

# CLAT Legal Reasoning

## Sample Paper – 8

Duration: 30 Minutes

Maximum Marks: 30

### Instructions

- This paper contains **30** Multiple Choice Questions (Single Correct Answer), modelled on the Legal Reasoning section of **CLAT** (Common Law Admission Test).
- Each correct answer carries **+1 mark**. There is a **negative marking of 0.25 marks** for every incorrect answer; unattempted questions carry no penalty.
- The paper has **five passages**, each stating one or more **legal principles** and followed by **six** questions. Apply **only** the principle(s) given in the passage to the facts; do not rely on any outside knowledge of the law.
- CLAT is an offline pen-and-paper (OMR) test with no sectional time limit; attempt this practice paper in one timed sitting of about **30 minutes**.
- Use of mobile phones, calculators, dictionaries, or electronic gadgets is strictly prohibited.

### Passage I

*Directions (Q1–Q6): Read the following passage and answer the questions that follow. In answering the questions, apply the principle stated in the passage even if it differs from the actual law, and do not use any knowledge of law you may otherwise have.*

**Principle:** Ordinarily the person who alleges negligence must *prove* it. But where the thing that caused the harm was under the *exclusive control* of the defendant or his servants, and the accident is of a kind that in the ordinary course of things does not happen if those in control use proper care, then the mere fact that the accident happened is treated as *evidence of negligence*. In such a case the burden shifts to the defendant to explain that the accident occurred without any negligence on his part. This rule is often called *res ipsa loquitur*, meaning “the thing speaks for itself”.



The rule does not apply in three situations. It does not apply where the *true cause* of the accident is already known. It does not apply where the thing was *not under the defendant's exclusive control*. And it does not apply where the accident is *equally consistent with the absence of negligence*, so that its mere occurrence tells us nothing about whether there was any carelessness.

- Q1.** A heavy sack of cement falls from an upper floor of a warehouse and strikes P, a passer-by on the street below. The warehouse floor and the goods stored on it were entirely in the charge of the owner's own workmen, and sacks do not ordinarily fall out of a warehouse if those in charge take proper care. P cannot say exactly what went wrong. Applying the principle, what is the position?
- (A) P must fail, because he cannot point to the exact careless act that caused the sack to fall.
  - (B) The accident itself is treated as evidence of negligence, and the burden shifts to the owner to explain that it happened without any negligence on his part.
  - (C) The owner is at once finally liable, with no chance to offer any explanation of the accident.
  - (D) P can succeed only if he produces an eyewitness who saw the sack being pushed.
- Q2.** A lift in a building suddenly falls. At the trial it is clearly proved by eyewitnesses, and accepted by the court, that a stranger with no connection to the building had secretly cut the lift cable just before the fall, and that this was the true cause of the accident. The injured person nonetheless asks the court to presume the owner's negligence from the mere fact of the fall. Applying the principle, can the rule be used?
- (A) Yes, because a lift falling is exactly the kind of thing that does not happen without negligence.
  - (B) Yes, because the lift stood inside the owner's own building.
  - (C) The owner is liable in any case once the lift has fallen.



(D) No, because the true cause of the accident is already known, and the rule does not apply where the real cause has been established.

**Q3.** In a self-service supermarket, bottles are stacked on open shelves that hundreds of customers pick up, examine, and rearrange throughout the day. A bottle falls and injures a shopper, but it cannot be shown who last touched or disturbed it. The shopper asks the court to presume the store's negligence from the fall alone. Applying the principle, does the rule apply?

(A) No, because the shelf and its bottles were not in the store's exclusive control, as many customers had access to and handled them.

(B) Yes, because the accident happened inside the store's premises.

(C) Yes, because a bottle can never fall without somebody's carelessness.

(D) Yes, because the store owns the goods it puts on sale.

**Q4.** A ship carrying cargo is lost at sea during a sudden and violent storm of a kind that could sink even a seaworthy vessel handled with proper care. Nothing shows whether the loss was due to any failure of care or simply to the storm; the loss is just as consistent with careful navigation as with careless navigation. The cargo owners ask the court to presume the shipowner's negligence from the loss alone. Applying the principle, does the rule apply?

(A) Yes, because the ship was under the shipowner's control.

(B) Yes, because a ship that sinks must have been badly handled.

(C) No, because the accident is equally consistent with the absence of negligence, so its mere occurrence is not evidence of any carelessness.

(D) The shipowner is liable in every case where cargo is lost at sea.

**Q5.** A patient undergoes an abdominal operation. She continues to suffer pain afterwards, and a pair of surgical forceps is found to have been left inside her body. During the operation her body was entirely in the



exclusive control of the operating surgeon and his team, and instruments are not left inside a patient if proper care is taken. Applying the principle, what is the position?

- (A) The patient must first prove the precise moment at which the surgeon was careless.
- (B) The very fact that the forceps were left inside is evidence of negligence, and the burden shifts to the surgeon and his team to explain how it happened without negligence.
- (C) The surgeon need explain nothing, because this rule never applies to doctors.
- (D) The patient can succeed only if another doctor happened to witness the operation.

**Q6.** On a public road two cars collide. It is not shown that the road, the vehicles, or the surrounding circumstances were within any one driver's exclusive control, and the cause of the collision remains genuinely unknown, such collisions happening with or without negligence. One driver simply asks the court to presume the other's negligence from the fact that a collision occurred. Applying the principle, is that presumption available?

- (A) No, ordinarily the person who alleges negligence must prove it, and here none of the special conditions for shifting the burden is made out.
- (B) Yes, because any collision on a road is proof of negligence by the other driver.
- (C) Yes, because an accident should always be blamed on the other side.
- (D) The other driver is presumed liable simply because a collision took place.

