

# Principle Facts Diwali Mega Quiz



**1.Principle: Actio personalis moritur cum persona** – A personal right of action dies with the person. In other sense, if he dies the right to sue is gone.

**Facts:** Ramesh had promised to pay Hussain a certain sum of money, if he painted Ramesh's portrait. Hussain passed away before completing the portrait. Can Ramesh hold his heirs responsible?

- A. Yes, as the contract needs to be now performed by Hussain's heirs.
- B. No, as this was a personal right of action.
- C. No, as the right of action perished with Hussain.
- D. Both B and C

**2.Principle: De Minimis Non Curat Lex** – The law does not govern trifles (unimportant things) or law ignores insignificant details.

**Facts:** Ashwin pushed Sandeep in the course of an argument. Sandeep was neither hurt nor any other injury ensued. Can Sandeep sue Ashwin?

- A. Yes, as an assault is an assault irrespective of the hurt caused.
- B. Yes, as Sandeep's legal right has been injured, even though there has not been any damage.
- C. No, as the harm is insignificant.
- D. None of the above.

**3.Principle: Furiosi nulla voluntas est** – Mentally impaired or mentally incapable persons cannot validly sign a will, contract or form the frame of mind necessary to commit a crime.

**Facts:** Rohan was a schizophrenic. One day while he was not undergoing any schizophrenic attack, he contracted with Mahesh that he would sell his property to him on Sunday. On Sunday, when Mahesh came to

claim the property, Rohan alleged that he is mentally impaired and hence the contract is invalid. Decide.

- A. Rohan signed the contract when he was not in a mentally impaired condition and hence the contract is valid.
- B. Rohan has schizophrenia and hence no contract signed by him shall be valid.
- C. Rohan understood the purport of the contract and hence it is valid.
- D. None of the above.

**4.Principle: Quantum Meruit:** A reasonable sum of money to be paid for services rendered or work done when the amount due is not stipulated (specified, written down) in a legally enforceable contract.

**Facts:** Varun fixed the balcony railing of Asha's house. Later on he demanded INR 500 for the same. Asha refused to pay, as there was no written agreement between them. Is Varun entitled to the payment in the absence of a written agreement?

- A. No, as there is no written contract entitling Varun to payment.
- B. Yes, Varun is entitled to a reasonable compensation, even if there is no written contract.
- C. In the absence of a contract, it is the moral duty of the one who avails the services to pay.
- D. Both B and C

**5.Principle: Volenti non fit injuria** – Damage suffered by consent gives no cause of action.

**Facts:** Asim went to watch a baseball match and got hit by the ball. Can Asim sue the organisers?

- A. Yes, because he was hurt during the match and the organisers should have taken more precautions.



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- B. No, he gave consent to suffer the damage and hence
- C. No, because only the baseball player would be liable not the organisers.
- D. No, because buying a ticket cannot amount to consent to suffer harm.

**6.Principle:** Any person who has received any unjust benefit, he/she must return it to the

rightful owner.

**Facts:** A and B were staying in the same hostel room. B's father had sent a parcel to him on his

birthday containing expensive gifts. This parcel was delivered to A as B had gone out for a movie.

- A. A can retain the parcel without informing B
- B. A can keep some gifts from the parcel and return the rest to B
- C. A has to return the entire contents of the parcel to B
- D. A can inform B about the parcel and need not return the parcel to B

**7.Principle:** A man must not make such use of his property as unreasonably and unnecessarily to cause inconvenience to his neighbors.

**Facts:** Mr. Z is the owner of a plot measuring 50 feet by 80 feet. He constructed a small house at one corner and was using the rest of the land as a cow shed. He has 20 cows and is involved in selling the milk to the public. The cow dung and other wastes are openly being stored in a small 10 feet by 8 feet tank. This constantly paved way for bad smell and breeding of mosquitoes. Mrs. Y, his neighbour constantly complained to Mr. Z but in vain.

- A. Y cannot take any other action against Z.
- B. Z can do something to prevent the foul smell.
- C. Y can complain to the police.
- D. Y can sue Z for damages based on the inconvenience caused by Z.

**8.Principle:** Special damage is the loss of some material advantage, pecuniary or capable of being estimated in money which flows directly and in the ordinary course of things from the act of the person who is responsible.

**Facts:** X has been sending his Tourist cars for repairs, maintenance and service to Lakshmi Service Centre, who promptly attended to all the works during the past five years. However, when X sent a new Sumo van for servicing and minor repairs, he indicated to the Manager of Lakshmi Service Centre that the vehicle must be delivered, duly serviced, by 10th August, 2006 at 5 PM as three foreign tourists had booked the vehicle for a period of 3 months. The vehicle was not delivered as required, but was delivered only on 12th August, 2006. X had lost the contract with the foreign tourist and a loss of revenue to the extent of Rs. 30,000.

