
LEGAL REASONING

TRESPASS**Passage 1**

Trespass is basically a wrong done to the actual possessor and therefore cannot be committed by a person in possession. On the other hand, conversion is a wrong to the person entitled to immediate possession. The actual possessor is frequently, but not always the person entitled to immediate possession, and sometimes a person entitled to immediate possession is allowed to sue in trespass so that the conversion may, but does not necessarily, include trespass.

Trespass is without intending to exercise an adverse possession, damaging or meddling with the chattel of another. A conversion is referred to a breach made adversely in the continuity of the owner's domination over his goods though the goods may not be hurt.

The gist of the action in trespass is the force and direct injury inflicted; in conversion, it is the deprivation of the goods or their use.

Conversion can be referred to as the forgotten tort because as a matter of fact, every year there are several cases of conversion reported, but either they are too similar to the case of trespass or are mostly concerned with the ownership of the particular disputed property but the tort in itself is not the issue. Nobody shall make use of his premises in such a way so as to damage the neighbour's interest in the latter's premises. A man must not make such use of his property as to unreasonably and unnecessarily cause inconvenience to his neighbours.

1. Suppose, Ramu purchases a car from a person who had no title to it and sent it to a garage for repair. Shyam believing wrongly that the car was his, removed it from the garage.
 - (a) Shyamu can be held responsible for trespass of goods.
 - (b) Shyamu cannot be held responsible for trespass of goods as he was under a wrong belief.
 - (c) Shyamu has not committed any wrong.
 - (d) None of the above.

2. Suppose, 'Rohit' went to a cycle stand to park his bicycle. Seeing the stand fully occupied, he removed a few bicycles in order to rearrange a portion of the stand and make some space for his bicycle. He parked his bicycle properly, and put back all the bicycles except the one belonging to 'Mohit'. In fact, 'Rohit' was in a hurry, and therefore, he could not put back 'Mohit's' bicycle. Somebody came on the way and took away Mohit's bicycle. The watchman of the stand did not take care of it assuming that the bicycle was not parked inside the stand. 'Mohit' filed a suit against 'Rohit' for conversion. Which of the following derivations is correct?
 - (a) 'Rohit' could not be held liable for the negligence of the watchman.
 - (b) 'Mohit' would succeed because 'Rohit's' act led to the stealing of his bicycle.
 - (c) 'Mohit' would not succeed because 'Rohit' did not take away the bicycle himself.
 - (d) 'Mohit' would not succeed because Rohit's intention was not bad.

3. The act of unlawfully entering into another's property constitutes.
 - (a) Trespass
 - (b) Restraint
 - (c) Appropriation
 - (d) Encroachment

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4. Suppose, Mogambo arranged a cocktail for his friends in his farm house with nice gardens and a swimming pool. The area of swimming pool was, brightly lit and the pool had sufficient enclosures. But one of the guests, in his inebriated condition, strayed into the area of swimming pool and fell into the pool, and suffered injuries. He filed a suit against Mogambo claiming damages.
- (a) Mogambo is not liable, because he invited the guests only for the party and not for the swimming.
 - (b) Mogambo cannot be held responsible for the drinking propensities of his friends.
 - (c) Mogambo as a host would be responsible to take care of guests when they are in his premises.
 - (d) None of the above
5. Suppose, Mr. Mohit 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 he sells 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 paves way for bad smell and breeding of mosquitoes. Mrs. Sobhit, his neighbor constantly complains to Mr. Mohit but in vain.
- (a) Sobhit cannot take any other action against Mohit.
 - (b) Mohit can do something to prevent the foul smell.
 - (c) Sobhit can complain to the police.
 - (d) Sobhit can sue Mohit for damages based on the inconvenience caused by Mohit.
6. Suppose, Gungun built a house in a big plot in a housing colony. The adjacent plots were empty at the time he built his house. He started rearing cows in the remaining portion of his plot. After about ten years, the houses were built in adjoining plots. The neighbours found the presence of cows uncomfortable and unhygienic. They asked Gungun to stop his activities.
- Gungun contended that well before their arrival, he was in that business; and that he would suffer loss if he stopped business at that stage. The neighbours filed a suit against him.
- (a) Gungun would win, because the neighbours should have taken note of the presence of cows when they were building their houses.
 - (b) Gungun would lose, because he must not interfere in neighbour's enjoyment of their lands.
 - (c) Gungun would win, because the rearing of cows for ten years has given him some kind of prescriptive right
 - (d) None of the above

Passage 2

The students alleged that the men, in their 30s and drunk, groped and dragged girls and performed obscene acts, while security and Delhi Police personnel stood by like mute spectators. They also alleged that they were threatened by the intruders, who also made objectionable remarks and used cuss words.

The incident came to light after some students took to Instagram to narrate their ordeal. The accused were reportedly outside the college when the fest was underway. They gathered outside the gate of the college, vandalised a car and then broke in. They allegedly jumped over the barricades placed by the college security staff, outnumbered them and then misbehaved with the women students, police added.