### Passage II

*Directions (Q7–Q12): Read the following passage and answer the questions that follow. In answering the questions, apply the principle stated in the passage even if it differs from the actual law, and do not use any knowledge of law you may otherwise have.*



**Principle:** Where both parties to an agreement are under a mistake as to a matter of fact *essential* to the agreement, the agreement is void. A matter of fact is essential if it goes to the very root of the agreement, such as the *existence* or the *identity* of the subject-matter of the agreement.

An erroneous opinion as to the *value*, or as to the mere *quality*, of the subject-matter is not a mistake as to an essential fact, and does not make the agreement void. A mistake as to a *law in force* is likewise not a ground for treating a contract as void. Finally, a mistake by *one party alone*, that is, a unilateral mistake, does not, by itself, make the agreement void.

- Q7.** A agrees to buy from B a specific consignment of wheat said to be lying in a named warehouse. Unknown to both A and B, the entire consignment had already been destroyed in a fire the night before, so that at the moment of the agreement the subject-matter no longer existed. Applying the principle, what is the position of the agreement?
- (A) Valid, because A had agreed to pay the price for the wheat.
  - (B) Valid, because both parties acted honestly and in good faith.
  - (C) Void, because both parties were under a mistake as to the existence of the subject-matter, which is a fact essential to the agreement.
  - (D) Valid, but B must simply supply wheat from some other source.
- Q8.** A agrees to sell an old painting to B, and both of them honestly believe it to be worth about Rs 10,000. Later the painting turns out to be worth far more. Both were mistaken only in their opinion of the painting's value; there was no mistake about which painting was being sold or whether it existed. Applying the principle, is the agreement void?
- (A) No, because an erroneous opinion as to the value of the subject-matter is not a mistake as to a fact essential to the agreement.
  - (B) Yes, because both of them were wrong about the value.
  - (C) Yes, because a valuable thing was sold too cheaply.
  - (D) Yes, because any mistake shared by both parties makes an agreement void.



- Q9.** A and B enter into an agreement, both of them wrongly believing that a particular law in force in India permits a certain arrangement, when in truth that law forbids it. Their only mistake is about the effect of a law in force. Applying the principle, is the agreement void on the ground of this mistake?
- (A) Yes, because both of them misunderstood the legal position.
  - (B) Yes, because a mistake shared by both parties always makes the agreement void.
  - (C) Yes, because ignorance of the law is a good excuse.
  - (D) No, because a mistake as to a law in force is not a ground for treating a contract as void.
- Q10.** A agrees to sell his motorcycle to B. Entirely on his own, B mistakenly believes that the motorcycle has a brand-new engine, though A said nothing to that effect and A himself is under no such mistake. Only B is mistaken. Applying the principle, is the agreement void?
- (A) Yes, because B would not have agreed but for his belief about the engine.
  - (B) No, because a mistake by one party alone does not, by itself, make the agreement void.
  - (C) Yes, because B's mistake concerned the engine of the motorcycle.
  - (D) Yes, because every mistake about the goods makes an agreement void.
- Q11.** A intends to buy, and B intends to sell, a horse. Unknown to either of them, A is thinking of a particular brown horse in the stable while B is offering an entirely different white horse, so that each has a different animal in mind. The mistake goes to the very identity of the subject-matter. Applying the principle, what is the position?
- (A) Valid, because a horse was to be sold in any case.
  - (B) Valid, because both of them wanted to deal in a horse.



- (C) Void, because both parties were under a mistake as to the identity of the subject-matter, a fact essential to the agreement.
- (D) Valid, provided A agrees to accept the white horse instead.

- Q12.** A agrees to buy a table from B, and both honestly believe the wood to be of a slightly better grade than it actually is. The table exists, it is the very table both of them had in mind, and the only error is about the grade or quality of its wood. Applying the principle, is the agreement void?
- (A) Yes, because the wood was not quite as good as they thought.
- (B) Yes, because both of them were mistaken about the quality.
- (C) Yes, because any common mistake voids an agreement.
- (D) No, because a mistake as to the mere quality of the subject-matter is not a mistake as to an essential fact.

### Passage III

*Directions (Q13–Q18): Read the following passage and answer the questions that follow. In answering the questions, apply the principle stated in the passage even if it differs from the actual law, and do not use any knowledge of law you may otherwise have.*

**Principle:** A person *abets* the doing of a thing who does any of the following. First, he *instigates* another person to do it. Second, he *engages* with one or more other persons in a *conspiracy* for the doing of it, where an act or illegal omission takes place in pursuance of that conspiracy. Third, he *intentionally aids*, by any act or illegal omission, the doing of it.

Mere *presence* at the scene is not aiding, unless the person intended by that presence to facilitate the offence and it did in fact facilitate it. A person who instigates or intentionally aids is an *abettor* even though the act may be done by another; it is no answer that the offence was ultimately carried out by someone else's hand.

- Q13.** A repeatedly urges and eggs on B to set fire to C's haystack, describing to him exactly how and when to do it. Persuaded by A's urging, B goes and sets the haystack on fire. A did not himself light the fire. Applying the principle, is A an abettor of the offence?
- (A) Yes, because A instigated B to do the act, and a person who instigates another to do a thing abets it.



- (B) No, because it was B, and not A, who actually lit the fire.
- (C) No, because A was not present at the spot when the haystack was burnt.
- (D) Yes, but only if A had also supplied B with the matchbox.

**Q14.** A, B and C agree together on a plan to break into a shop at night, each taking a fixed role. In pursuance of that plan, B actually forces open the shop's shutter. A took no part in forcing the shutter but was fully party to the plan. Applying the principle, is A an abettor?