- A. X can sue the Lakshmi Service Centre for damages including exemplary or special damages to the extent of Rs. 30,000
- B. X can sue Lakshmi Service Centre only for ordinary damages for two days delay.
- C. X cannot sue Lakshmi Service Centre for any damages.
- D. X can sue the Manager of the Service Centre for damages.

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



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**Facts:** The Agricultural University constructed 200 houses for its employees in its premises. Two huge bore wells were sunk and motors were installed. They did not cover the pump rooms properly. A child, 6 years old, from one of the quarters was playing near the pump house. On hearing the noise of the pump, she was curious to see the motor. She touched the motor that was not covered properly and three of her fingers were cut.

- A. The parents of the child cannot sue the University on any grounds.
- B. In spite of the child's act, her parents can successfully sue the University for damages.
- C. The University can be made liable only to the extent of the cost of treatment as the child also contributed to the incident.
- D. Only the child can sue and not her parents.

**10.Principle:** A bailment is a delivery of goods on condition, express or implied, that they shall be restored to the bailor (person delivering the goods) as soon as the purpose for which the goods have been bailed is complete.

**Facts:** X, the owner of two cows had to leave the town for a period of 3 months. He handed

over these two cows to his friend Y that he would take them back on his return after three

months. After two months, one of the cows gave birth to a healthy calf. X returns after three

months and seeks the return of cows from Y. Decide the consequence thereafter.

- A. Y need not return the cows.
- B. Y can return the cows provided laved pays him some money towards expenses for maintaining them.
- C. Y need not return the calf, but should return the two cows.

D. Y has to return the cows and the calf without any demand for money.

11. Apply the legal principles to the facts given below and select the most appropriate answer:

Legal Principles:

I. Right to carry on any occupation, trade, or business is a fundamental right under the Indian Constitution.

II. The State is under an obligation under the Directive Principles of State Policy to organise agriculture and animal husbandry on scientific lines, and towards that goal take steps to prohibit cow slaughter.

Facts:

The State of Maharashtra passed legislation prohibiting cow slaughter. Ross, a butcher, trading in the meat of all animals including cows challenged this legislation as violating his fundamental right to carry on business. Decide the matter.

- A. The State of Maharashtra cannot make a law taking away any fundamental right. Such a law is null and void.
- B. The State can prohibit cow slaughter to organise animal husbandry on scientific lines.
- C. Banning cow slaughter is a restriction imposed to better animal husbandry and is allowed.
- D. Banning cow slaughter is not a reasonable restriction.

12. Apply the legal principles to the facts given below and select the most appropriate answer:

Legal Principles:



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I. Article 25 of the Indian Constitution states "all persons are equally entitled to freedom of conscience and the right to freely profess, practise, and propagate religion subject to public order, morality and health.

II. Activities that are not an essential part of religion can be reasonably restricted as under the Constitution.

III. Further, Article 26 states that all denominations can manage their own affairs in matters of religion.

Facts:

X was a religious priest. He was convinced that he was sent to earth to further the teachings of his religion, and convince others that all other religions were merely a facade. He began to preach that those who are not followers of his religion or do not believe in his words must be done away with, and that is the only redemption available. The Government therein orders for the arrest of X which he challenged stating the order was against his fundamental right.

A. X can succeed as it cannot be reasonably presumed that other people of his religion will follow his words in actuality.

B. X can succeed as the fundamental freedom to be able to freely express and spread one's religion is protected by the principle

C. X will not succeed as his words are not representative of his religion and actually incites violence.

D. X will not succeed as the right to spread the word of one's religion does not allow any person to spread hatred among persons practicing different religions.

13. Apply the legal principles to the facts given below and select the most appropriate answer:

Legal Principles:

I. The constitution of India in Article 20(2) has the principles of "autrefois convict" or Double jeopardy which means that person must not be punished twice for the offence.

II. The law of the land is that there cannot be the second trial for punishing an offence for which he or she has already been prosecuted or convicted earlier.

Facts:

The students at FRIENDS College went on strike against the policies of the college. Rachel, during such a strike, hurt a faculty member and managed to injure her grievously. For this offence, she was expelled from the college. Subsequently, the police also arrested Rachel and charged her for causing grievous hurt. Rachel pleads that she is being convicted for the same offence twice as she was already expelled from the college.

A. Rachel should not be punished twice for the same offence as it is unconstitutional.

B. Rachel has not committed any intentional crime and should be acquitted as rustication is sufficing punishment.

C. Rachel cannot plead double conviction as the two authorities are different.

D. Rachel is not yet convicted and only a court can convict Rachel.

14. Apply the legal principles to the facts given below and select the most appropriate answer:

Legal Principles:

I. The basic structure doctrine is an Indian judicial principle stating that the Constitution of India has certain basic features that cannot be altered or destroyed through amendments by the Parliament of India.



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II. Key among these "basic features" are the fundamental rights guaranteed to individuals by the constitution.

