

PARUL UNIVERSITY
FACULTY OF LAW
BA/BCOM/ BBA. LLB winter 2019- 20 Examination

Semester: 1

Date: 25/11/2019

Subject Code: 17300101

Times: 10.30 am To 1.00 pm.

Subject Name: Law of Torts including Motor Vehicle Act & Consumer Protection Act, Total Marks: 60

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.**(15)**

(MCQ, True or False, Definitions, Explain terms) (1 marks each. All Compulsory)

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. Strict Liability & its Exceptions
2. Trespass to Land
3. Remoteness of Damage
4. Defamation
5. Injuria Sine Damnum & Damnum Sine Injuria

Q.3 A) Explain the principle of fault and no fault Liability in detail. State Object and salient feature of Motor Vehicle Act. (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) Explain concept of Third Party Risk. Is it necessary for every vehicle to have third party risk covered under insurance? (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: Nuisance as a tort (Civil wrong) means an unlawful interference with a person's use of enjoyment of land, or some right over, or in connection with it. (07)

FACTS: During the scarcity of onions, long queues were made outside the defendant's shop, who, having a license to sell fruits and vegetables, used to sell only 1 kg of onion per ration card. The queues extended on the highway and also caused some obstruction to the neighbouring shops. The neighbouring shopkeepers brought an action for nuisance against the defendant.

Decide the liability for defendant's shop. Also explain what is 'Nuisance' and distinguish between public and private Nuisance.

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

1. *volenti non fit injuria*
2. Kinds of Negligence
3. Act of God
4. Capacity to sue King
5. What is full form of MACT? Where an appeal for judgment passed by MACT does lie?
6. Where an appeal from National Commission does lie?