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21 (5) LOTR 5.3

2017

**LAW OF TORTS**

Paper : 5.3

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate answer :

10×1=10

(A) Tort may be defined as a \_\_\_\_\_.  
(crime/civil wrong)

(B) Tort is redressible by an action for \_\_\_\_\_ damages.  
(liquidated/unliquidated)

(C) There are \_\_\_\_\_ kinds of nuisance.  
(two/three)

(D) An injunction is \_\_\_\_\_.  
(a power of a court/an order of a court)

Contd.

(E) Defamation is of \_\_\_\_\_ kinds.  
(three/two)

(F) \_\_\_\_\_ means violation of legal rights without causing any harm to the plaintiff.  
(*Injuria sine damno/Damnum sine injuria*)

(G) \_\_\_\_\_ defines the term 'tort' under the Limitation Act, 1963.  
[Section 2(m)/2(n)]

(H) \_\_\_\_\_ means an unexpected injury which could not have been foreseen and avoided.  
(*Inevitable accident/Act of God*)

(I) The defendant is \_\_\_\_\_ only for a failure to take reasonable care itself, but also for a failure to take reasonable care by any person to whom it delegates the task in question.  
(*liable/not liable*)

(J) Section \_\_\_\_\_ deals with the composition of the District Forum.  
(9/10)

2. Answer the following : 5×2=10

(A) What do you mean by assault ?

(B) What is malice ?

(C) What do you mean by inevitable accident ?

(D) What is malicious prosecution ?

(E) What is *injuria sine damno* ?

3. Define Tort. Discuss about the essential requirement of tort. 2+10=12

**Or**

Explain the terms tort and tortious liability. Distinguish between torts and crime. 6+6=12

4. Briefly discuss the categories of persons against whom an action in tort cannot be maintained. 12

**Or**

What are the specific and general defences to an action in tort ? Discuss briefly such pleas of defences giving suitable examples of English and Indian cases. 4+8=12

5. Define Negligence. What are the essentials of negligence ? What are the defences to negligence ? 2+5+5=12

**Or**

What is defamation ? What are the essentials of defamation ?  $6+6=12$

6. Write an exhaustive note on strict liability and absolute liability.  $6+6=12$

**Or**

Define trespass to land and discuss various defences to an action for trespass.  $4+8=12$

7. Who is a complainant ? Discuss the procedure on receipt of complaint under section 13 of the Consumer Protection Act, 1986.  $4+8=12$

**Or**

Explain the composition and jurisdiction of various consumer dispute redressal agencies under the Consumer Protection Act, 1986.

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