

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

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

Time : **10.00 AM TO 01.00 PM**
Max. Marks : **50**

S-2018-1272

N.B.:

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

Q.1 Write notes on the following:

- a) Damnum Sine Injuria
- b) Injuria Sine Damnum

OR

What is Trespass? Evaluate the provisions relating to Trespass to person.

Q.2 What is Defamation? Evaluate types and essentials of defamation.

OR

Examine the concept of Negligence with emphasis on the maxim Res Ipsa Loquitur.

Q.3 Write a detail essay on Vicarious Liability with emphasis on Master and Servant relationship.

OR

Write notes on the following:

- a) Absolute Liability
- b) Strict Liability

Q.4 Write notes on the following with reference to Motor Vehicle Act, 1988:

- a) 'Liability without fault' in certain cases
- b) Compensation

OR

Write notes on the following with reference to Consumer Protection Act, 1986:

- a) National Commission
- b) State Commission

Q.5 a) Analyse the following case law:
Nicholas v. Marsland

- b) A horse belonging to the defendants and attached with a van was seen by the plaintiff running past his house without the driver. It entered a field adjoining the plaintiff's garden. The driver, who had followed it was trying to pacify it but as it continued to be restive, the driver shouted for help. The plaintiff on hearing this went and attempted to hold the horse, but it threw him to the ground causing him serious injuries. Evaluate following illustration.

OR

- a) Analyse the following case law:
Haynes v. Harwood

- b) During a storm in Kolkata a cinema advertising (banner) fell down from the defendant premises and injured the plaintiff. The defendant contended that the fall of the banner was caused by a storm of unusual severity. It was, however found that such storms of considerable severity usually came in the town of Kolkata during monsoon season. Evaluate the following illustration.

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