



Reg. No. :

Name :

First Semester B.A. LL.B./B.Com. LL.B./B.B.A. LL.B. (Five Year Integrated)
Degree Examination, July 2017
Paper – V : LAW OF TORT INCLUDING MOTOR VEHICLES ACCIDENT
AND CONSUMER PROTECTION LAWS

Time : 3 Hours

Max. Marks : 80

- I. Answer **any five** of the following. **Each** question carries **2** marks. Answer should **not** exceed **50** words.
- a) Tort and quasi contractual obligation.
 - b) Necessity as a defence.
 - c) Tortious liability of corporation.
 - d) Acts done in exercise of non-sovereign power.
 - e) Wagon Mound's case.
 - f) 'Public Place' according to Motor Vehicle Act.
 - g) Jurisdiction of National Commission under Consumer Protection Act. **(5×2=10Marks)**
- II. Answer **any four** of the following. **Each** question carries **4** marks. Answer should **not** exceed **120** words.
- a) Discuss the effect of transfer of vehicle on insurer's liability according to Motor Vehicle Act.
 - b) Explain the tort of "Trespass to goods".
 - c) Discuss the exception to the rule in 'Rylands V. Fletcher'.
 - d) Distinguish between contributory negligence and composite negligence.
 - e) Explain the provisions relating to appellate and revisional powers of Consumer Redressal Agencies under the Act. **(4×4=16 Marks)**
- III. Answer **any four** of the following. **Each** question carries **6** marks.
- a) A branch of a tree growing on X's land hanging on the high way to a height of 40 feet above the ground. It suddenly fell up on Y's vehicle which was passing along the high way. 'Y' sues 'X' for his damages. Will he succeed ? Give reasons.



- b) 'X' filed a suit for defamation against four defendants. One of the defendant tendered his apology and a decree was passed accepting the apology and thereby he was discharged. Subsequently the other three defendants approached the court claiming that the release of one of the defendant will automatically discharge the other defendants. Decide.
- c) 'X' applied for a loan of Rs. 5,00,000/- from a Nationalised Bank. Due to the delay in sanctioning the loan 'X' could not start his business and thereby he had sustained losses. 'X' approach you to initiate legal action under Consumer Protection Act. Advise.
- d) 'X' is the owner of a bus. The driver of the bus, 'Y' permitted the conductor to drive the bus for the purpose of turning the right direction for the next journey. Due to the negligence on the part of the conductor, 'Z' sustained injury. 'Z' sued for compensation for the injury caused to him against 'X'. Is the suit is maintainable ? Give reasons.
- e) A car was overloaded with seven persons driven in the correct side of the road. Due to the rash and negligent driving of a truck carrying from the opposite direction hit with the car and caused injury to three persons travelled in the car. They sued against the truck owner and driver. But the owner and driver of the truck deny the liability as the car was over loaded. Decide. **(4x6=24 Marks)**

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

- a) Explain the defences of tort of defamation.
- b) Examine the law relating to the death in relation to tort with decided cases.
- c) Explain the provisions under Motor Vehicle Act regarding setting up of claims tribunal, matters of adjudication and just compensation.
- d) What is complaint ? Discuss the manner of making complaint and the procedure on admission of a complaint before a District Forum under Consumer Protection Act.

(3x10=30 Marks)