Facts:

Harshvardhan came into power under the popular opinion that there is a need to change the structure of the Government as provided in the Constitution of India. After being elected to Parliament with an overwhelming majority Harshvardhan decided to change the Parliamentary system to Presidential system. Accordingly, his Government therein decided to amend the Constitution and accordingly changed the system and vested all power with the President instead of the Parliament. This was challenged before the Supreme Court on the ground of being violative of the basic structure.

- A. The amendment was carried out by the Parliament on the basis of the will of the people therefore the amendment is valid.
- B. The power of the Parliament is absolute and therefore amendment can be made.
- C. The amendment would be invalid as it amends the basic structure of the Constitution.
- D. None of the above.

15. Apply the legal principles to the facts given below and select the most appropriate answer:

Legal Principles:

I. Article 14 of the Indian Constitution states that the State shall not deny to any person equality before the law.

Facts:

The Parliament of India enacts a law that states that all persons who are above the height of 6 feet will pay a rate of tax that is higher to others. The purpose of such

enactment is in order to increase the tax revenue of the government of India. A writ was filed challenging this law, stating that the law is in violation of Article 14, which is a fundamental right owed to all citizens.

- A. The law is in accordance with Article 14 as it bases the different treatment on a reasonable difference between the persons following intelligible differentia.
- B. As the law treats one category of persons differently from another-it is violative of Article 14.
- C. The law is violative of Article 14 as the basis of classification is unrelated to the object that such law aims to achieve
- D. None of the above.

###ANSWERS###

1. Ans. D.

This was a personal right of action which perished with Hussain and hence, his heirs cannot be held responsible. Thus, D is the right answer.

2. Ans. C.

As the harm is insignificant, the law would not take the same into account. Hence, C is the right answer.

3. Ans. A.

Since Rohan has entered the contract when he was not suffering from a schizophrenic attack, the contract is valid.

4. Ans. B.



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The principle of quantum meruit mandates that a reasonable compensation be paid even if there is no written contract.

5. Ans. B.

Asim consented to suffer the damage, as he knew the risks of attending a baseball game and hence he cannot

6. Ans. C.

It has been given in the principle that any person who has received any unjust benefit, he/she must return it to the rightful owner. Here in this case, A and B were staying in the same hostel room. B's father had sent a parcel to him on his birthday containing expensive gifts. This parcel was delivered to A as B had gone out for a movie. Hence, A has to return the entire contents of the parcel to B because A can't unjustly get benefited from B's parcel which was delivered in B's absence. Therefore, option C deducing the most appropriate rationale for this reasoning.

7. Ans. D.

A man must not make such use of his property as unreasonably and unnecessarily to cause inconvenience to his neighbors. In the present scenario, Z had 20 cows and is involved in selling the milk to the public. The cow dung and other wastes were openly stored in a small 10 feet by 8 feet tank. This constantly paved way for bad smell and breeding of mosquitoes. Hence, Z's property is unreasonably and unnecessarily creating inconvenience to his neighbors. Therefore, option D seems like the appropriate rationale for this reasoning.

8. Ans. A.

Special damage is the loss of some material advantage, pecuniary or capable of being estimated in money which flows directly and in the ordinary course of things from the act

of the person who is responsible. Here in this case, X can sue the Lakshmi Service Centre for damages including exemplary or special damages to the extent of Rs. 30,000 as X had lost the contract with the foreign tourist and a loss of revenue to the extent of Rs. 30,000. Therefore, option A provides the most appropriate rationale for this reasoning.

9. Ans. B.

The standard to determine whether a person has been guilty of negligence is the standard of care which, in the given circumstances, a reasonable man could have foreseen. Here in this case, The Agricultural University constructed 200 houses for its employees in its premises and the same premises was having two huge bore wells and the pumps were not covered properly. It means, no reasonable care was taken by the Agricultural University to avoid the damage. Therefore, inspite of the child's act, her parents can successfully sue the University for damages. Hence, Option B deducing the most appropriate rationale for this reasoning.

10. Ans. B.

A bailment is a delivery of goods on condition, express or implied, that they shall be restored to the bailor (person delivering the goods) as soon as the purpose for which the goods have been bailed is complete. Here in this case, X is the bailor and cow is the bailment and Y can return the cows provided laved pays him some money towards expenses for maintaining them. Therefore, option B provides the most appropriate rationale for this reasoning.

11. Ans. C.

The right to carry on a particular business or trade is subject to reasonable restrictions, banning cow slaughter is a reasonable restriction in order to better animal



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husbandry and it is within the power of the State.

12. Ans. D.

X is allowed to spread his religion and is allowed to convince other people by any peaceful means. However, he is not allowed to spread religious hatred in the exercise of the right to freely profess and/or propagate his own religion.

13. Ans. D.

Rustication from college does not count as conviction and only a court has the power to convict Rachel.

14. Ans. C.

A democratic set up as under the Indian Constitution is of the Parliamentary sort and that is a part of the basic structure doctrine under the Constitution, and can therefore not be amended.

15. Ans. C.

Under the circumstances there is a reasonable basis for the classification, there is no connection that can be reasonably drawn between the basis of classification and the object of the purpose of the law.



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