

CLAT 2019 UG SET-B

LEGAL APTITUDE

This section consists of fifty (50) questions. Each question consists of legal principle(s) (hereinafter referred to as 'principle') and facts. Such proposition may or may not be true in the real and legal sense, yet you have to conclusively assume them to be true for the purposes of this section. Principles have to be applied to the given facts to arrive at the most reasonable conclusion. Only one of the alternatives, i.e., (A), (B), (C), or (D) is the most reasonable conclusion. In other words, in answering the following questions, you must not rely on any principle except the principles that are given herein below for every question. Further you must not assume any facts other than those stated in the question. The objective of this section is to test your ability in legal aptitude, study of law, research aptitude and problem solving ability even if the 'most reasonable conclusion' arrived at may be absurd or unacceptable for any other reason.

51. **Principle:**Acceptance of proposal must be the exact mirror image of the proposal.
Facts: 'A' made a proposal to 'B' to sell a chair for Rs. 500. 'B' is desirous of buying the said chair for Rs. 400.
- (A) B has accepted the proposal of A.
 - (B) B has not accepted the proposal of A.
 - (C) It is not clear if B has accepted the proposal of A.
 - (D) It is not clear whether A made a proposal to B.
52. **Principle:**An agreement with a boy below the age of eighteen years is not enforceable by law.
Facts: A man entered into an agreement with a girl of seventeen years of age.
- (A) The agreement is enforceable by law.
 - (B) The agreement is not enforceable by law.
 - (C) The agreement is enforceable by the girl.
 - (D) No inference can be drawn.
53. **Principle:**Sale of liquor is illegal. All agreements relating to prohibited items do not exist in the eyes of law.
Facts: 'A' entered into an agreement with 'B' for the sale of liquor. 'A' failed to supply the agreed quantity of liquor to B.
- (A) B can bring a legal action against A.
 - (B) B cannot bring any legal action against A.
 - (C) A can bring a legal action against B.
 - (D) A and B can initiate appropriate legal proceeding against each other.

54. **Principle:**The communication of a proposal is complete when it comes to the knowledge of the person to whom it is made.
Facts: 'A' sent a letter making a proposal to 'B' to purchase the house of B.
(A) The communication of proposal is complete when A sent the letter.
(B) The communication of proposal is complete when B's wife received it.
(C) The communication of proposal is complete when B's wife handed over the letter to B.
(D) The communication of proposal is complete when B reads the letter.
55. **Principle:**An agreement may be entered into orally, in writing, or by conduct.
Facts: 'A' went to the shop of 'B' and picked a tooth brush and gave a cheque of Rupees twenty to B and left the shop.
(A) A entered into an agreement with B.
(B) A did not enter into an agreement with B.
(C) Payment of tooth brush cannot be made through a cheque.
(D) A should have carried a currency note of Rupees twenty to make the payment.
56. **Principle:**Property consists of right to possess, right to use, right to alienate and right to exclude others. Sale is complete when property gets transferred from the seller to the buyer.
Facts: 'A' sold his car to 'B' B requested A to keep the car in his care on behalf B for one month. A agreed.
(A) Sale of car is complete.
(B) Sale of car is not complete.
(C) Sale will be completed when B keeps the car in his own care.
(D) Sale will be automatically completed after the expiry of one month.
57. **Principle:**A person, who is usually mad, but occasionally not mad, may make a contract when he is not mad.
Facts: 'A' generally remains in the state of madness and rarely becomes capable of understanding anything.
(A) A can make a contract.
(B) A can never make a contract.
(C) A can make a contract at any time whenever he pleases.
(D) A can make a contract only for his own benefit.
58. **Principle:**An agreement without free consent can be enforced only at the option of the party whose consent was not free.
Facts: A obtains the consent of B to enter into an agreement by putting a gun on the head of B's girl friend.
(A) B can enforce the agreement.
(B) B cannot enforce the agreement.
(C) A can enforce the agreement.
(D) Neither A nor B can enforce the agreement.

