



Reg. No. :

Name :

First Semester B.A. LL.B./B.Com. LL.B./B.B.A. LL.B (Five Year Integrated) Degree Examination, May 2016

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

Time : 3 Hours

Max. Marks : 80

- I. Explain **any five** of the following. **Each** question carries **2** marks. Answer should not exceed **50** words.
- a) Ashby V. White
 - b) Inevitable Accident
 - c) Doctrine of Common Employment
 - d) Privity of contract and tortious liability
 - e) Doctrine of 'Res Ipsa loquitur'
 - f) Public utility services
 - g) "Owner" under Motor Vehicle Act, 1988. **(5×2=10 Marks)**
- II. Answer **any four** of the following. **Each** question carries **4** marks. Answer should not exceed **120** words.
- a) Examine the provision regarding "No fault liability" under Motor Vehicle Act, 1988.
 - b) Discuss the composition and jurisdiction of District Forum under Consumer Protection Act, 1986.
 - c) What is contributory negligence ?
 - d) What is 'Trespass to Land' ? Discuss the remedies against the tort of Trespass to Land.
 - e) Distinguish between Private Nuisance and Public Nuisance. Briefly discuss the defences available in a tort of nuisance. **(4×4=16 Marks)**

P.T.O.



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

- a) 'X' and 'Y' are partners of a firm gave their truck along with their driver on hire to ABC Transport Company for transporting goods. One employee of Transport Company injured due to the rash and negligent driving of the truck driver. The employee sued against 'X' and 'Y'. Will he succeed? Give reasons.
- b) There was a comprehensive insurance policy with an insurance company for insuring the scooter for a sum of Rs. 75,000/-. An accident was caused to a third party causing damage of Rs. 1,20,000/- The claims tribunal assessed the damages as such for Rs. 1,20,000/-, out of which Rs. 45,000/- is to be paid by the owner to the third party. Do you agree with this? Why?
- c) 'X' sent a defamatory letter to 'Y' in Urdu language. Since 'Y' did not know 'Urdu', the same was read over to him by a third person. 'Y' sued 'X' for against the tort of defamation. Will he succeed? Give reasons.
- d) 'A' got a confirmed air ticket for the Journey from Kochi to New Delhi on 10-4-2014 in Indian Airways. Due to the strike of the employees, the flight did not take off. There after he booked another ticket scheduled for the journey for 15-04-2014. He had to pay excess amount due to the increase of fare. 'A' approached the district forum claiming damages and excess amount paid. Will he succeed?
- e) 'B' sold a gun to 'A' for the use of A and his son stating that the gun was manufactured by a well known manufacturer and gave assurance of safety. The gun burst while being used by 'A's son and thereby injured. Has 'B' committed any tort? Give reasons.

(4×6=24 Marks)

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

- a) Explain the doctrine of "Volenti non fit injuria" with the help of decided cases.
- b) What are different kinds of damages? Discuss the factors to be considered for determining damages.
- c) Discuss the extent of liability of the insurer under Motor Vehicle Act.
- d) Explain the term "consumer services" and "deficiency of services" with suitable illustrations of various instances comes under the preview of Consumer Protection Act, 1986.

(3×10=30 Marks)