- (A) No, because A did not personally touch the shutter.
- (B) No, because merely agreeing on a plan can never be enough.
- (C) Yes, because A engaged in a conspiracy for the doing of the thing, and an act took place in pursuance of that conspiracy.
- (D) Yes, but only if A was the leader of the group.

**Q15.** Knowing that B is about to attack C, A deliberately hands B a heavy stick so that B can carry out the attack, and B then uses that stick to beat C. A's act of handing over the stick was done intentionally to help the attack, and it did help. Applying the principle, is A an abettor?

- (A) No, because A did not himself strike C.
- (B) Yes, because A intentionally aided the doing of the offence by his act of handing over the stick.
- (C) No, because merely handing over a stick is a harmless act.
- (D) Yes, but only if A had also planned the attack well in advance.

**Q16.** A happens to be standing in a crowd and simply watches as B, entirely on his own, picks C's pocket. A does nothing to help, says nothing, and had no understanding whatever with B; his presence neither was intended to nor did in fact facilitate the theft. Applying the principle, is A an abettor merely by being present?

- (A) Yes, because A was at the scene when the theft took place.



- (B) Yes, because A did not try to stop B.
- (C) Yes, because everyone in the crowd shares the guilt.
- (D) No, because mere presence at the scene is not aiding, unless the person intended by that presence to facilitate the offence and it did facilitate it.

**Q17.** A carefully instructs and encourages B to forge a signature, and B alone, with his own hand, carries out the forgery. A now argues that he cannot be an abettor because the forgery was committed entirely by B. Applying the principle, is A right?

- (A) No, because a person who instigates or intentionally aids is an abettor even though the act is done by another.
- (B) Yes, because the forgery was committed only by B's own hand.
- (C) Yes, because an abettor must always take part in the physical act itself.
- (D) No, but only if A stood to gain money from the forgery.

**Q18.** A is a night watchman under a duty to keep the factory gate locked. Having agreed to help a gang of thieves, he intentionally leaves the gate unlocked so that they can enter and steal, and the theft takes place through that open gate. His leaving the gate open was an intentional illegal omission that aided the offence. Applying the principle, is A an abettor?

- (A) No, because A did not himself carry away any of the goods.
- (B) Yes, because A intentionally aided the offence by an illegal omission, namely deliberately failing to lock the gate as he was bound to.
- (C) No, because doing nothing can never amount to abetment.
- (D) Yes, but only if A had been paid in advance by the thieves.

### Passage IV

*Directions (Q19–Q24): Read the following passage and answer the questions that follow. In answering the questions, apply the principle stated in the passage even if it differs from the actual law, and do not use any knowledge of law you may otherwise have.*



**Principle:** All *citizens* have the right to practise any profession, or to carry on any occupation, trade or business. This right is not absolute. The State may impose *reasonable restrictions* on it in the interests of the general public. The State may lay down the *professional or technical qualifications* necessary for practising a profession or carrying on a trade. And the State may itself, or through a State corporation, carry on any trade or business to the *complete or partial exclusion* of citizens.

A trade or activity that is *inherently harmful or criminal* in nature is not a protected trade at all, and cannot claim the shelter of this freedom. The right is available only to *citizens* and not to foreign nationals. Any restriction placed on the right must be *reasonable*; a restriction that is grossly excessive or disproportionate is not reasonable and cannot stand.

- Q19.** A State law requires that every shop selling cooked food obtain a licence certifying that its premises meet basic hygiene standards, in the interest of public health. A restaurant owner challenges the law as violating his freedom to carry on his trade. Applying the principle, is the restriction valid?
- (A) Invalid, because the right to carry on any trade is absolute and cannot be touched.
  - (B) Invalid, because a licence requirement always destroys the freedom of trade.
  - (C) Valid only if the restaurant owner personally consents to it.
  - (D) Valid, because the State may impose reasonable restrictions on the right in the interests of the general public, and a hygiene licence for food is such a restriction.
- Q20.** A State rule provides that only a person holding a recognised medical degree may practise as a doctor. A man with no such qualification insists that he has a right to practise medicine under the freedom to carry on any profession. Applying the principle, is the rule valid?
- (A) Invalid, because everyone is free to practise any profession without any qualification.
  - (B) Valid, because the State may lay down the professional or technical qualifications necessary for practising a profession.



- (C) Invalid, because requiring a degree interferes with the freedom of occupation.
- (D) Valid only if the man agrees to obtain the degree at some later date.

**Q21.** Through a State corporation, the State decides to carry on the entire public bus transport in a region itself, to the complete exclusion of private operators. A private bus owner challenges this as a breach of his freedom of trade. Applying the principle, is the State's action permissible?

- (A) No, because a citizen's freedom of trade can never be excluded.
- (B) No, because the State is not allowed to run any business of its own.
- (C) Permissible, because the State may itself, or through a State corporation, carry on any trade or business to the complete or partial exclusion of citizens.
- (D) Permissible only if every private operator first agrees to it.

**Q22.** A man claims that stopping him from carrying on the business of trafficking in prohibited narcotic drugs violates his freedom to carry on a trade. The activity is inherently criminal in nature. Applying the principle, can he claim the protection of the freedom of trade?

- (A) No, because a trade or activity that is inherently harmful or criminal in nature is not a protected trade at all.
- (B) Yes, because any activity carried on for profit is a protected trade.
- (C) Yes, because he carries it on regularly as his livelihood.
- (D) Yes, because the freedom of trade covers every kind of business without exception.

**Q23.** A foreign national, who is not a citizen of India, is refused permission to set up and run a business in India, and he claims the constitutional freedom to carry on any trade or business. Applying the principle, can he claim this freedom?

