

Reg. No. :

Name :

**First Semester B.A.LL.B./B.Com. LL.B/B.B.A. LL.B. (Five Year Integrated)
Degree Examination, June 2022**

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

(2020 Admission Onwards)

Time : 3 Hours

Max. Marks : 80

PART – A

Explain any **Six** of the following questions. Each Question carries **2** Marks. Answers should not exceed **50** words

1. *Ubi jus ibi remedium*
2. Restrictive trade practices
3. Foreign torts
4. Laissez faire
5. Caveat Venditor
6. The last opportunity rule
7. Innuendo
8. Consumer Protection Councils

(6 × 2 = 12 Marks)

P.T.O.

PART – B

Answer any **four** of the following. Each Question carries **5** Marks. Answers should not exceed **150** words.

1. What are the distinctions between tort and crime?
2. Distinguish between *damnum sine injuria* and *injuria sine damnum*.
3. What is strict liability rule? What are its exceptions?
4. What do you mean by 'deficiency' under the Consumer protection law?
5. What is the nature and extent of insurer's liability under the Motor Vehicles Act, 1988?
6. Elaborate on the rule in *Derry v. Peak*.

(4 × 5 = 20 Marks)

PART– C

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

1. Ajay is a driver working in a private company. One day, his Manager asked him to drop a customer at the airport and get back at the earliest. On his way back from the airport, he happened to see his friend Lakshmi waiting for a bus to go home. He offered to drop her at home, which happened to be close to his office. She got into the car and soon thereafter; the car met with an accident due to Ajay's negligence. Lakshmi was thrown out of the car suffered multiple injuries. She seeks compensation from the Company. Decide.
2. A, while driving a car at high speed in a crowded road, knocked down a cyclist. The cyclist died on the spot with a lot of blood spilling around, B, a pregnant woman passing by, suffered from a nervous shock, leading to abortion. B filed a suit against Krishnan claiming damages. Decide.
3. X hands over some money at his house to Y, who is X's neighbour and is also cashier in a bank, to be deposited in A's account in the bank. Instead of depositing the money, Y misappropriates it. X sues the bank for the loss of his money. Decide.

4. There was a school named N.M High School in a particular locality which was established way back in 1970. Subsequently, a new school was set up in the same locality which charged lower fees, on account of which people started patronising the new school. Because of the competition, N.M High School had to reduce its fees. The management of N.M High School filed a case against the new school saying that they had caused it financial loss and, thus, claimed compensation. Decide.
5. Barnab who was the editor of a regional news channel, aired a series of programmes mentioning that Kunal, who was a government servant, issued false certificates, accepted bribe, adopted corrupt and illegal means to mint money and was an "irritating retard". Kunal brought a civil action against Barnab, who could not prove the facts published by him. Decide.

(4 × 6 = 24 Marks)

PART – D

Answer any **two** of the following. **Each** question carries **12** marks.

1. Explain the rule of vicarious liability in respect of
 - (a) Master and Servant
 - (b) Owner and Independent Contractor
2. What are the salient features and objectives of the Consumer Protection Act, 2019? How effectively does it help a consumer to deal with deficiency of goods and services?
3. What is third party liability under the Motor Vehicles Act?

(2 × 12 = 24 Marks)