

Total number of printed pages-7

19 (I) LWTR 1-4

2018

**LAW OF TORT INCL. MV ACT
AND CP LAWS**

Paper : 1-4

Full Marks : 80

Time : Three hours

***The figures in the margin indicate
full marks for the questions.***

1. Choose the correct answer : $1 \times 10 = 10$

(a) "Tort is a civil wrong independent of contract, for which the appropriate remedy is an action of damages".

This statement is made by _____.

(Salmond/Ratanlal and Dhirajlal)

Contd.

- (b) There is no law of 'tort' but 'torts' was said by _____. (Salmond/Winfield)
- (c) The defence of 'act of necessity' is based on the maxim _____. (*Salus populi suprema lex/Ubi jus ibi remedium*)
- (d) Due to earthquake a tenant died. The Landlord can take defence of _____. (inevitable accident/Act of God)
- (e) The maxim '*res ipsa loquitur*' is a _____. (rule of evidence/rule of negligence)
- (f) Direct interference in the possession of land without lawful justification is called _____. (trespass/nuisance)
- (g) Under section 2(1)(d) a person who obtains good for resale or for any commercial purpose is _____. (a consumer/not a consumer)

- (h) Deficiency in service is defined in section _____ of the Consumer Protection Act, 1986. [2(1)(g)/2(1)(f)]
- (i) A member of the District Forum shall hold office for a term of five years or upto the age of _____, whichever is earlier. (60 years/67 years)
- (j) A person aggrieved by an order made by the District Forum may file an appeal in the State Commission within _____. (30 days/45 days)

2. Write short notes on : 2×5=10

- (a) Gloucester Grammar School case
- (b) *Volenti non fit injuria*
- (c) *Innuendo*

(d) Definition of 'Defect' as per the Consumer Protection Act, 1986

(e) 'Original Jurisdiction' of the State Commission and National Commission

3. "A tort is a civil wrong, independent of contract, for which the appropriate remedy is an action for damages".

Discuss fully, bringing out the distinction between a tort and other types of wrong.

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Or

Define the term 'tort' and explain its characteristics. Discuss the reasons for slow development of law of torts in India.

3+4+5=12

4. Explain the theory of vicarious liability, with special reference to the liability of a master for the acts of his servants. Discuss when a master would not be liable for the acts of his servant. 5+4+3=12

Or

What are the different remedies available for tortious acts? Point out the judicial remedies and explain the same with reference to leading cases. 4+8=12

5. Define the tort of nuisance. Outline the distinction between private and public nuisance. What are the remedies available to plaintiff in a suit filed for nuisance?

3+5+4=12

Or

Define Malicious criminal prosecution. How does tortious liability arise for malicious criminal prosecution? Explain about the distinction between 'Malicious Prosecution' and 'False Imprisonment'.

2+6+4=12

6. Define Consumerism and explain its guiding principles. Write an essay about objectives of the Consumer Protection Act, 1986.

2+2+8=12

Or

Write short notes on :

6+6=12

(a) Definition of 'Consumer' as per the Consumer Protection Act, 1986, with examples

(b) 'Unfair trade practice' as envisaged by the Consumer Protection Act, 1986

7. Explain the redressal mechanism available to consumer under the Consumer Protection Act, 1986 with its jurisdiction.

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Or

Discuss the procedures for lodging a complaint against defective goods. State how these complaints are adjudicated. Write a few lines on powers of the consumer disputes redressal agencies.

5+4+3=12