

**June/ July 2019**

**LAW OF TORTS**

**(2018 Batch)**

UNIT – I

1. a) Explain the Maxim *damnum sine injuria* and *injuria sine damnum* with the help of leading cases.

OR

a) Define 'Tortious Liability'. Distinguish between Tort and breach of contract.

b) A child of seven years ate some attractive berries from a tree in a Municipal Park. The berries were poisonous. The child died. Can the Municipality be made liable ?

OR

b) Write a short note on 'motive' as an element of a Tort.

2. a) What are the exceptions to *volenti non fit injuria* ? Explain with cases.

OR

a) Explain Vicarious Liability. What are the circumstances in which the master will be liable for the acts of his servant ?

b) Write short note on 'Vis Major'

OR

b) A driver of the defendant's 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 damaged it. What is the liability ? Decide.

UNIT – III

3. a) Discuss the rule laid down in *Rylands V. Fletcher* case with exceptions.

OR

a) What is Nuisance ? Distinguish between Private and Public Nuisance.

b) The Plaintiff resided in a house next to a Roman Catholic Chapel of which the defendant was the Priest and the Chapel bell was ringing very loud of all hours of the day and night. Decide.

OR

b) Write short note on 'Remoteness of Damage.'

#### UNIT – IV

4. a) Explain the difference between libel and slander. When slander becomes actionable per se ?

OR

a) Define Assault and distinguish it from battery. State the circumstances when they may be justified.

b) 'A' defames 'B' and dies before 'B' could bring action against him, under this circumstances is there any remedy for 'B' according to Law ?

OR

b) Write a short note on 'Malicious Prosecution'.

#### UNIT - V

5. a) Explain the composition and jurisdiction of the National Commission under Consumer Protection Act, 1986.

OR

a) For the purpose of promoting the sale, the tradesman adopts unfair Trade Practices. What are those practices ? Explain.

b) Write a short note on Third Party Insurance.

OR

b) 'A' a lady underwent a 'tubectomy' operation at the Government hospital in Thumkur. Later she developed serious complications due to operation which reduced her to the condition of a physically invalid person. The lady filed a case and demanded compensation against the Government. Decide.