

2022

CP 02—LAW OF TORTS

[Including Motor Vehicle Act and Consumer Protection Law] (2015 Syllabus Year)

Part A Answer any five questions. Each question carries 6 marks.

- a. What are the liabilities to compensate the claimant in cases on the principle of no fault ?
- b. Define and explain the terms “Consumer” and “Services”, under the Consumer Protection Act, 1986.
- c. Explain the composition, powers and jurisdiction of National Consumer Disputes Redressal Commission.
- d. Examine the rule in *Donoghue v. Stevenson*.
- e. What is tort of defamation and its kinds ?
- f. Discuss the effect of death of a person on the subsisting cause of action on tort.
- g. Explain the maxim *Res ipsa loquitur*.
- h. Discuss with illustrations the liability of a master for the wrongful acts of his servant.

Part B Answer any two questions. Each question carries 10 marks.

- a. The plaintiffs and the defendant's dogs were fighting. The defendant was beating them in order to separate them, the plaintiff was looking on. The defendant accidentally hit the plaintiff in the eye causing him a severe injury. The plaintiff brings an action against the defendant can he succeed.
- b. The plaintiff was running a computer consultancy business. Another competitor in the same business opened an office in the vicinity of the plaintiff's office. Consequently the plaintiff suffered a sharp fall in his income and sued the competitor for the damages. Will the plaintiff succeed ? Decide.
- c. Poisonous berries were grown in public garden under the control of D. Shrub bearing the berries was neither fenced or a notice regarding its poisonous character displayed. Berries looked like cherries. A child, aged seven, ate those berries and died. Would D be held liable for tort of negligence ?

Part C Answer any two questions. Each question carries 12.5 marks.

- a. “Strict liability admits defences, but no defences can be claimed under the rule of absolute liability” Comment.
- b. Explain the tort of trespass to land and its remedies.
- c. What are the defences available to the wrong doer under law of Torts.