

PARUL UNIVERSITY
FACULTY OF LAW

I-B.A. LLB./ I-B.Com. LL.B./ I-B.B.A. LL.B. Winter 2017 – 18 Examination

Semester: 1**Date: 07/12/2017****Subject Code: 17300101****Time: 10:30 am to 1:00 pm****Subject Name: Law of Tort, 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. (1 mark each. All Compulsory)**(15)****Choose right Option from multiple options available.****1. The person who brings an action against tort in the court:**

- a) Adversary
- b) Crown
- c) Plaintiff
- d) Tortfeasor

2. The difference between the torts of assault and battery is:

- a) Assault involves injury to a person, while battery involves injury to a person's property.
- b) Assault is criminal law, while battery is civil or tort law.
- c) Assault is the threat of bodily harm, while battery is the actual follow-through to a physical attack.
- d) Assault and battery is the same thing.

3. David, involved in an argument with Firoz, threatened Firoz waving his fist at Firoz's face. David could be charged with tort of:

- a) assault
- b) battery
- c) defamation
- d) nuisance

4. A person who says something vicious and untrue about another person may have committed the tort of:

- a) harassment
- b) libel
- c) nuisance
- d) slander

5. The tort of taking someone else's name for commercial purposes is:

- a) Trespass.
- b) Misappropriation
- c) Defamation
- d) Negligence

6. The doctrine of proximate cause can be summed up in the following word.

- a) Foresee ability.
- b) Negligence.
- c) Damages.
- d) Liability.

7. What was the principle that was established in "snail in bottle case"?

- a) Means rea
- b) Strict liability
- c) Neighborhood principle
- d) None of Above

8. What does Ispa loquiter mean?

- a) damages related to loss suffered
- b) a duty of care exist
- c) the fact speak for themselves
- d) None of Above

9. What can an occupier of property do to protect themselves from legal actions if someone gets hurt on their Property?

- a) lock up trespasser as soon as they enter
- b) put up warning sign to warn the public of dangers
- c) employ professional security staff
- d) Erect barbed wire fence

State whether True or False:

- 10 Tort Include damages to the property & Injury to person.
- 11 Self-defense is a valid defense against battery as long as the force is reasonable and necessary to prevent personal injury.
- 12 Non-pecuniary damages are those able to be precisely calculated.
- 13 Some offenses may be both a crime and a tort.
- 14 Vicarious liability is the principle in which a blameless person is held responsible for another's misconduct.
- 15 If a plaintiff contributed to a personal injury, that plaintiff will receive no damages from the defendant.

Q.2 Write short notes on. (All Compulsory) (15)

- 1. Damnum sine Injuria
- 2. Act of God-Defense
- 3. Defamation
- 4. Difference Between- Temporary & Permanent Injunction
- 5. Inevitable Accident-Defense

Q.3 A) Long question. (08)

Explain in detail the concept and nature of tort. Also discuss how it is different from Crime & Breach of Contract with related case laws.

OR

A) Long question. (08)

Explain types of Trespass to the Person in detail with essentials related to it; also discuss the various justifications available to the defendant in case of personal injury.

B) Long question. (07)

Describe in detail General Defenses available in case of tort with related case laws.

OR

B) Long question. (07)

Discuss the facts and principle laid down in Rayland Vs. Fletcher case with concept of Absolute liability.

Q.4 A) Practical problem solving. [3.5 X 2] (07)

a) A Plaintiff, while on the lawful visit to the defendant's premises, fell down from an open lift shaft & got injured. The defendant had entrusted the job of keeping lift in safe & proper condition to certain independent contractor.

- i) Analyze the case
- ii) Will the Defendant will be responsible for the accident? Yes/No
- iii) Why the Defendant will be responsible for the accident.
- iv) Who will be responsible to maintain the lift?

b) In case of A v B the defendants, certain police officers, entered the plaintiff's premises to make a lawful arrest. There they have removed certain documents without having any lawful authority for that, which was therefore, an act of misfeasance. By their act of misfeasance, their presence there had not become wholly unjustified because the arrest the lawful purpose, had yet to be accomplished

- i) Analyse the case
- ii) Which legal rule is applicable here?
- iii) Can we consider police officer as trespasser?
- iv) Are they trespassers ab initio to that premises? explain concept-ab Initio

C) Answer the following (Any four) (Each of two mark)

(08)

- 1. Damages
- 2. Quasi Contract
- 3. Estoppels
- 4. Copy right
- 5. Trade mark
- 6. Waiver