59. **Principle:** Where one of the parties to a contract was in position to dominate the decision of the other party, the contract is enforceable only at the option of the party who was in a position to dominate decision of the other party.
- Facts:** A doctor asked his patient to make a payment of Rs. 10,00,000/- (Ten Lac Only) for treatment of his fever. The patient paid an amount of Rs. 5,00,000/- (Five Lac Only) and promised to pay the remaining amount after the treatment. After treatment the patient recovered from fever. The doctor demanded the remaining amount from the patient. The patient refused to pay.
- (A) The contract is enforceable against the doctor.
 (B) The contract is enforceable against the patient.
 (C) The contract is not enforceable.
 (D) The contract is not enforceable against the patient.
60. **Principle:** When, at the desire one person, any other person has done or abstained from doing something, such act or abstinence or promise is called a consideration for the promise.
- Facts:** X, the uncle of Y, made a promise to pay him an amount of Rs. 1,00,000/- as reward if Y quits smoking and drinking within one year. Y quit smoking and drinking within six months.
- (A) Consideration has moved from the side of X.
 (B) Consideration has moved from the side of Y.
 (C) No consideration has moved from the side of Y.
 (D) Quitting smoking and drinking cannot be a consideration.
61. **Principle:** Law never enforces an impossible promise.
- Facts:** 'A' made a promise to 'B' to discover treasure by magic.
- (A) Law will enforce the promise.
 (B) Law will not enforce the promise.
 (C) Law will enforce the promise only at the option of A.
 (D) Law will enforce the promise only at the option of B.
62. **Principle:** When a person who has made a promise to another person to do something does not fulfill his promise, another person becomes entitled to receive, from the person who did not fulfill his promise, compensation in the form of money.
- Facts:** X made a promise to Y to repair his car engine. Y made the payment for repair. After the repair, Y went for a drive in the same car. While driving the car, Y met with an accident due to bursting of the tyre.
- (A) X will be entitled to receive compensation from Y in the form of money
 (B) Y will be entitled to receive compensation from X in the form of money
 (C) X will not be entitled to receive compensation
 (D) Y will not be entitled to receive compensation from X

63. **Principle:**Whoever takes away any moveable thing from the land of any person without that person's consent is said to commit theft.
- Facts:** During his visit to the home of C, A asks B, the son of C, to accompany A to a forest. Neither A nor B inform C in this regard. B accompanies A to the forest.
- (A) A has committed theft.
 (B) A has not committed theft.
 (C) A has committed theft as soon as he entered the home of C.
 (D) A has not committed theft till B did not accompany him.
64. **Principle:**Nothing is an offence if it is done in good faith for the purpose of preventing or avoiding greater harm or damage to person or property.
- Facts:** A jumps into a swimming pool to save a boy from drowning. While pulling the boy from water A was hit by C. A left the boy in the water and attacked C. The boy died in the water.
- (A) A has not committed the offence of killing the boy.
 (B) A has committed the offence of killing the boy.
 (C) The boy has committed the offence of suicide.
 (D) The boy has committed the offence of drowning.
65. **Principle:**Causing of an effect partly by an act and partly by an omission is an offence.
- Facts:** A did not provide any food to his daughter D. He also confined D in a room. Consequently, D died.
- (A) A committed the offence of not providing food to D.
 (B) A committed the offence of confining D.
 (C) A committed the offence of killing D.
 (D) A committed no offence.
66. **Principle:**Nothing is an offence which is done in the exercise of the right of private defence. Nothing is an offence which is done in madness.
- Facts:** A, under the influence of madness, attempts to kill B. B to save his life kills A.
- (A) A has committed the offence of attempt to murder
 (B) A has committed an offence of being mad
 (C) B has committed an offence
 (D) B has not committed an offence
67. **Principle:**A man is guilty of not only for what he actually does but also for the consequences of his doing.
- Facts:** A wanted to kill the animal of B. He saw B standing with his animal and fired a gun shot at the animal. The gun shot killed B.
- (A) A is guilty of killing B.
 (B) A is not guilty of killing B.
 (C) B is guilty of standing with the animal.
 (D) A did not know that the gun shot will kill B.

