

AS-3013

B.A.LL.B ( First Semester ) Examination, 2013

LAW of TORTS

( Including MV Accident )

Maximum Marks: 80 Marks

*Note: Attempt questions of all three sections as directed. Distribution of marks is given with sections.*

Section-‘A’

15×2=30

(Objective Type Questions)

*Note: Attempt all questions. Each question carries 2 marks*

- 1 (i) (d) All of the Above
- (ii) (b) Damage without infringement of legal right
- (iii) (d) All of the Above
- (iv) (c) Scienti non fit injuria
- (v) (a) Legal Right
- (vi) (b) Is not liable
- (vii) (a) True
- (viii) (d) All of the Above
- (ix) (b) Strictly liable for damage
- (x) (b) Battery
- (xi) (c) Both (a) & (b)
- (xii) (c) Malicious Prosecution
- (xiii) (a) the consequence of a wrongful act could have been foreseen by a reasonable man
- (xiv) (b) the thing speaks for itself
- (xv) (b) Criminal Law

**Section-B**

**5×4=20**

**(Short Answer Type Questions)**

*Note: Attempt any five questions. Each question carries 4 marks.*

Answer (2) Principle of Wrongful Intent

- a) Meaning and definition
- b) General Principles
- c) Relevant Case laws
- d) Conclusion

Answer (3) Volenti Non Fit Injuria

- a) Meaning and Definition
- b) General defenses
- c) Explain the Maxim 'Volenti Non Fit Injuria' with the help of decided case-laws
- d) Limitation
- e) Conclusion

Answer (4) Relationship of Parental and Quasi-Parental authority

- a) Meaning and Definition
- b) Explain the Doctrine
- c) Its Justification in tort
- d) Relevant case-laws
- e) Conclusion

Answer (5) Damages

- a) Meaning of Remedies
- b) Kinds of remedies-Judicial Remedies & Extra-Judicial Remedies
- c) Classification of Damages
- d) Kinds of Damages
- e) Case-laws
- f) Conclusion

Answer (6) whether 'Fair Comment' amounts to Defamation

- a) Meaning of Defamation
- b) Kinds of Defamation
- c) Defences for an action of Defamation

- d) What is 'Fair Comment'  
Comment  
Comment must be fair  
Comment must not be malicious  
Public Interest
- e) Conclusion

Answer (7) Nervous Shock

- a) Meaning of Nervous Shock
- b) Tort of Nervous shock
- c) Relevant Cases with the grounds for the liability
- d) Damages for Nervous Shock
- e) Conclusion

Answer (8) Law relating to 'Wagon Mound' case

- a) What is Remoteness of Damage
- b) Tests of Remoteness of Damage
- c) Test of Reasonable Foresight
- d) Rule laid down in Wagon Mound case
- e) Conclusion

### **Section –C**

**2×15=30**

#### **(Long Answer Type Questions)**

*Note: Attempt any two questions. Each question carries 15 marks*

Answer 9. Vicarious Liability

- a) Meaning and Definition of Vicarious Liability
- b) Historical development of the principle
- c) Principles on which Vicarious Liability is based
  1. Respondeat superior
  2. Qui facit per alium facit per se
- d) Principle to be discussed under the following heads
  1. Principle and Agent
  2. Firm and Partners
  3. Master and Servant
    - i) Master's liability in the course of employment
    - ii) Distinction between servant and independent contractor
- e) Exceptions to the Rule
- f) Conclusion

Answer 10. Compensation in accident involving Motor Vehicles under the Motor Vehicles Act, 1988

- a) Introduction to this topic
- b) Object of compulsory Insurance
- c) Nature and Extent of Insurer's Liability
- d) Insurer's liability against Third Party risk
- e) Insurer's liability for 'Use of the Vehicle' in a 'Public Place'
- f) Payment of compensation in the case of Hit and Run
- g) Claims Tribunal- its constitution- award of the claims tribunal
- h) Conclusion

Answer 11. Negligence its essentials- Medical Negligence

- a) Meaning and Definition of Negligence
- b) Essentials of Negligence
  - 1. Duty to take care-Donoghue v/s Stevenson
  - 2. Breach of duty
  - 3. Actual Damage
- c) Defences or Exceptions
  - 1. Contributory Negligence
  - 2. Act of God
  - 3. Inevitable accident
  - 4. Negligence of Third party
  - 5. Plaintiff's own default
- d) Professional Negligence
- e) Explain Medical Negligence with the help of decided case-laws
- f) conclusion

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