

**PARUL UNIVERSITY****FACULTY OF LAW****I- B.A. / B.Com. LL.B. Summer 2017 – 18 Examination****Semester: 1****Date: 23/05/2018****Subject Code: Law of Tort, Motor Vehicle Act & Consumer Protection Act****Time: 10.30 am to 1.00 pm****Subject Name: 17300101****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.- State true or False****(15)**

1. Torts include damage to property as well as injury to persons.
2. Assault and battery usually occur in rapid succession, but one can occur without the other.
3. Self-defence is a valid defence against battery as long as the force is reasonable and necessary to prevent personal injury
4. The most common awards in successful public nuisance actions are the payment of damages and the granting of an injunction.
5. If a person is driving a car and obeying all traffic laws, he or she may still be negligent if not following the standards of a reasonable person.
6. Non-pecuniary damages are those able to be precisely calculated
7. In the case of special damages, a judge must use discretion in determining the amount of compensation
8. Vicarious liability is the principle in which a blameless person is held responsible for another's misconduct.
9. Occupiers of property owe a reasonable duty of care to trespassers on their property.
10. If a plaintiff contributed to a personal injury, than defendant is not liable to the plaintiff

**Choose the right answer**

11. The word tort has been derived from the latin term
 

a) Tortus	b) Tortyum
c) Tortum	d) Tortem
12. Basically, Tort is?
 

a) Civil wrong	b) Criminal Wrong
c) wrong	d) Criminal as well civil wrong
13. The two broad categories of torts are:
 

a) Assault and battery	b) Assault and negligence
c) Intentional and unintentional	d) Aggravated assault and battery
14. When a store detective unlawfully restrains a shopper, he/she has committed:
 

a) The tort of negligence	b) The tort of battery
c) The tort of false imprisonment	d) The tort of abuse of public office
15. The tort of Battery is
 

a) An intentional misrepresentation of facts	b) The act of coming onto another person's property without consent
c) The threat of imminent physical harm	d) None of the above

**Q.2 A) Write short notes on (All compulsory)****(15)**

1. Injuria sine Damno
2. Inevitable Accident
3. Difference between libel & slander
4. Difference between tort & crime
5. Contributory negligence

**Q.3 Describe Answer In detail (08)**

A) Explain the Nature of tort and explain difference between tort and breach of contract .

**OR**

A) Explain the Concept of negligence with essentials related to it (08)

B) Describe in detail defenses available (07)

**OR**

B) Explain the concept of Strict Liability with Rayland v. Flecher case. (07)

**Q.4 A) Solve the problem question: [3+ 4 ] (07)**

1) A is a tenant in a house the electricity services connection stands in the name of the owner. A pay the bills. Can A file a complaint in a consumer court when there is an excess bill? Who can file complain? Analyze the case

2) 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. Analyze the case, Which legal rule is applicable here?

**B) Answer the following [Any 4] (08)**

1. Innuendo
2. Defamation
3. Damages
4. Trespass
5. Injunction
6. Malice