68. **Principle:** Mere silence as to facts likely to affect the decision of a person to enter into a contract is not fraud.
- Facts:** A sells to B (A's daughter who is a minor) a horse which A knows to be unsound. A says nothing to B about the unsoundness of the horse.
- (A) A has committed fraud
 (B) A has committed no fraud
 (C) There cannot be a contract between a father and daughter
 (D) The daughter did not ask therefore the father did not tell, hence no fraud
69. **Principle:** Whoever attempts to commit the offence of cheating, commits an offence.
- Facts:** A with an intention to defraud B, obtains from him an amount of Rs. 500.
- (A) A has committed no offence
 (B) A has committed the offence of cheating
 (C) A has attempted to commit the offence of cheating
 (D) A has attempted to commit and has committed the offence of cheating
70. **Principle:** Whoever by words publishes any imputation concerning any person is said to defame that person.
- Facts:** During a marriage ceremony, A circulated a pamphlet saying sister of the bride 'S' is a thief, she has stolen the shoes of the bridegroom.
- (A) A defamed S
 (B) A did not defame S
 (C) A defamed the bridegroom
 (D) A defamed the bride
71. **Principle:** An employer is liable for an injury caused to an employee in the course of the employment.
- Facts:** 'A' and 'B' were working in a factory as unskilled laborers. A was carrying a basket of stones on his head. B was sitting on the ground. When A crossed B, all of a sudden a stone fell down from the basket and hit B on his head. B died instantaneously.
- (A) The employer will be liable
 (B) The employer will not be liable
 (C) A will be liable
 (D) Both employer and A will be liable

72. **Principle:**Damages the money recompense, as far as money can do, for the loss suffered by a person.
- 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 favor 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
73. **Principle:**When a party to a contract has refused to perform, or disabled himself from performing, his promise in its entirety, the other party shall not put an end to the contract.
- Facts:** A engaged B on April 12 to enter his service on June 1, but on May 11, A wrote to B that his services would not be needed. On May 22, B joined C for employment.
- (A) B cannot put the contract to an end.
 (B) B can put the contract to an end.
 (C) C can put his contract with B to an end.
 (D) A must pay damages to B.
74. **Principle:**Everyone shall be permitted to take advantage of his own wrong.
- Facts:** A legatee was heavily drunk and driving his car at a speed of 100 Km/per hour in a crowded market. All of a sudden his testator came on the road. There were other people on the road at that time. The car driven by legatee hit the testator and four other persons. All the five persons hit by the car died.
- (A) The legatee can take the benefit under the will
 (B) The legatee cannot take the benefit under the will
 (C) The legatee will be punished
 (D) The property of the testator will go to his heirs
75. **Principle:** Property can be transferred only by a living person to another living person.
- Facts:** 'A' transfers property of which he is the owner in favor of the unborn child of B.
- (A) Property has been transferred to the unborn child
 (B) Property has been transferred to B
 (C) Property has not been transferred to the unborn child
 (D) Property will be transferred to the unborn child after his birth

76. **Principle:**An interest created, dependent upon a condition fails, if the fulfillment of the condition is impossible.
- Facts:** A promises to pay Rs. Ten Lakh to B on condition that he shall marry A's daughter C. At the date on which A gave Rs. Ten Lac to B, C was dead.
- (A) B's interest fails
 (B) B's interest fails because of immorality
 (C) B's interest fails because of prohibition by law
 (D) B's interest does not fail
77. **Principle:**A condition must be complied with after the happening of the event to which such a condition is attached.
- Facts:** A promises to pay Rs. 5,000 to B on the condition that he shall marry with the consent of C, D and E. B marries without the consent of C, D and E, but obtains their consent after the marriage.
- (A) B has fulfilled the condition
 (B) B has not fulfilled the condition
 (C) The condition is illegal
 (D) B must divorce his wife
78. **Principle:**A condition must be complied in order to claim the benefit of an agreement.
- Facts:** A agrees to transfer a farm to B, if B shall not go to England within three years after the date of the agreement, his interest in the farm shall cease. B does not go to England within the term prescribed.
- (A) B's interest in the farm continues
 (B) B's interest in the farm does not continue
 (C) B has a fundamental right to go to England or not to go to England and hence the condition is illegal
 (D) The agreement between A and B is void
79. **Principle:**Existence of all the alleged facts is relevant whether they occurred at the same time and place or at different times and places.
- Facts:** A, a citizen of England, is accused of committing murder of B in India by taking part in a conspiracy hatched in England.
- (A) The facts that A accused of commission of murder and of conspiracy are relevant facts
 (B) Only the fact that A is accused of committing murder of B is relevant
 (C) Only the fact that A is accused of conspiracy hatched in England is relevant
 (D) A citizen of England cannot be tried in India

