

Reg. No. :

Name :

**First Semester B.A. LL.B./B.Com. LL.B/ B.B.A. LL.B (Five Year Integrated)
Degree Examination, August 2019**

**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. Answer should not exceed **50** words :

- (a) Composition of District forum under Consumer Protection Act.
- (b) Servant and independent contractor under vicarious liability of master.
- (c) Inevitable accident.
- (d) Consumer of service under Consumer Protection Act.
- (e) Tort of Deceit.
- (f) "Actio personalis moritur cum persona".
- (g) Tort of passing off.

(5 × 2 = 10 Marks)

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

- (a) What is meant by "volenti non fit Injuria"? What are its exceptions.
- (b) What is the role of absolute liability under law of tort?

- (c) Discuss the appellate and revisional jurisdiction Under Consumer Protection Act.
- (d) Explain contributory negligence as a defence with the help of decided cases.
- (e) Briefly explain the principles of Res ipsa liquitor. **(4 × 4 = 16 Marks)**

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

- (a) Mr. 'X' is a consumer of electricity board. The board was very negligent in observing the minimum distance to be kept for electrical lines. The electric wires were touching the balcony of X's house and he was electrocuted. Can he proceed under the consumer protection Act.
- (b) Mrs. A's son was taken in to custody by police on a murder charge. During the custody, he was tortured brutally and finally died. Advise A. Whether she can make the state liable for vicarious liability.
- (c) The defendant illegally obstructed a highway by placing a horizontal bar armed with iron spikes. Some third person removed the obstruction and negligently placed it in the foot path as he wanted to pass through the road. Plaintiff walking in the dark night got injured with the obstruction. What is the liability of defendant. Can he plead the defence of novus actus interveniens.
- (d) The defendant constructed an embankment upon his property and diverted the natural flow of water. Water entered the plaintiff's land and created huge loss. Whether the defendant is liable.
- (e) The defendants are the manufacturers of underpants. The plaintiff, a customer purchased the underpants from a retailer and contracted skin diseases due to some chemicals present in the underpants. Whether the plaintiff can get any compensation from defendants. **(4 × 6 = 24 Marks)**

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

- (a) Discuss the meaning of sovereign immunity and state. What are the recent development in the sovereign immunity of state.
 - (b) What are the requirements of a valid policy of insurance and the limits upto when the insurer is liable under Motor Vehicles Act?
 - (c) Distinguish between Injuria sine damno and Domnum sine injuria.
 - (d) What are the defences of defamation? **(3 × 10 = 30 Marks)**
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