- (A) Yes, because anyone doing business in the country enjoys this freedom.



- (B) Yes, because he is willing to invest and create jobs.
- (C) Yes, because the freedom of trade belongs to all persons everywhere.
- (D) No, because this right is available only to citizens, and he is a foreign national.

**Q24.** In order to ease traffic, a law forbids any person from carrying on the ordinary and harmless business of selling books anywhere in the entire State for the next ten years. A bookseller challenges it. The restriction is far more sweeping than any public interest could require. Applying the principle, is the restriction valid?

- (A) Valid, because the State gave the reason of easing traffic.
- (B) Valid, because the State may restrict any trade in any way it likes.
- (C) Invalid, because although the State may restrict trade, the restriction must be reasonable, and a total ten-year ban on a harmless business is grossly excessive and unreasonable.
- (D) Invalid, because the business of selling books can never be restricted in any way at all.

### Passage V

*Directions (Q25–Q30): Read the following passage and answer the questions that follow. In answering the questions, apply the principle stated in the passage even if it differs from the actual law, and do not use any knowledge of law you may otherwise have.*

**Principle:** *Trespass to goods* is a direct and wrongful physical interference with goods that are in the possession of another, such as taking them, moving them, or damaging them, done without lawful justification. *Conversion* is a wrongful dealing with goods in a manner that is inconsistent with, and amounts to a denial of, the owner's right over them, such as wrongfully selling, destroying, or refusing to return them.

What the law protects is *possession* and the right to it. A person who is in possession, or who has the *immediate right to possess* the goods, may sue for a wrongful interference. A person who has neither possession nor the immediate right to possess cannot sue. An *honest but mistaken belief* in one's own right is generally no defence to conversion.

**Q25.** Without any lawful justification, A walks up to B's parked motorcycle, which is in B's possession, and deliberately scratches it and shoves it



several feet away. He does not take it for himself or sell it; he simply interferes with it directly. Applying the principle, what wrong has A committed?

- (A) No wrong, because A did not take the motorcycle away for good.
- (B) Trespass to goods, because he directly and wrongfully interfered with goods in B's possession by moving and damaging them without lawful justification.
- (C) No wrong, because the motorcycle had been left out in the open.
- (D) Conversion, because any touching of another's goods amounts to a denial of ownership.

**Q26.** A is given B's laptop merely to keep safe for a few days. Instead, A wrongfully sells the laptop to a stranger and pockets the money, dealing with it as though it were his own and denying B's right over it. Applying the principle, what wrong has A committed?

- (A) Conversion, because he wrongfully dealt with the goods in a manner inconsistent with, and amounting to a denial of, B's right over them.
- (B) No wrong, because A had the laptop in his hands at the time.
- (C) Trespass to goods only, because he merely handled the laptop.
- (D) No wrong, because B can always buy himself another laptop.

**Q27.** A has hired a bicycle from its owner and is lawfully in possession of it. A stranger, C, wrongfully snatches the bicycle away from A. A wishes to sue C, but C argues that only the true owner, and not A, may bring the action. Applying the principle, can A sue?

- (A) No, because A is not the owner of the bicycle.
- (B) No, because only the person who holds legal title may ever sue.
- (C) No, because A had merely hired the bicycle from someone else.
- (D) Yes, because the law protects possession and the immediate right to it, and a person in possession of the goods may sue for a wrongful interference.



- Q28.** C finds an umbrella and, honestly but wrongly believing it to be his own, sells it. The umbrella in fact belonged to D, who now sues C for conversion. C pleads that he acted honestly and genuinely thought the umbrella was his. Applying the principle, is his honest belief a defence?
- (A) Yes, because C acted honestly and in good faith.
  - (B) Yes, because C did not intend to cheat anyone.
  - (C) No, because an honest but mistaken belief in one's own right is generally no defence to conversion.
  - (D) Yes, because a person cannot be blamed for a genuine mistake.
- Q29.** B lends his ladder to A for a single afternoon. When B asks for it back, A, without any right, flatly refuses to return the ladder and keeps it for himself, denying B's right to it. Applying the principle, what wrong has A committed?
- (A) No wrong, because A did not damage the ladder in any way.
  - (B) Conversion, because wrongfully refusing to return the goods is a dealing inconsistent with, and a denial of, the owner's right over them.
  - (C) No wrong, because B had handed the ladder over willingly.
  - (D) Trespass to land, because the ladder was kept on A's own premises.
- Q30.** Goods lying in a shop are in the possession of the shopkeeper, S. X, a passer-by who has no possession of the goods and no immediate right to possess them, tries to sue a person who damaged those goods. Applying the principle, can X sue for the interference?
- (A) Yes, because the goods were damaged and somebody must sue for it.
  - (B) Yes, because X happened to see the goods being damaged.
  - (C) No, because what the law protects is possession and the right to it, and X, having neither possession nor the immediate right to possess the goods, cannot sue.



(D) Yes, because any member of the public may sue for damage to goods in a shop.



**Detailed Solutions**

Q1.

**Solution**

**Principle applied:** Where the thing was in the defendant's exclusive control and the accident does not ordinarily happen without negligence, the accident itself is evidence of negligence and the burden shifts to the defendant.

**Application to the facts:** The warehouse floor and its stored goods were entirely in the charge of the owner's own workmen, so the thing was in his exclusive control. A sack does not fall out of a warehouse in the ordinary course of things if proper care is taken. Both conditions of the rule are met, so the mere fact of the fall is evidence of negligence. The burden therefore shifts to the owner to explain that it happened without negligence.