80. **Principle:** One who asserts must prove.
Facts: A desires a Court to give judgment that B, C and D shall be punished for a crime which A says B, C and D have committed.
- (A) A must prove that B, C and D were present at the place of crime
 - (B) A must prove that B, C and D have committed the crime
 - (C) B, C and D must prove that they have not committed the crime
 - (D) Police must prove that B, C and D have committed the crime
81. **Principle:** Foreign judgment binds the parties and is conclusive unless it is obtained by fraud.
Facts: A obtains judgment from US court by producing fake documents.
- (A) New Suit can be filed in India on the same facts
 - (B) Judgment can be enforced in US
 - (C) Judgment can be enforced in India
 - (D) New suit can not be filed in India on same facts
82. **Principle:** Decision of Court is Null and Void, if it is given by court which does not have jurisdiction over the subject matter.
Facts: A obtains decision from a court which did not have jurisdiction to deal with the subject matter.
- (A) Decision can be enforced because both the parties were present
 - (B) Decision cannot be enforced because decision is null and void
 - (C) Decision can be enforced because it is given a court
 - (D) Decision can be enforced
83. **Principle:** Civil Suit can be filed where defendant resides or carries on business or where cause of action arises.
Facts: 'A' carries on business in Gurgaon, 'B' carries on Business in Mumbai. 'B' through his agent in Gurgaon purchases goods in Gurgaon and takes delivery through agent in Gurgaon. Where Civil Suit for payment of price can be filed by 'A'?
- (A) Gurgaon only where cause of action arises
 - (B) At Mumbai where B carries on Business
 - (C) At either of the places i.e. Mumbai or Gurgaon
 - (D) Anywhere in India
84. **Principle:** Civil Suit can be filed where defendant resides or carries on business or where cause of action arises.
Facts: An agreement is signed and executed in New Delhi between A and B for supply of goods wherein B is to supply goods to be delivered at New Dehli to client of A. A carries on business at Haryana and B carries on Business in UP. Civil suit by 'B' for payment of consideration can be filed against 'A' at
- (A) Only at New Delhi, where cause of action arises
 - (B) Only at Haryana where 'A' carries on business
 - (C) Only at UP where 'B' carries on business
 - (D) At Haryana or at New Delhi

85. **Principle:**No court can execute the decisions unless it is having territorial jurisdiction over the property or the person against whom decision is to be executed. The Court which gave the decision can transfer the matter to the court which has the territorial jurisdiction over the person or property.
- Facts:** A decision is given by court at New Delhi on a contractual matter against X in a suit between X and Y. X is resident of Maharashtra and he has properties in Maharashtra and Gujarat.
- (A) New Delhi court can transfer the proceedings to Court at Maharashtra only
- (B) New Delhi court can execute the decision because it had the jurisdiction to decide the matter so it can execute also
- (C) New Delhi court can transfer the proceedings to court at Gujarat only
- (D) New Delhi court can transfer the proceedings to either of the courts i.e. Maharashtra or Gujarat
86. **Principle:**Nothing is an offence by reason of any harm it may cause to another person, if it is done in good faith and for the benefit of that person even without that person's consent.
- Facts:** A is attacked by a Lion and Lion drags him while he is crying for help. B, a passer by picks up A's gun in good faith and fires at Lion which injures A. B has never used the gun before.
- (A) B is liable for the injury because he knew that he can injure A as he has never used any gun before
- (B) B is not liable as he has done the act in good faith
- (C) B is liable because he has not taken A's consent before firing
- (D) B is liable because he has used A's gun without his consent
87. **Principle:**Nothing is an offence if it is done under intoxication and the person committing the offence was incapable to understand the nature of the Act. Intoxication should be without knowledge or against the will of the person.
- Facts:** A, B and C were having a party in Bar where A persuaded B and C to take alcoholic drinks. On the persistent persuasion B and C also consumed alcohol along with A. B and C had never consumed alcohol before. After intoxication, there was some argument between B and C where C pushed B with full force causing serious injury to B.
- (A) C is liable
- (B) C is not liable because he was intoxicated
- (C) A is liable because A persuaded them to consume alcohol whereas they had never consumed alcohol
- (D) A and C both are liable