According to the police, a case was registered under IPC sections 452 (house-trespass after preparation for hurt, assault or wrongful restraint), 354 (assault or criminal force to woman with intent to outrage her modesty), 509 (word, gesture or act intended to insult the modesty of a woman) and 34 (acts done by several persons in furtherance of common intention).

In Tort, Trespass to land means direct interference with the possession of land without lawful justification. Trespass could be committed either by a person himself entering the land of another person or doing the same through some tangible object(s). *The occupier of a premise owes a duty of care to all his invitees and visitors.* Assault is an attempt to do a corporeal hurt to another coupled with an apparent present ability and intention to do that act. Battery is the intentional and direct application of any physical force to the person of another. Total restraint means complete deprivation of a person's liberty to move beyond certain limits. If a person is prevented from going to a particular direction but is allowed to go elsewhere, it will not amount to total restraint of a person's liberty. False imprisonment is a total restraint of the liberty of a person, for however short a time, without lawful excuse. There must be a total restraint of the person and the onus of proving reasonable cause is on the defendant.

So far, the police have arrested 15 men in the incident. The accused belong to the age group of 18-25.

7. Jyoti, was sitting on a chair reading Mock paper of CLAT Path on New Pattern. His friend Kirti decided to play a realistic joke on him. Accordingly he pulled the chair from under him, as a result of which Jyoti landed on the floor.
 - (a) Kirti's act amounts to battery
 - (b) Kirti's act amounts to assault
 - (c) Kirti's act amounts to an assault till the time Jyoti lands on the floor
 - (d) Kirti's act amounts to neither because there was no intention

8. Kapil was driving Ferrari down a road heading to her house. As he reached close to his house he found that a few people led by Riya, protesting against an unfair law, had blocked the road. There was no alternate road to his house and hence he was stuck there for around 15 minutes.
 - (a) Riya and his group are liable for having falsely imprisoned Kapil
 - (b) Riya and his group are not liable for falsely imprisoning Kapil, since they were exercising their right to protest
 - (c) Riya and his group are not liable for falsely imprisoning Kapil, since they did not totally restrain the liberty of Kapil
 - (d) Riya and his group are not liable for falsely imprisoning Kapil, since 15 minutes is too short a time.

9. Ajay was suspected of having committed the murder of Bobby. Chunkey, a policeman who was investigating into Bobby's murder, saw Ajay in a market. He went up to him, caught hold of his hand and prevented him from going anywhere.
 - (a) Chunkey is liable for having falsely imprisoned Ajay since to arrest a person a policeman requires permission from a Magistrate
 - (b) Chunkey is not liable for having falsely imprisoned Ajay since the restraint was not total
 - (c) Chunkey is not liable for having falsely imprisoned Ajay since he did not take him to a prison
 - (d) Chunkey is not liable for having falsely imprisoned Ajay, since for the offence of murder a policeman need not take the permission of a Magistrate to arrest

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10. Anupam Khera entered Bullet Prakash's park where there was an artificial lake for boating. Anupam paid Rs.100 for entering the park and has to pay Rs.100 at the time of exit. Anupam waited for 20 minutes for a boat but no boat was available. Anupam came out; however, he denied paying Rs.100 for exit. Bullet did not allow Anupam to leave the park unless he paid Rs.100 for exit. Anupam sued Bullet for false imprisonment. Decide:
- (a) Bullet is guilty of false imprisonment
 - (b) Bullet is not guilty of false imprisonment
 - (c) Anupam can lawfully refuse to pay Rs.100 when no boat was available
 - (d) Anupam can sue Bullet for false imprisonment and even ask for Rs.100 given for entering the park as Bullet's services were deficient in the park.
11. Akhil arranged a cocktail party for his friends in his farm house with pleasant gardens and a swimming pool. The farm is located in Boring Road, Patna. The area of swimming pool was brightly lit and the pool had adequate enclosures. But one of the guests, in his inebriated condition, strayed into the area of swimming pool and fell into the pool, and suffered injuries. He filed a suit against Akhil claiming damages.
- (a) Akhil is not liable, because he invited the guests only for the party and not for the swimming.
 - (b) Akhil cannot be held responsible for the drinking propensities of his friends.
 - (c) Akhil as a host would be responsible to take care of guests when they are in his premises.
 - (d) Both (a) and (b)
12. The act of unlawfully entering into another's property constitutes.
- (a) Trespass
 - (b) Restraint
 - (c) Encroachment
 - (d) Appropriation
13. Mr. Andrew Anderson purchased a ticket worth Rs. 300 for a drama show which was being performed in a theatre on the title Macbeth. The drama was very entertaining and actors performed extremely well. Mr. Anderson loved the show. After the show got over, he decided that he will watch the show again with the same ticket so he refused to leave the theatre. The owner of the theatre sues David Anderson for trespass. In this case-
- (a) He will not succeed since Mr. Anderson had purchased a ticket worth Rs.300.
 - (b) He will not succeed since Mr. Anderson has a right to remain wherever he wants to after the show gets over.
 - (c) He will succeed since Mr. Anderson's right to remain in the theatre ends with the show
 - (d) He will not succeed since Mr. Anderson didn't have intention to trespass.