**Why the other options are wrong:**

- Option A: The whole point of the rule is that P need not point to the exact careless act; the accident speaks for itself.
- Option C: The rule shifts the burden to the owner to explain; it does not make him finally liable with no chance to explain.
- Option D: The rule does not require an eyewitness; that would defeat its purpose.

**Final Answer:** Exclusive control plus an accident that needs explaining ⇒ **B**

**Answer:** (B) [Go Back to Q1](#)

Q2.

**Solution**

**Principle applied:** The rule does not apply where the true cause of the accident is already known.

**Application to the facts:** It was clearly proved and accepted that a stranger had secretly cut the lift cable. That established the true cause of the fall. Because the real cause is already known, there is nothing left to presume. The rule cannot be used to presume the owner's negligence.

**Why the other options are wrong:**

- Option A: The rule normally applies to such accidents, but not once the true cause is proved.



- Option B: The lift being in the building does not matter when the real cause is known.
- Option C: Liability does not follow automatically; the known cause points away from the owner.

**Final Answer:** True cause established, so the rule does not apply ⇒

[Go Back to Q2](#)

Q3.

### Solution

**Principle applied:** The rule does not apply where the thing was not under the defendant's exclusive control.

**Application to the facts:** The bottles sat on open shelves that hundreds of customers picked up and rearranged all day. The store therefore did not have exclusive control over the shelf and its bottles. Since exclusive control is missing, a key condition of the rule fails. The fall alone cannot be treated as evidence of the store's negligence.

**Why the other options are wrong:**

- Option B: The accident happening on the premises does not supply the missing exclusive control.
- Option C: The claim that a bottle can never fall without carelessness is untrue and is not the test.
- Option D: Ownership of the goods is not the same as exclusive control over them at the moment of the accident.

**Final Answer:** No exclusive control, so the rule does not apply ⇒

[Go Back to Q3](#)

Q4.

### Solution

**Principle applied:** The rule does not apply where the accident is equally consistent with the absence of negligence.

**Application to the facts:** The ship was lost in a sudden and violent storm that could sink even a carefully handled vessel. The loss is just as consistent with careful navigation as with careless navigation. Because the accident is equally



consistent with no negligence, its mere occurrence proves nothing. So the rule cannot be used against the shipowner.

**Why the other options are wrong:**

- Option A: Control alone is not enough; the accident must also be one that does not ordinarily happen without negligence.
- Option B: The assumption that any sinking means bad handling is exactly what the storm makes doubtful.
- Option D: The shipowner is not liable in every case; here the loss is equally consistent with no fault.

**Final Answer:** Loss equally consistent with no negligence  $\Rightarrow$

**Answer: (C)** [Go Back to Q4](#)

Q5.

**Solution**

**Principle applied:** Where the thing was in the defendant's exclusive control and the accident does not ordinarily happen without negligence, the accident is evidence of negligence and the burden shifts.

**Application to the facts:** During the operation the patient's body was in the exclusive control of the surgeon and his team. Forceps are not left inside a patient if proper care is taken. Both conditions of the rule are satisfied, so the fact that the forceps were left inside is itself evidence of negligence. The burden shifts to the surgeon and his team to explain how it happened without negligence.

**Why the other options are wrong:**

- Option A: The rule relieves the patient of pinpointing the precise careless moment.
- Option C: The rule is not barred merely because the defendants are doctors; the conditions are plainly met.
- Option D: No witnessing doctor is required for the rule to operate.

**Final Answer:** Forceps left in during exclusive control  $\Rightarrow$

**Answer: (B)** [Go Back to Q5](#)



Q6.

**Solution**

**Principle applied:** Ordinarily the person who alleges negligence must prove it; the burden shifts only when the special conditions of the rule are made out.

**Application to the facts:** It was not shown that the road, the vehicles, or the circumstances were within any one driver's exclusive control. The cause of the collision remained genuinely unknown, and such collisions happen with or without negligence. None of the special conditions for shifting the burden is present. So the ordinary rule applies and the complaining driver must prove the other's negligence.

**Why the other options are wrong:**

- Option B: A collision is not by itself proof of the other driver's negligence.
- Option C: Blaming the other side by default is not the legal test.
- Option D: There is no presumption of liability from the mere fact of a collision here.

**Final Answer:** Special conditions absent, so the claimant must prove negligence  
⇒

**Answer: (A)** [Go Back to Q6](#)

Q7.

**Solution**

**Principle applied:** Where both parties are mistaken as to the existence of the subject-matter, an essential fact, the agreement is void.

**Application to the facts:** A and B agreed to deal in a specific consignment of wheat in a named warehouse. Unknown to both, that consignment had been destroyed by fire the night before. So both were mistaken as to the very existence of the subject-matter. Existence of the subject-matter is an essential fact, so the agreement is void.

**Why the other options are wrong:**

- Option A: A's willingness to pay cannot save an agreement whose subject-matter never existed.
- Option B: Honest good faith does not cure a shared mistake as to an essential fact.
- Option D: The deal was for that specific consignment, not for any wheat B



could gather elsewhere.

**Final Answer:** Both mistaken as to the existence of the subject-matter ⇒  C

**Answer:** (C) [Go Back to Q7](#)

Q8.

### Solution

**Principle applied:** An erroneous opinion as to the value of the subject-matter is not a mistake as to an essential fact and does not make the agreement void.

**Application to the facts:** Both A and B thought the painting was worth about Rs 10,000. Their only error was in their opinion of its value. There was no mistake about which painting was sold or whether it existed. A mere mistake as to value is not essential, so the agreement is not void.

**Why the other options are wrong:**

- Option B: Being wrong about value, even by both parties, is not a mistake as to an essential fact.
- Option C: A thing being sold cheaply does not, by itself, void an agreement.
- Option D: Not every shared mistake voids an agreement; only one as to an essential fact does.