88. **Principle:** Everyone has the right of private defence to defend his body and property by use of reasonable force unless that person had time to have recourse to protection of public authorities.
- Facts:** X receives information at 5.00 pm that Y along with few friends is planning to burn his crop at midnight which is ready to be harvested. He does not inform the village Police Station which was just one kilometer away. He gathers his family members and directs them to collect some weapons in the form of swords and lathis to protect his field/crop. At around 11.00 pm Y and his aides attack the crop and a severe fight ensues wherein Y is seriously injured.
- (A) X is not liable as he was exercising his right of private defence
 (B) X and his family are not liable for the injuries caused as they were exercising the right of private defence
 (C) X is liable
 (D) X and his family is liable as they have not informed the police
89. **Principle:** Anyone who induces or attempts to induce a voter to vote in a particular manner on the ground that the voter will face divine displeasure, shall be guilty of offence of interfering with free exercise of right to vote.
- Facts:** During election campaign period one candidate X told the voters that if they do not vote for her, voters will be cursed because the election candidate is the God's own child and those who do not vote for her, they will not be liked by God.
- (A) X has committed an offence
 (B) X has not committed an offence because she only narrated what she felt
 (C) X has not committed an offence because she has freedom of speech and expression
 (D) X has not committed an offence because she did not compel anyone to vote for her
90. **Principle:** Doing of an act which causes common injury, danger or annoyance to public or which is likely to cause such injury or annoyance is Public nuisance. A common nuisance is not excused because it causes some nuisance or advantage.
- Facts:** 'A' a farmer having large farmlands burns crop residue (stubble) on his fields after harvesting the crop to make the field ready for next crop as this is the easy, fast and convenient method of making the field ready for next crop. His farmlands are adjoining a densely inhabited residential area and people pass through the smoke while travelling on the road adjoining his farmlands. The smoke caused by fire also enters the houses in the colony
- (A) A has not committed any offence since he does not cause any specific injury to any specific person
 (B) A has not committed any offence because he does not gain any advantage from persons living in the vicinity
 (C) A has committed public nuisance
 (D) A has not committed any offence because the alleged acts are done on the fields owned and used by him and acts are done without any intention to cause harm.

91. **Principle:**Death caused by rash or negligent act of a person is an offence.
- Facts:** X was driving his SUV car in a lonely road leading to a forest at 160 km per hour. Suddenly, someone appears from the forest on the road and in the resultant accident, the car hits the commuter causing his death.
- (A) X is not guilty of an offence as the accident has occurred on a lonely road
(B) X is not guilty because there was no intention to kill the deceased
(C) X is guilty of an offence death by rash or negligent act
(D) X is not guilty because he was also injured in the accident
92. **Principle:**Whoever causes death by rash or negligent act commits an offence.
- Facts:** X is having a house on the roadside which is also having a street on the back of the house. He has a lawn on the back of his house where he has built a toilet. To prevent the intruders from entering his house, he got the fence charged with a high voltage live electric wire. Z was passing through the street at the backyard of the house of X and sat down to take rest near the fence. While getting up, his hands came in contact with the fence which was connected to high voltage electric wire causing his death.
- (A) X has not committed any offence because he has right to prevent trespass
(B) X has committed an offence of causing death by rash and negligent act
(C) X has committed no offence because he does not have any enmity with X
(D) X has committed an offence of Murder
93. **Principle:**Killing is not murder, if it is committed in a sudden fight without pre-meditation in a heat of passion upon a sudden quarrel.
- Facts:** X and Y were buying liquor from a liquor shop at 7 pm. Y abused X and there was quarrel between them. X told Y that he will not spare him and Y shouted that his house is adjoining the shop only and if X had the guts, he can come anytime. X went back to his shop which was nearby, procured a knife and went to Y's residence at 9 pm and stabbed him to death.
- (A) X has committed murder
(B) X has not committed an offence of murder since it was committed in sudden fight in a heat of passion
(C) X has not committed murder of Y because he had no enmity with Y
(D) X has committed no offence

