

# 2023

## CP 02—Law of Torts

(*Including Motor Vehicle Act and Consumer Protection Law*)

### Part A (Answer any five questions; 6 marks each):

- a) Distinguish between 'contributory negligence' and 'composite negligence'.
- b) What are the essential ingredients to constitute the tort of Nuisance?
- c) Write a short note on 'Deficiency in service'.
- d) Distinguish between 'Assault and Battery' with the help of relevant case law.
- e) What is malicious prosecution? Discuss its ingredients.
- f) Write a note on insurer's liability for third party risk under MV Act.
- g) Explain Independent and joint tortfeasors.
- h) Explain the rule in Ryland v. Fletcher and state its exceptions.

### Part B (Answer any two questions; 10 marks each):

- a) A Fertilizer manufacturing industry, stored a large amount of toxic gas and other chemicals in its building in concrete tanks. Due to some unknown reason, one of the tanks collapsed and gas leaked. Exposure to the gas caused death of numerous persons in and around the industry, Discuss the liability of the industry towards the victims of the tragedy.
- b) Miss Richu underwent a surgery for removal of stones in her kidney. The Surgeon 'S' who perform the surgery, left a piece of gauze in the abdominal cavity during the operation. Peritonitis developed which led to carry out a second surgery on Miss Richu. Decide whether 'S' is liable for medical negligence.
- c) A horse bolts along a highway, causing risk of grave injury to people on the road. A spectator rushes to stop it and is, in the process, injured. Decide whether the spectator recover damages from the owner of the horse ?

### Part C (Answer any two questions. Each question carries 12.5 marks):

- a) Critically examine the development of the law relating to vicarious liability of the State.
- b) What do you understand by the term 'Torts' ? Distinguish it from Crime, Contract and Quasi-contract.
- c) Define the term 'Defamation'. Discuss essential ingredients of Defamation. Explain the defences for tort of defamation with the help of relevant case law.

