



Reg. No. : .....

Name : .....

**First Semester B.A. LL.B./B.Com. LL.B./B.B.A. LL.B. (Five Year Integrated)  
Degree Examination, December 2018  
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. Answers should not exceed 50 words.
- Slander.
  - Damnum sine injuria*.
  - Deficiency in service.
  - Absolute liability.
  - Joint tortfeasors.
  - Novus actus interveniens*.
  - Qui facit per alium facit per se*. (5×2=10 Marks)
- II. Answer any four of the following. Each question carries 4 marks. Answers should not exceed 120 words.
- What are the defences available for the tortfeasor in case of trespass ?
  - Write a brief note on *Derry vs. Peak*.
  - Examine the nature and extent of insurer's liability under the Motor Vehicles Act, 1988.
  - Briefly examine the liability of Professional Physicians, Surgeons, Solicitors and Bankers under Consumer Protection laws.
  - Who can apply for compensation under the Motor Vehicles Act, 1988 ? (4×4=16 Marks)
- III. Answer any four of the following. Each question carries 6 marks.
- A friend presented Ms. Anju with a bottle of ginger beer. The bottle was later discovered to contain a decomposing snail. Since the bottle was not made of clear glass, Ms. Anju had consumed most of its contents before she came to know of the snail. She later fell ill and a physician diagnosed her with gastroenteritis. She sues Mr. Ambrose, the manufacturer of the ginger beer for his negligence. Decide.



- b) Ankit created artificial lakes to store rainwater. In that particular year, there were exceptionally heavy rains, which caused the embankments to break causing floods, which broke Kumar's bridges. Kumar sues Ankit for damages. Decide.
- c) Plaintiff had been drawing water from underground for past 60 yrs. The defendant, a farmer sunk a bore well on his land and drew huge quantity of water for personal use which diminished the water supply of the plaintiff. The plaintiff sues the defendant. Decide.
- d) Raj and Kapoor were members of a shooting party. Raj shot a bird but the bullet ricocheted off a tree and hit the Kapoor injuring him. The latter sues Raj for compensation. Decide.
- e) Arun qualified the interview for a managerial post in a company. However when the prospective employer enquired about Arun's antecedents with his former employer, it was conveyed that he was expelled for misappropriating funds of the company. This was true. The prospective employer thus denied employment to Arun. Aggrieved by this Arun sues his former employer for defamation. Advise him. **(4x6=24 Marks)**

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

- a) Analyse the tort of defamation.
- b) The M.C. Mehta vs. Union of India decision plugged most of the loopholes left open by the Rylands vs. Fletcher decision. Comment.
- c) What are the essential ingredients of a Tortious act ?
- d) Explain the composition, powers and functions of the District Consumer Disputes Redressal Forum. **(3x10=30 Marks)**



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  - g) *Qui facit per alium facit per se*. (5x2=10 Marks)
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  - c) Examine the nature and extent of insurer's liability under the Motor Vehicles Act, 1988.
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