94. **Principle:** Use of criminal force intentionally knowing that it would cause or is likely to cause injury or annoyance to the person against whom force is used, is an offence.
- Facts:** X, a renowned social worker who had launched a movement for liberation of women, pulls up a Muslim women's veil in public in good faith without her consent causing annoyance to her.
- (A) X is a renowned social worker and he has committed no offence because his motive was good
- (B) X acted in good faith to liberate her from clutches of tradition and has hence has committed no offence
- (C) X has done the act in public and not in secrecy therefore had not committed any offence
- (D) X has committed an offence by use of criminal force
95. **Principle:** Inducing any animal to move or to change its motion and thereby intentionally causing fear of injury or annoyance to others by such act, is an offence of use of criminal force.
- Facts:** X incites his dog to chase and run after his neighbour Y, to teach Y to stay away from him. The act is done without neighbour's consent and against his will
- (A) X has committed no offence
- (B) X has committed no offence because no harm is caused to Y
- (C) X has committed no offence because he intention only to put fear in the mind of Y
- (D) X has committed an offence of use of criminal force
96. **Principle:** A spouse is not permitted to put in evidence in any court, any communication during marriage between the spouses without the consent of the person who made the communication.
- Facts:** X who is the wife of Y saw her husband (Y) coming out of the neighbour's house at 6.00 am in the morning. Y told his wife X that he has murdered the neighbour and handed over the jewellery of that neighbour to his wife.
- (A) X is allowed to appear as a witness in court to depose that her husband has told her that he committed a murder
- (B) X is not allowed to appear as a witness at all in any court
- (C) X is not allowed to appear as a witness to depose what was told by the husband to her, however, she can depose what she saw
- (D) X is an independent woman and she can do whatever she wants
97. **Principle:** Oral evidence must always be direct i.e. of the person who says he saw the event and hearsay evidence is no evidence.
- Facts:** X was told by Y (whom X trusts) that Z has murdered A
- (A) Statement of X is admissible
- (B) Statement of X is not admissible because he has not seen Z murdering A
- (C) Statement of X is admissible because he trusts Y and Y never tells a lie
- (D) Statement of X is admissible because he is a renowned social activist and has a huge reputation to fight for the truth

98. **Principle:** Terms of any written contract can be proved by producing the written contract only and oral evidence is excluded.
- Facts:** A gives B receipt for money paid by B. Oral evidence is offered to prove payment.
- (A) Oral evidence to prove payment is allowed
 - (B) Oral evidence to prove payment is not allowed
 - (C) Oral evidence is always allowed to prove all facts
 - (D) Oral evidence is generally disallowed
99. **Principle:** Employer is liable for the injury caused to the employee in the course of his employment.
- Facts:** X organized a party and hired a caterer. During the party, generator set went out of order and he requested one employee of caterer i.e. Y to bring the mechanic on his vehicle and promised to pay 1000 for the same to Y. Y met with an accident while going to fetch the mechanic and he seeks compensation.
- (A) X is liable as Y was working in the course of employment offered by X
 - (B) X is not liable as Y is not his employee
 - (C) X is liable because party was organized by him
 - (D) Caterer is liable as Y is his employee
100. **Principle:** Master is liable for the acts of his servant done in the course of his duties.
- Facts:** X hired an employee Y in his construction business. Y was the property in-charge who received construction material and gave receipts for the material received by him. Z claimed payment for cement supplied to X which was duly received by Y. X denied the payment on the ground that he has only received half of the material and the balance was misutilized by the employee Y.
- (A) X is liable for the entire amount
 - (B) X is liable for the part amount only i.e. for payment of the cost of half of the material
 - (C) X is not liable for the misconduct/embezzlement of his employee
 - (D) Z can claim the balance payment only from Y