

**PARUL UNIVERSITY
FACULTY OF LAW**

BA B.Com BBA LLB., Winter 2018 – 19 Examination

Semester: 1

Date: 26.11.2018

Subject Code: 17300101

Time: 10:30am to 1:00pm

Subject Name: Law of Tort, Motor

Total Marks: 60

Vehicle Act & Consumer Protection Act

Instructions:

1. All questions are compulsory.
2. Figures to the right indicate full marks.
3. Make suitable assumptions wherever necessary.
4. Start new question on new page.

Q.1 Do as directed. (1 marks each. All Compulsory)**(15)**

1. *injuria sine damno* means

| | |
|--------------------------|--------------------------|
| a. injury without damage | c. damage without injury |
| b. None of these | d. All of these |

2. compensation provided in the tort is

| | |
|-----------------------|-------------------------|
| a. liquidated damages | c. unliquidated damages |
| b. None of these | d. All of these |

3. origin of word tort from _____ word ie "*tortum*"

| | |
|-----------|-----------|
| a. French | c. German |
| b. Latin | d. Roman |

4. "Tort as a civil wrong for which the remedy is common law action for unliquidated damages and which is not exclusively the breach of contract or the breach of trust or other merely equitable obligation." Definition given by

| | |
|---------------------|---------------|
| a. Sir John Salmond | c. Austin |
| b. Bentham | d. Winfield's |

5. "Tortious liability arises from the breach of a duty primarily fixed by law; this duty is towards persons generally and its breach is redressible by an action for unliquidated damages." Definition given by

| | |
|---------------------|------------------|
| a. Sir John Salmond | c. Austin |
| b. Bentham | d. None of these |

6. Stanley vs Powell case is related to

| | |
|-----------------------------------|-------------------------------|
| a. <i>injuria sine damnum</i> | c. <i>damnum sine injuria</i> |
| b. <i>volenti non fit injuria</i> | d. Inevitable Accident |

7. *Wagon Mound Case* is related to

| | |
|-------------------------|------------------------|
| a. Necessity | c. Act of God |
| b. Remoteness of Damage | d. Inevitable Accident |

8. Child can sue through

| | |
|-------------------|------------------|
| a. Next Friend | c. both a & b |
| b. Legal Guardian | d. He cannot sue |

9. Act of God is

| | |
|--------------------------|----------------------|
| a. Defense for defendant | c. both a & b |
| b. Defense for plaintiff | d. None of the above |

10. Explain Malicious Prosecution
11. Explain Strict Liability
12. Explain Trespass to person.
13. Explain Inevitable Accident.
14. Explain Essential of Tort.
15. Explain Capacity of Minor to Sue and to be sued.

Q.2 A) Write short notes on. (Each of three mark) (15)

1. Remedies under Tort Law
2. Trespass to Land
3. Remoteness of Damage
4. Defamation
5. Injuria Sine Damnum & Damnum Sine Injuria

Q.3 A) Describe the Salient features of the Motor Vehicle Act, 1988. Why is it necessary to get a vehicle insured? Explain the principle of fault and no fault? Discuss in detail. (08)

OR

A) Discuss about the functioning of District Consumer Forum, State Consumer Commission and National Consumer Commission also describe composition, jurisdiction and appeal procedure for the all three Consumer Disputes Redressal Machinery. (08)

B) What is meant by Third Party Risk and Necessity for insurance against third party risk? (07)

OR

B) Discuss various factors which necessitated the emergence of the Consumer Protection Act, 1986 also explain the object of the Consumer Protection Act, 1986? (07)

Q.4 A) PRINCIPLE: A master is liable for the acts committed by his servant in the course of employment. (07)

FACTS: Sanjay is a driver working in Brooke bond and co. one day, the Manager asked him to drop a customer at the airport and get back at the earliest. On his way back from the airport, he happened to see his fiancé Ruhina waiting for a bus to go home. He offered to drop her at home, which happened to be close to his office. She got into the car and soon thereafter; the car somersaulted due to the negligence to Sanjay. Ruhina was thrown out of the car suffered multiple injuries. She seeks compensation from Brooke bond and Co.

Decide the liability for Brooke bond and Co. from below given choices:-

- (a) Brooke bond and Co. shall be liable, because Sanjay was in the course of employment at the time of accident.
- (b) Brooke bond and Co. Shall not be liable, Sanjay was not in the course of employment when he took Ruhina inside the car.
- (c) Ruhina got into the car at her own risk, and therefore, she cannot sue anybody.
- (d) None of the above

State reason for your choice. Also explain the principle which is stated above?

B) Answer the following (Any Four) (Each of two mark) (08)

1. Nuisance
2. Negligence
3. Act of God
4. Capacity to sue King
5. What is full form of MACT Where does an appeal for judgment passed by MACT lies?
6. Where does an appeal from National Commission lies?