**Final Answer:** A shared mistake as to value only ⇒  A

**Answer:** (A) [Go Back to Q8](#)

Q9.

### Solution

**Principle applied:** A mistake as to a law in force is not a ground for treating a contract as void.

**Application to the facts:** A and B both misunderstood the effect of a law in force in India. Their sole mistake concerned what that law permitted. The principle says a mistake as to a law in force is not a ground for voidness. So the agreement is not void on this ground.

**Why the other options are wrong:**

- Option A: Both misunderstanding the law is precisely the situation the principle excludes.



- Option B: Not every shared mistake voids an agreement; a mistake of law does not.
- Option C: The principle does not turn “ignorance of the law is an excuse” into a ground of voidness.

**Final Answer:** Mistake as to a law in force is no ground ⇒

[Go Back to Q9](#)

Q10.

### Solution

**Principle applied:** A mistake by one party alone, a unilateral mistake, does not by itself make the agreement void.

**Application to the facts:** Only B was mistaken, believing on his own that the motorcycle had a brand-new engine. A said nothing to that effect and was under no such mistake. So this was a unilateral mistake, not a mistake shared by both. A unilateral mistake does not by itself make the agreement void.

**Why the other options are wrong:**

- Option A: That B would not have agreed but for his belief does not turn his own mistake into a ground of voidness.
- Option C: The subject of the mistake being the engine does not change that only one party was mistaken.
- Option D: Not every mistake about the goods voids an agreement; a one-sided mistake does not.

**Final Answer:** A mistake by one party alone ⇒

[Go Back to Q10](#)

Q11.

### Solution

**Principle applied:** Where both parties are mistaken as to the identity of the subject-matter, an essential fact, the agreement is void.

**Application to the facts:** A had a particular brown horse in mind, while B was offering an entirely different white horse. Each party had a different animal in mind, so there was no meeting on the same subject-matter. The mistake went to the very identity of the subject-matter. Identity of the subject-matter is essential,



so the agreement is void.

**Why the other options are wrong:**

- Option A: That some horse was to be sold does not cure a mistake as to which horse.
- Option B: Both wanting a horse is not enough when each meant a different horse.
- Option D: A cannot be forced to accept the white horse; the parties never agreed on the same animal.

**Final Answer:** Both mistaken as to the identity of the subject-matter ⇒  C

Answer: (C) [Go Back to Q11](#)

Q12.

**Solution**

**Principle applied:** A mistake as to the mere quality of the subject-matter is not a mistake as to an essential fact and does not make the agreement void.

**Application to the facts:** The table existed and it was the very table both parties had in mind. Their only error was about the grade or quality of the wood. A mistake as to the mere quality is not a mistake as to an essential fact. So the agreement is not void.

**Why the other options are wrong:**

- Option A: The wood being a little worse than thought is only a matter of quality, not an essential fact.
- Option B: Both being mistaken about quality still does not touch an essential fact.
- Option C: Not every common mistake voids an agreement; only one as to an essential fact does.

**Final Answer:** A shared mistake as to mere quality ⇒  D

Answer: (D) [Go Back to Q12](#)



Q13.

**Solution**

**Principle applied:** A person who instigates another to do a thing abets it, and remains an abettor even though the act is done by another.

**Application to the facts:** A repeatedly urged and egged on B to burn the haystack, telling him how and when to do it. That urging is instigation. Persuaded by it, B carried out the burning. A is an abettor by instigation, even though B lit the actual fire.

**Why the other options are wrong:**

- Option B: That B lit the fire does not clear A; the instigator is an abettor even when another does the act.
- Option C: Abetment by instigation does not require the abettor to be present at the scene.
- Option D: Supplying a matchbox is not needed; instigation alone is enough.

**Final Answer:** A instigated the offence  $\Rightarrow$

**Answer:** (A) [Go Back to Q13](#)

Q14.

**Solution**

**Principle applied:** A person abets by engaging in a conspiracy for the doing of a thing where an act takes place in pursuance of that conspiracy.

**Application to the facts:** A, B and C agreed on a plan to break into the shop, each with a fixed role, which is a conspiracy. In pursuance of that plan, B forced open the shutter, an act done to carry out the conspiracy. A was fully party to the plan even though he did not touch the shutter. So A is an abettor by conspiracy.

**Why the other options are wrong:**

- Option A: An abettor by conspiracy need not perform the physical act himself.
- Option B: The plan here is not a bare agreement; an act was done in pursuance of it, which is enough.
- Option D: Being the leader is not required; being party to the conspiracy suffices.

**Final Answer:** Conspiracy with an act done in pursuance of it  $\Rightarrow$



Answer: (C) [Go Back to Q14](#)

Q15.

### Solution

**Principle applied:** A person abets who intentionally aids, by any act, the doing of a thing.

**Application to the facts:** Knowing B was about to attack C, A deliberately handed B a heavy stick to help the attack. Handing over the stick was an act done intentionally to aid the offence. B used that very stick to beat C, so the act did in fact assist the offence. A therefore intentionally aided the offence and is an abettor.

**Why the other options are wrong:**

- Option A: The abettor need not strike the victim himself; intentional aiding is enough.
- Option C: Handing over a stick is not harmless when done intentionally to help an attack.
- Option D: Advance planning is not required; intentional aiding at the time suffices.

**Final Answer:** A intentionally aided the offence by his act ⇒

Answer: (B) [Go Back to Q15](#)

Q16.

### Solution

**Principle applied:** Mere presence at the scene is not aiding, unless the person intended by that presence to facilitate the offence and it did facilitate it.

