

QUESTIONS OF THE WEEK

LEGAL MOCK CLAT

Passage : A tort is a civil wrong that causes harm to another person by violating a protected right. The specific right give rise to the unique “elements” of each tort. Elements are the essential facts that are required to be proven. Courts impose liability for torts to compensate an injured party for an act or an omission that causes harm. One is never “guilty” of a tort, as that is a term from the criminal law that implies a violation of some moral standard. One who commits a tort is a tortfeasor; the tortfeasor is “liable,” rather than guilty. Tort liability is meant to monetarily reimburse the tort victim for the harm caused them by the tortfeasor. Other remedies are also possible, in restitution or injunctions. A tort may arise from intentional acts, or from negligent acts (frequently an omission when there was a duty to act), or from the violation of a statute. The idea of tort law is that people are liable for the consequences of their actions. Under most tort laws, the injury suffered by the plaintiff does not have to be physical. Torts may include causing emotional distress or a violation of personal rights (e.g., the “right to privacy”). There are different types of torts based on the rights violated.

(Source:https://www.researchgate.net/publication/329718260_Tort_and_Liability)

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1. **Assertion:** Damages must be proved to a certainty; estimates are not sufficient.
Reason: The concept of proximate cause is a legal fiction that acts as a check on imposing damages that are too speculative or remote.
- (a) Both A and R are false and R is not the correct explanation of A.
 - (b) Both A and R are true and R is correct explanation of A.
 - (c) A is true but R is false.
 - (d) A is false but R is true.

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2. Delhi has a bunch of frightful entertainment venues for adventurous souls. And the Haunted House is one of the Scariest House in Delhi mall. The entryway to the haunted mansion warns all guests that it is "not for faint hearted people" Ravi, an adventure seeker, purchased a ticket for the house's thrilling haunted tour, as promised by the organizers. Ravi began hallucinating following the visit. He experiences and observes things that his peers cannot fully comprehend. Ravi filed a lawsuit against the organizers because the visit disrupted his mental serenity and caused him emotional suffering. Decide
- (a) The organisers will be held legally responsible because the victim experienced severe mental distress after visiting the haunted house.
 - (b) The organisers will not be held liable for tort because Ravi consciously and deliberately put himself in danger and negligence exists on ravi's part.
 - (c) The organizers will be held liable since the tortfessor cannot escape liability by simply posting a disclaimer on the board and thus negligent
 - (d) Ravi will not be held entitled for any claims since the defendant is not at fault.

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3. A short coach journey from the centre of Argentina's thriving capital city Buenos Aires is the most dangerous zoo in the world, Zoo Lujan. What attracts the many visitors is that you don't just get to look at the animals through cage bars, but you are allowed inside to touch the animals. A terrified elephant that was startled by the visitors, attacked a group of tourists while on safari. They filed a case alleging that they obeyed clear instructions to remain silent and then also got injured as a result. It was claimed that the zoo has not been feeding animals properly lately. Decide
- (a) Zoo will be held liable as it was negligent.
 - (b) Zoo will not be held liable for the inevitable and unforeseeable accident.
 - (c) Zoo will be held liable as they owed a duty of care towards its visitors.
 - (d) Zoo will not be held accountable as a tort only arises from intentional acts.

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4. Following an earthquake measuring of 2.5 on richer magnitude, a lion escaped from the zoo by breaking low quality bars. One of the visitors died after falling prey to the lion. Who will bear liability for the injuries?
- (a) Zoo officials will be held guilty for their negligence.
 - (b) Zoo authorities will be liable for their negligence.
 - (c) The zoo authorities will be held liable for keeping a dangerous animal, the escape of which resulted in the plaintiff's injury.
 - (d) The authority of the zoo will not be held liable since the earthquake will be deemed an inevitable event.

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5. The statistics for dying on a tandem skydive are even less. Over the course of the past decade, there has only been one tandem student fatality per every 500,000 jumps, which is a .0002% chance of dying. Chandu dies of a heart stroke while skydiving. He also signed a waiver from which eliminates liability of any injuries caused while performing the adventure. Decide.
- (a) Signing the waiver form totally absolves the defendant's liability in the current case.
 - (b) Chandu signed the waiver hence will be unable to seek compensation from the organizers.
 - (c) Chandu will not be reimbursed for a damage caused by the defendant's omission.
 - (d) Chandu will not be entitled to any compensation since the defendant was not negligent.



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1. **Answer: A**

Sol. The assertion is erroneous since the paragraph implies that a tortfeasor will compensate an aggrieved party for a negligent act that causes injury. As a result, the passage in no context mentions damages and that in order to prove damages, they must be certain. As a result, incorrect.

Reason is also false since no information on the proximate cause, which determines the liability of the parties involved for tort, is discussed in the passage. As a result, inaccurate.

As a result, option A is right.

2. **Answer: D**

Sol. Option A is not correct as according to the passage, a tort may arise from intentional acts, or from negligent acts (frequently an omission when there was a duty to act), or from the violation of a statute. Since nowhere in the facts it states that the organizers were negligent while performing the duty of care towards the visitors. Thus, no liability of the organizer will arise and Hence, option D is correct.

3. **Answer: A**

Sol. Option A is correct because a tort arises from intentional conduct or from negligent acts or omissions where a duty of care existed. According to the facts, the zoo has not fed the animals enough and has therefore been neglectful. Option C is not considered since the facts demonstrated the zoo's carelessness rather than the fact that they had a duty of care to visitors.

4. **Answer: B**

Sol. Option A will not be considered as the passage only determines that one is "guilty" for a criminal act for violating moral standard. Since the factual query itself is asking for "liability" i.e., responsibility of the tort, thus, option A cannot be assessed. Hence, option B can be considered. Option B is correct as the factual query indicates towards liability of zoo in torts. Since a tort may arise from negligence, 2.5 on richer magnitude is Usually not felt, but can be recorded by seismograph. Thus the reason was not earthquake but the quality of bar. Thus, option B will be an appropriate answer.

5. **Answer: D**

Sol. Option A is incorrect because the assertion is based on the facts provided, the rationale for which has no connection to the passage provided. As a result, incorrect.

Option B is removed because, while the current statement is valid, it lacks a justification. As a result, incorrect. Option D is accurate since a tort arises solely in the instance of negligence, hence option D is correct.