

SUBJECT : LAW OF TORT INCLUDING MOTOR VEHICLE

Day : Friday
Date : 19/04/2019

Time : 10.00 AM TO 01.00 PM
Max. Marks : 80

S-2019-1694

N.B.:

- 1) Attempt any **SIX** questions in all. **Q. No. 1 is COMPULSORY.**
 - 2) **Q. No. 1** carries **20** marks and all other questions carry **12** marks each.
-

- Q. 1** Write short notes on any **four**.
- a) Damnum sine injuria
 - b) Inevitable accident
 - c) Trespass to goods
 - d) Res ipsa loquitur
 - e) Deficiency in service – Consumer Protection Act
 - f) Public nuisance
- Q. 2** The basic principles underlying law of tort, is that no one should be harmed by the acts of others. Define torts and discuss the nature of torts.
- Q. 3** The state's liability for tortious action has undergone a sea change. Explain the state's liability for torts with reference to the land mark cases.
- Q. 4** Actionable negligence consists in the neglect of the use of ordinary care or skill towards a person whom the defendant owes the duty to his person or property. Explain the components of negligence, with the help of *Donoghue v. Stevenson* (1932)
- Q. 5** A servant and independent contractor both are employed to do some work of the master, but there is a difference in the legal relationship shared by both with their masters. Explain the principles of vicarious liability of the master for the tortious act committed by his independent contractor.
- Q. 6** The tort of defamation protect the reputation of a person, where as the defences available against an action of torts protect the freedom of speech and expression. Explain the defences available for the action of defamation as atort.
- Q. 7** A more stringent rule of strict liability than the rule in *Rylands v. Fletcher* was laid down by the Supreme court recently in the case of *M.C. Mehta v. Union of India* A.I.R. 1987 SC 965. Explain the principles of absolute liability as evolved in the case of *M.C. Mehta*.
- Q. 8** Explain the remedy of damages awarded by the court for an action of torts. So also explain the various types of damages.
- Q. 9** Discuss the procedure of making a complaint in the District Forum as prescribed under the Consumer protection Act.
- Q. 10** Discuss the object of compulsory insurance as a requirement under the Motor Vehicle Act.