL PRINCIPLE :

An agreement is void if the court regards it as opposed to the public policy.

FACTUAL SITUATION:

Sunita, while her husband Shankar was alive, promised to marry Neel in the event of Shankar's death. Subsequently, Shankar died, but Sunita refused to marry Noel. Neel sues Sunita for damages for breach of ~~promise~~.

promise

DECISION:

- (a) Sunita is liable as she is to bound to marry Neel.**
- (b) She is liable to compensate Neel for breach of promise.**
- (c) Neel can marry someone else.**
- (d) She is not liable as the contract is opposed to public policy and so void.**

Question No: 1

Question No: 10

LEGAL PRINCIPLE:

An agreement is void if its object is unlawful.

FACTUAL SITUATION:

Sunil had a rich uncle who owned prime property in Chennai and had lot of money in the bank. Being the only heir. Sunil was sure that he would inherit the property. One day, the uncle called him to his room and announced that he planned to marry again.

This angered Sunil and he plans to murder his uncle so he hired Anuj, a murderer and entered into a contract with him to kill his uncle. Sunil agreed to pay ` 10 lakhs to Anuj and even paid 5 lakhs as advance. The following night Anuj entered the uncle's house intending to kill him.

Question No:

On reaching there, he realised that Sunil's uncle was already dead so he left without doing anything. Next day, after post mortem report, it transpired that Sunil's uncle had died due to heart attack. Now, sunil wants to recover the advance from Anuj. Will he succeed?

Question No:

DECISION:

(a) Yes

(b) No

(c) Anuj is liable to return the amount as the act was done by him.

(d) None of the above.

Question No: 1

Question No: 11

LEGAL PRINCIPLE:

A minor is not competent to contract.

FACTUAL SITUATION:

Deep, a 9th standard student realize that he being a minor, he is not permitted by law to execute a contract, appoints Mandeep as his agent to conclude purchase of a land to gift it to his mother on her birthday.

Question No: 1

Mandeep accordingly prepares the papers for the transaction but at the last minute the seller who had agreed to sell it now refuses to sell it contending that he does not wish to sell the land to a minor. Deep seeks to enforce the contract against the seller.

Question No: 1

DECISION:

- (a) Deep can enforce the contract—since Mandeep is his agent. Deep is deemed to have personally entered into a contract.**
- (b) Deep cannot enforce the contract—only Mandeep can, since seller has entered into the contract with Mandeep.**
- (c) Deep cannot enforce the contract since he is a minor.**
- (d) Deep can neither appoint an agent nor enforce the contract since he is a minor.**

Question No: 1

Question No: 12

Principle:

Conspiracy is a combination between two or more persons formed for the purpose of doing either an unlawful act or a lawful act by unlawful means.

Facts:

X and Y conspire to poison Z. X in pursuance of the conspiracy procures the poison and delivers it to Y in order that he may administer it to Z.

Y in pursuance of the conspiracy administers the poison in the presence of X and thereby causes Z's death. What offence, if any has been committed by X and Y, respectively?

Question No: 1

- (a) Y has committed the offence of murder and X was an abettor
 - (b) Both X and Y have committed the offence of criminal conspiracy
 - (c) X has committed the offence of murder and Y was an abettor
 - (d) Both X and Y have committed the offence of murder
- Handwritten annotations: A red bracket groups options (b) and (c) with an 'X' mark. A red bracket groups option (d) with an '=' sign. A red checkmark is next to option (d).*

Question No: 1

Question No: 13

Principle:

Willful rash driving is an offense.

Facts:

Mr. Tiwari was driving his car after drinking alcohol. Police books him for willful negligent driving. Is the act of the police lawful?

Question No: 1

- (a) No, because Mr. Tiwari was not driving rashly; he was drunk while driving.
- (b) No, this is not a negligent act.
- (c) Yes, because Mr. Tiwari was driving rashly.
- (d) Yes, because the police has the power to arrest a person driving rashly.

Question No: 1

Question No: 14

Principle:

Nothing is an offence which is done by a person who, at the time of doing it, by reason of unsound state of mind, is incapable of knowing the nature of the act, or something that he is doing is either wrong or contrary to law.

Question No:

Facts:

X takes his son Y who is three years old, for bathing to the well. He throws his son inside the well so that the son can have a good bath.

After 10 minutes he also jumps into the well to take bath and get his son out of the well. Both were rescued by the villagers but his son was found dead.

Question No:

- (a) X has committed culpable homicide amounting to murder
- (b) X has committed murder
- (c) X has done no offence as he can plead the defense of unsound state of mind
- (d) X's family should be held responsible for allowing him to take the child to the well

Question No: 1

Question No: 15

Principle:

Ignorance of Fact is excused but ignorance of law is no excuse.

Facts:

X was a passenger from Zurich to Manila in a Swiss Plane. When the plane landed at the Airport of Bombay on 28 Nov. 1962 it was found on searching that X carried 34 kg of Gold Bars on his person and that he had not declared it in the 'Manifest for Transit'.

Question No:

On 26th Nov. 1962 the Government of India had issued a notification modifying its earlier exemption, making it mandatory now that the gold must be declared in the “Manifest” of the aircraft.

Question No:

- (a) X cannot be prosecuted because he had actually no knowledge about the new notification issued two days ago**
- (b) X cannot be prosecuted because ignorance of fact is excusable**
- (c) X can be prosecuted because ignorance of law is not excusable**
- (d) X's liability would depend on the discretion of the court**

Question No: 1

Question No: 16

Principle:

Contract is an agreement freely entered into between the parties.

Facts:

Tapan was a dealer in mustard oil. The Government of India by an order issued under the Essential Commodities Act, fixed the price of mustard oil, and also the quantity which a person can buy from the dealer. Tapan carried on his business under this order for a while, but he refused to pay sales tax on his sale transactions on the ground that these were not the contracts freely entered into by him.

Question No: 1

- (a) Tapan would succeed because the price and quantity were not negotiated by him.**
- (b) Tapan would not succeed because free consent between the parties was there despite the restriction on price and quantity**
- (c) He would succeed because the Government under the new order forced him to enter into contracts**
- (d) Both (a) & (c)**

Question No: 1



**Don't Forget to Like /
Comment & Share this
video**

