

Reg. No. :

Name :

**First Semester B.A LL.B/B.Com LL.B/B.B.A LL.B (Five Year Integrated)
Degree Examination, February 2020**

**Paper V LAW OF TORT INCLUDING MOTOR VEHICLES ACCIDENT AND
CONSUMER PROTECTION LAWS**

(2011 Admission Onwards)

Time : 3 Hours

Max. Marks : 80

I. Explain any **five** of the following. Each question carries **2** marks. Answers should not exceed **50** words.

- (a) Distinguish between Tort and Contract
- (b) Novus actus interveniens
- (c) Last Opportunity Rule
- (d) Nuisance
- (e) Doctrine of common employment
- (f) Actio personalis moritur cum persona
- (g) Joint tort feasons

(5 × 2 = 10 Marks)

II. Answer any **four** of the following. Each question carries **4** marks. Answers should not exceed **120** words.

- (a) Explain conversion.
- (b) Discuss the rule in Derry v. Peak.

- (c) Write a note on Motor Accident Claims Tribunal.
- (d) Deficiency in Service under the Consumer Protection Act.
- (e) Insurer's Liability under the Motor Vehicles Act.

(4 × 4 = 16 Marks)

III. Answer any **four** of the following. Each question carries **6** Marks.

- (a) A jeep belonging to the government driven by the driver, met with an accident while he was bringing it back from the workshop after repairs. A pedestrian died due to the accident. His widow sued the driver and the State for damages. State contended that it was a sovereign function and hence not liable. Decide.
- (b) R wrote a number of letters to his wife S containing defamatory statements about the father of S. S handed over these letters to her father. The father – in - law filed a suit against R complaining of defamatory statements in these letters. Decide.
- (c) The Directors of X company issued Prospectus inviting subscriptions for debentures. The object stated was to enable the company to develop the trade of the company. But the amount so collected was spent for meeting the pressing liabilities of the company. Discuss whether action for deceit would succeed in this case.
- (d) The plaintiff is residing in a house next to a flour mill from where sound of grinding comes all hours of the day till late night. Plaintiff filed a suit for nuisance. Decide
- (e) Anand gave Rs.500000/- to his friend Soorya, who is an employee of XYZ Bank for depositing in Anand's Account. But Soorya instead of depositing in Anand's Account, misappropriated it. Is the Bank liable.

(4 × 6 = 24 Marks)

IV. Answer any **three** of the following. Each question carries **10** marks.

- (a) Write an essay on the Grievance Redressal Mechanism under the Consumer Protection Act.
- (b) Define False imprisonment. What are the defenses and remedies available for the same?
- (c) Explain "Strict Liability" and "absolute liability" principles with decided cases.
- (d) Explain the essentials of Negligence with decided cases.

(3× 10 = 30 Marks)
