

SUMMER-2019  
B.A. LL.B. (5 Year Degree Course) Sem-I (2015 Course)

**SUBJECT: LAW OF TORTS INCLUDING MOTOR VEHICLE ACCIDENT AND  
CONSUMER PROTECTION ACT**

Day : Saturday

Time: 10:00 AM TO 1:00 PM.

Date : 13-04-2019

Max. Marks : 60

S.2019.1623

**N.B.:**

- 1) All questions are **COMPULSORY**.
- 2) All questions carry **EQUAL** marks.

**Q.1 a)** Evaluate the main Characteristics of a tort and distinguish it from Crime.

**OR**

**b)** When the defendant successfully proves that the statement alleged to be defamatory by the plaintiff is in substance true, it will be a complete defence to absolve him from liability'. Elaborate Defences in an action for defamation.

**Q.2 a)** Examine the doctrine of Strict liability. Discuss the transformation of Strict liability Rule into Absolute liability.

**OR**

**b)** Write notes on **ANY TWO** the following:

- i) Damages
- ii) Discharge of Torts
- iii) Husband and wife

**Q.3 a)** What is Contributory Negligence? Evaluate the exceptions to the Doctrine of Contributory Negligence, If any.

**OR**

**b)** Write short notes on **ANY FOUR** of the following:

- i) Battery
- ii) Vicarious Liability
- iii) Convict
- iv) Malicious Prosecution
- v) Public Nuisance

**Q.4 a)** Examine the Composition and Jurisdiction of the District Forum.

**OR**

**b)** The victim or the legal representative of the deceased in case of death of victim in a motor accident, claiming Compensation is not required to prove the negligence or fault of Vehicle driver / owner. Comment.

**Q.5 a)** The defendant put up spring guns in fencing of his garden so that the Trespassers may not be able to enter the same. He did not put a warning or notice about the same, with the result a child Trespassers was seriously injured by the automatic discharge of spring guns. Analyze the following illustration.

**b)** Discuss the Case law: *Stanley v. Powell*.

**OR**

**a)** The defendant Railway corporation constructed a children's park in the wind stream. Due to heavy rain, the water over flooded the stream as its natural flow was obstructed due to park constructed by the defendants. It spread over the adjoining area causing damage to plaintiff's property. Analyze the following illustration.

**b)** Discuss the Case law: *Dann v. Hamilton*.

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