

## **LAW OF TORTS**

**JUNE/JULY 2018**

1. Define Tort. Explain Injuria Sine Damno and Damnum sine injuria with the help of case law.
2. Explain the basis of vicarious liability. When the master is liable for the acts of his servant?
3. Define Defamation. What are the essentials of Defamation?
4. "True nervous shock is as much a physical injury as a broken bone or a torn flesh wounds". Explain.
5. Critically examine the rule laid down in Donoghue V. Stevenson. Is the rule modified by recent cases?
6. What is 'Conspiracy'? What should the plaintiff prove in order to succeed in an action for conspiracy? Refer to decided cases.
7. Explain the composition and jurisdiction of the State Commission under consumer law.
8. Write short note on any two of the following:
  - (a) Conversion.
  - (b) Mental element in Torts.
  - (c) Strict liability in Motor Vehicles Act.
9. Solve any two of the following problems:
  - (a) Virat Kohli hit the ball outside the boundary, which falls on a spectator. Spectator was injured. He want to take action against the authorities of the stadium (KSCA). Advice.
  - (b) A driver of the defendants omnibus had printed instructions not to race with, or obstruct, other omnibuses. In

- disobedience to this order he obstructed the plaintiffs omnibus and caused a collision which damage it. What is the liability? Decide.
- (c) A metropolitan bureau, in pursuance of a resolution of its council, erected a stand on a highway which was a public nuisance. What is its liability? Solve.

## **LAW OF TORTS**

**(2018 BATCH)**

**DECEMBER 2018**

### **UNIT - I**

1. (a) Explain 'damnum sine injuria' and 'injuria sine damno' with decided cases.

OR

- (a) Discuss the importance of mental elements in tortious liability.

- (b) John walks across Jack's field without his permission causing no damage. Has he committed any wrongful act? Decide.

OR

- (b) 'X' dug a well in his land for use of his farm, as a result of which water from the well of 'Y', his neighbor, dried away. Can Y sue X? Decide.

### **UNIT - II**

2. (a) Discuss the liability of master for the wrongful acts of his servant.

OR

Explain 'inevitable accident' and 'private defence' as defences to tortious liability.

(b) The plaintiff sent her fur coat to defendant for dry-cleaning. The defendant assigned this work to his servant. The servant stole the coat. Decide the liability of the defendant.

OR

Due to heavy rainfall the wall of defendant's house collapsed resulting in death of plaintiff's child. In an action for damages, the defendant pleaded the defence of act of God. Can he succeed? Decide.

### **UNIT – III**

3. (a) Discuss the principle of remoteness of damages.

OR

Explain the rule in Rylands V. Fletcher.

(b) 'A' parked his car on a street with his dog inside. As 'B' was walking past the car, the dog which had been jumping inside smashed the glass panel and as a result a splinter hit B's eye and caused injury. Is A liable to pay damages to B? Decide.

OR

'M' employed 'C' an independent contractor to repair a lamp overhanging the front doorway. As it was not properly fastened, the lamp fell on 'P' a passer by 'P' sustained injuries, Can 'P' claim damages from 'M'? Decide.

#### **UNIT – IV**

4. (a) Define defamation. Distinguish between libel and slander.

OR

Explain the tort of conversion.

(b) In order to protect his crop from trespassing pigs 'X' laid traps on his land. Y's cow strayed into that land and fell into the trap and was killed. Can 'X' be held liable to pay damages? Decide.

OR

Some persons combine and go to the theatre and boo and hoat out an actor. What is their liability? Decide.

#### **UNIT – V**

5. (a) Explain the composition, powers and functions of State Commission under the Consume Protection Act.

OR

Explain the salient features of Motor Vehicles Act.

(b) A Surgeon in hospital 'X' conducted an eye operation on Mr., 'P' negligently, as a result 'P' lost his eye sight partially. P wants to claim 15 lakhs as compensation before the consumer forum. Advice him.

OR

Write short note on “insurance against third party risks”.

