

**B.B.A. LL.B. (5 YEAR DEGREE COURSE) SEM-I (2015  
COURSE) : SUMMER - 2018**  
**SUBJECT : LAW OF TORT INCLUDING MOTOR VEHICLE ACCIDENT &  
CONSUMER PROTECTION ACT**

Day : **Wednesday**  
Date : **11/04/2018**

Time : **02.30 PM TO 05.30 PM**  
Max. Marks : 60

**S-2018-1180**

**N.B.:**

- 1) Attempt **ANY FOUR** questions.
- 2) All questions carry **EQUAL** marks.

**Q.1** Explain the essential elements which are necessary to constitute a tort.

**OR**

Define the tort of Negligence. Explain Negligence along with its defenses.

**Q.2** Define Nuisance. Enumerate the remedies available for the torts of Nuisance.

**OR**

Explain in detail the Rule of Strict liability and Absolute liability. Distinguish between the two rules of liability on the basis of prominent differences.

**Q.3** What do you mean by 'Discharge' of a tort? Explain the various modes when a tort can be discharged.

**OR**

What kind of 'damages' are awarded under the law of torts? Explain the various remedies given to a person under the law of torts.

**Q.4 a)** A cyclist suddenly came in front of the bus. There was rainfall and the road was wet. As the driver of the bus applied brakes to save the cyclist the bus skidded on the road as a result of which the rear portion of the bus hit the front portion of the plaintiff's bus coming from the opposite direction. It was found that the accident had occurred despite due care on the part of both the buses. Analyse the following illustration.

**b)** Defendant having had flowers stolen from his garden, had placed a spring gun in the garden for future protection. The plaintiff, a boy, in search of his strayed away fowl and having no knowledge of the existence of the gun, got over the garden wall and come into contact with the gun and was injured. Analyse the following illustration.

**OR**

Evaluate the following case laws:

- a)** Haynes v. Harwood
- b)** Nichols v. Marsland

**Q.5** Write notes on the following with reference to The Consumer Protection Act, 1986:

- a)** Unfair Trade Practice
- b)** "Consumer"

**OR**

Write notes on the following with reference to The Motor Vehicle Act, 1988:

- a)** No fault liability
- b)** Object of the Act

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