**Application to the facts:** A merely stood in the crowd and watched as B picked the pocket on his own. A did nothing, said nothing, and had no understanding with B. His presence was neither intended to facilitate the theft nor did it facilitate it. So his mere presence does not make him an abettor.

**Why the other options are wrong:**

- Option A: Being at the scene, without more, is not aiding.
- Option B: A failure to stop the thief is not, by itself, abetment.
- Option C: Guilt is not shared by everyone in the crowd merely for being there.



**Final Answer:** Mere presence, not intended to and not facilitating ⇒

**Answer: (D)** [Go Back to Q16](#)

Q17.

### Solution

**Principle applied:** A person who instigates or intentionally aids is an abettor even though the act is done by another.

**Application to the facts:** A instructed and encouraged B to forge the signature. B alone, with his own hand, carried out the forgery. The principle makes the instigator an abettor even where another commits the act. So A's argument that only B's hand did it is wrong; A remains an abettor.

**Why the other options are wrong:**

- Option B: That the act was done by B's hand does not clear the instigator.
- Option C: An abettor need not take part in the physical act.
- Option D: A gain of money is not required; instigation alone makes him an abettor.

**Final Answer:** Abettor even though the act is done by another ⇒

**Answer: (A)** [Go Back to Q17](#)

Q18.

### Solution

**Principle applied:** A person abets who intentionally aids, by an illegal omission, the doing of a thing.

**Application to the facts:** A was a watchman under a duty to keep the gate locked. Having agreed to help the thieves, he intentionally left the gate unlocked. Failing to lock the gate, in breach of his duty, was an intentional illegal omission. That omission aided the theft, which took place through the open gate, so A is an abettor.

**Why the other options are wrong:**

- Option A: A need not carry away goods himself; intentional aiding by omission is enough.
- Option C: Aiding can be by an illegal omission, so "doing nothing" can amount to abetment here.



- Option D: Advance payment is not required; the intentional illegal omission suffices.

**Final Answer:** Intentional aiding by an illegal omission ⇒

[Go Back to Q18](#)

Q19.

### Solution

**Principle applied:** The State may impose reasonable restrictions on the freedom of trade in the interests of the general public.

**Application to the facts:** The law requires food shops to hold a hygiene licence, in the interest of public health. Public health is plainly a matter of the general public interest. A licence to ensure basic hygiene standards is a reasonable restriction, not a destruction of the trade. So the restriction is valid.

**Why the other options are wrong:**

- Option A: The right is not absolute; it may be reasonably restricted in the public interest.
- Option B: A licence requirement does not always destroy the freedom; here it is a reasonable measure.
- Option C: Validity does not depend on the individual owner's consent.

**Final Answer:** A reasonable restriction in the public interest ⇒

[Go Back to Q19](#)

Q20.

### Solution

**Principle applied:** The State may lay down the professional or technical qualifications necessary for practising a profession.

**Application to the facts:** The rule allows only a person with a recognised medical degree to practise as a doctor. This lays down a professional qualification for practising the profession of medicine. The principle expressly permits the State to prescribe such qualifications. So the rule is valid, and the unqualified man cannot insist on practising.

**Why the other options are wrong:**



- Option A: The freedom does not entitle anyone to practise a profession without the required qualification.
- Option C: Requiring a degree is a permitted qualification, not an invalid interference.
- Option D: A promise to obtain the degree later does not entitle him to practise now.

**Final Answer:** The State may prescribe professional qualifications ⇒  B

**Answer: (B)** [Go Back to Q20](#)

Q21.

### Solution

**Principle applied:** The State may itself, or through a State corporation, carry on any trade or business to the complete or partial exclusion of citizens.

**Application to the facts:** Through a State corporation, the State chose to run the entire public bus transport itself. This excluded private operators completely. The principle expressly allows the State to carry on a business to the complete exclusion of citizens. So the State's action is permissible.

**Why the other options are wrong:**

- Option A: The principle allows the citizen's trade to be excluded in exactly this way.
- Option B: The State is permitted to run a business of its own, including through a corporation.
- Option D: The consent of private operators is not required.

**Final Answer:** A permitted State monopoly ⇒  C

**Answer: (C)** [Go Back to Q21](#)

Q22.

### Solution

**Principle applied:** A trade or activity that is inherently harmful or criminal in nature is not a protected trade at all.

**Application to the facts:** The man wants to carry on trafficking in prohibited narcotic drugs. That activity is inherently criminal in nature. An inherently criminal activity is not a protected trade under the principle. So he cannot claim the



protection of the freedom of trade.

**Why the other options are wrong:**

- Option B: Not every activity done for profit is a protected trade; an inherently criminal one is not.
- Option C: Carrying it on regularly as a livelihood does not turn a criminal activity into a protected trade.
- Option D: The freedom does not cover every business; inherently criminal activities are excluded.

**Final Answer:** An inherently criminal activity is not a protected trade ⇒

[Go Back to Q22](#)

**Q23.**

### Solution

**Principle applied:** The freedom of trade is available only to citizens and not to foreign nationals.

**Application to the facts:** The claimant is a foreign national and not a citizen of India. The principle limits this freedom to citizens. His willingness to invest does not make him a citizen. So he cannot claim this particular freedom.

**Why the other options are wrong:**

- Option A: The freedom is not for anyone merely doing business in the country; it is confined to citizens.
- Option B: An offer to invest and create jobs does not confer the right on a non-citizen.
- Option C: The freedom does not belong to all persons everywhere; it is limited to citizens.

**Final Answer:** The freedom is confined to citizens ⇒

[Go Back to Q23](#)



Q24.

**Solution**

**Principle applied:** Any restriction on the freedom of trade must be reasonable; a grossly excessive or disproportionate restriction is not reasonable and cannot stand.

