

Total number of printed pages-4

21 (5) LWTR

2018

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 : 1×10=10
- (a) The definition of 'tort' is contained in _____ . (the General Clauses Act, 1897/the Limitation Act, 1963)
- (b) The rule of 'strict liability' is based on the decision in _____. (Donoghue v. Stevenson/Rylands v. Fletcher)
- (c) The liability of joint tort feasons is _____. (only joint/joint and several)
- (d) *Volenti non fit injuria* is _____. (a defence in an action for torts/not a defence in an action for torts)

Contd.

- (e) The maxim *ubi jus ibi remedium* was recognised in _____. (Lumby v. Gye/ Ashby v. White)
- (f) There are _____ kinds of nuisance. (three/two)
- (g) Libel is a _____ form of defamation. (temporary/permanent)
- (h) _____ means an unexpected injury which could not have been foreseen and avoided. (Inevitable accident/Act of God)
- (i) The member of the District Forum shall hold office for a term of _____ years. (6/5)
- (j) The Consumer Protection Act was passed in _____. (1986/1987)

2. Answer briefly : 2x5=10

- (a) Distinguish between Tort and Quasi-contract.
- (b) What do you mean by Mistake?
- (c) What do you mean by Deceit?
- (d) What are hazardous Goods?
- (e) What is *res ipsa loquitur*?

Answer the following questions : 12x5=60

3. Define Tort. Discuss the nature, scope and characteristics of tort. Is it the Law of Torts or Law of Tort? Explain. 12

OR

Write short notes on : 6+6=12

- (a) *Damnum sine injuria*
- (b) *Injuria sine damnum*

4. Discuss the nature of vicarious liabilities when a master is liable for the acts of the servant. 12

OR

Explain the maxim *volenti non fit injuria* along with the exceptions, if any. 12

5. Discuss the principles laid down in any of the following cases : 12

- (a) *Ryland v. Fletcher*
- (b) *Derry v. Peak*

OR

Write short notes on :

4×3=12

- (a) Contributory negligence
- (b) Defamation
- (c) Trespass to land

6. Define Consumer. Consumer also includes the user of goods and beneficiary of services. Comment. Support the answer with cases.

12

OR

Who is a complaint ? Discuss the procedure on receipt of complainant under section 13 of the Consumer Protection Act, 1986.

12

7. Write short notes on :

6+6=12

- (a) National Commission
- (b) State Commission

OR

Explain the composition, jurisdiction and procedure for enforcement of orders of the District Forum under the Consumer Protection Act, 1986.

12