



Reg. No. : .....

Name : .....

**First Semester B.A. LL.B./B.Com. LL.B./B.B.A. LL.B. (Integrated Courses)**  
**Degree Examination, March 2014**

**Paper – V : LAW OF TORT INCLUDING MOTOR VEHICLE 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 each**.

- Mesne profit.
- Tres pass ab initio.
- Difference between public nuisance and private nuisance.
- Tort of conversion.
- Qui facit per alium facit per se
- Mistake as a defence.
- Contributory negligence.

**(5×2=10 Marks)**

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

- Explain malicious prosecution.
- What is meant by consumer dispute ?
- Explain the object of compulsory insurance under motor Vehicles Act, 1988.
- Write a note on “service” under Consumer Protection Act, 1986.
- How far death of a party affects the cause of action in a tortious litigation ?

**(4×4=16 Marks)**

III. Answer **any four** of the following. **Each** questions carries **6** marks.

- ‘B’ leaves his car parked by the side of a road and goes to a shop. ‘C’ a pedestrian sees the car moving without being attended by anybody. ‘C’ jumps in to the car to stop it and thereby prevent it from running over small children playing in front of the car. In this action ‘C’ sustains numerous injuries. ‘C’ brings an action against ‘B’. In defence ‘B’ pleads ‘Volenti non fit injuria’ – Advise ‘C’.



- b) 'A' a young boy was interested in outdoor activities and had attained some competence in sports ; and was representing his college in the inter collegiate tournament. He was a right handed fast bowler and was good at studies. The boy lost his right arm subsequent to an accident. Assess the compensation in the light of various heads available under M. V. Act.
- c) 'A's horse intrudes over the boundary, ate leaves of a poisonous tree from 'B's land and died. Discuss the liability of 'B'.
- d) 'A' issued a cheque for Rs. 1 lakh to a co-operative society. But later 'A' instructed the bank to stop the payment of the cheque. But the bank honoured the cheque. Decide whether the bank liable for deficiency in service.
- e) Kumar, aged 52, was operated upon at the hospital after splenic abcess was diagnosed. Thereafter he developed complications and died. After cremation 'scissors were found in the last remains. They had been left within the body by the surgeon performing the operation. Kumar's wife approaches a lawyer. Advise.

(4×6=24 Marks)

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

- a) Explain the rule in Baker V. Bolton.
- b) What are the defences available in the case of defamation.
- c) Explain the legal machineries under the Consumer Protection Act.
- d) Explain 'Negligence' as a tort.

(3×10=30 Marks)