**Application to the facts:** The law bans the ordinary, harmless business of selling books throughout the State for ten years. The stated aim is merely to ease traffic. A total, State-wide, ten-year ban is far more sweeping than any such purpose could require. Being grossly excessive and disproportionate, the restriction is unreasonable and invalid.

**Why the other options are wrong:**

- Option A: Merely stating a reason does not save a restriction that is grossly disproportionate.
- Option B: The State cannot restrict a trade in any way it likes; the restriction must be reasonable.
- Option D: Selling books can be reasonably restricted; the flaw here is the excess, not that it can never be restricted.

**Final Answer:** A grossly excessive and unreasonable restriction  $\Rightarrow$

[Go Back to Q24](#)

Q25.

**Solution**

**Principle applied:** Trespass to goods is a direct and wrongful physical interference with goods in another's possession, such as moving or damaging them, without lawful justification.

**Application to the facts:** The motorcycle was in B's possession. Without lawful justification, A scratched it and shoved it several feet away. This was a direct physical interference with goods in another's possession. That is exactly the wrong of trespass to goods.

**Why the other options are wrong:**

- Option A: Trespass to goods does not require taking them away for good; moving and damaging them is enough.
- Option C: The motorcycle being in the open does not license interference with it.



- Option D: This is trespass to goods, not conversion; A did not deny B's ownership by dealing with the goods as his own.

**Final Answer:** A direct wrongful interference with goods in possession ⇒

[Go Back to Q25](#)

Q26.

### Solution

**Principle applied:** Conversion is a wrongful dealing with goods inconsistent with, and amounting to a denial of, the owner's right over them, such as wrongfully selling them.

**Application to the facts:** A was given the laptop merely to keep safe for a few days. Instead he wrongfully sold it to a stranger and kept the money. He dealt with the laptop as though it were his own, denying B's right over it. That is the wrong of conversion.

**Why the other options are wrong:**

- Option B: Having the laptop in his hands does not justify selling it; that dealing denies B's right.
- Option C: This goes beyond a mere handling; selling the goods is a denial of ownership, so it is conversion.
- Option D: That B could buy another laptop does not excuse the wrongful sale.

**Final Answer:** A wrongful sale denying the owner's right ⇒

[Go Back to Q26](#)

Q27.

### Solution

**Principle applied:** The law protects possession and the immediate right to it, and a person in possession of the goods may sue for a wrongful interference.

**Application to the facts:** A had hired the bicycle and was lawfully in possession of it. C wrongfully snatched it away from A. What the law protects is possession, which A had. So A, being in possession, may sue C, even though A is not the owner.

**Why the other options are wrong:**



- Option A: Being a non-owner does not bar A; his possession is enough to sue.
- Option B: The right to sue is not confined to the holder of legal title; a possessor may sue.
- Option C: That A merely hired the bicycle does not defeat his possessory right to sue.

**Final Answer:** A person in possession may sue ⇒  D

**Answer: (D)** [Go Back to Q27](#)

Q28.

### Solution

**Principle applied:** An honest but mistaken belief in one's own right is generally no defence to conversion.

**Application to the facts:** C sold the umbrella honestly believing it to be his own. In fact it belonged to D, so C wrongfully dealt with D's goods. The principle says an honest but mistaken belief in one's own right is no defence to conversion. So C's honest belief does not save him.

**Why the other options are wrong:**

- Option A: Acting honestly and in good faith is exactly the belief the principle says is no defence.
- Option B: An absence of an intention to cheat does not excuse the conversion.
- Option D: A genuine mistake as to one's own right is generally no defence to conversion.

**Final Answer:** Honest mistaken belief is no defence to conversion ⇒  C

**Answer: (C)** [Go Back to Q28](#)

Q29.

### Solution

**Principle applied:** Conversion includes wrongfully refusing to return goods, a dealing inconsistent with and a denial of the owner's right over them.

**Application to the facts:** B lent the ladder to A for a single afternoon. When B asked for it back, A, without any right, flatly refused to return it and kept it. That



refusal is a dealing inconsistent with, and a denial of, B's right over the ladder. So A has committed conversion.

**Why the other options are wrong:**

- Option A: Conversion does not require damage; a wrongful refusal to return is enough.
- Option C: That B lent the ladder willingly does not entitle A to keep it against B's demand.
- Option D: The wrong is conversion of the ladder, not trespass to land; where it is kept is beside the point.

**Final Answer:** Wrongful refusal to return the goods ⇒ **B**

**Answer: (B)** [Go Back to Q29](#)

**Q30.**

**Solution**

**Principle applied:** What the law protects is possession and the right to it; a person who has neither possession nor the immediate right to possess cannot sue.

**Application to the facts:** The goods were in the possession of the shopkeeper, S. X was only a passer-by, with no possession of the goods and no immediate right to possess them. The law protects possession and the right to it, neither of which X had. So X cannot sue for the interference.

**Why the other options are wrong:**

- Option A: That the goods were damaged does not give a right to sue to someone with no possession or right to it.
- Option B: Merely seeing the damage does not confer a right to sue.
- Option D: The public at large cannot sue; only a person with possession or the immediate right to it may.

**Final Answer:** No possession and no right to possess, so no right to sue ⇒ **C**

**Answer: (C)** [Go Back to Q30](#)



## Answer Key

Q	Ans	Q	Ans	Q	Ans	Q	Ans	Q	Ans
1	B	2	D	3	A	4	C	5	B
6	A	7	C	8	A	9	D	10	B
11	C	12	D	13	A	14	C	15	B
16	D	17	A	18	B	19	D	20	B
21	C	22	A	23	D	24	C	25	B
26	A	27	D	28	C	29	B	30	C

