

(i) Printed Pages : 4

Roll No.

(ii) Questions : 9

Sub. Code :

4	8	3	5
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Exam. Code :

6	5	8
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LL.B. 1st Semester

1115

**LAW OF TORTS INCLUDING MOTOR VEHICLE
ACCIDENTS AND CONSUMER PROTECTION LAW**

Paper : V

Time Allowed : 3 Hours]

[Maximum Marks : 80

- Note :-** (i) Unit I is compulsory and carries 20 marks.
(ii) Attempt two questions each from Unit II and Unit III.
Each question of Unit II and III carries 15 marks.
(iii) Begin every question/part thereof from a fresh page.

UNIT-I

1. Discuss liability in the following cases :

- (a) A hired the ground floor of the house and B, the upper floor. Water was stored at the upper floor for the benefit of both A and B. Due to leakage of water the goods of A got damaged. Can B be held liable ?
- (b) X owned several cranes and skilled labour for driving those cranes. Y hired a crane along with a driver for loading goods into a ship. While the driver was loading Y's goods into the ship, the driver negligently damaged the goods of Z. Discuss the liability of X as well as Y.

- (c) X, the owner of a truck took an insurance policy but policy showed limited liability in respect of any one claim or series of claims arising out of one event up to Rs. 1.5 Lakhs and premium of Rs. 240 was paid. The truck ran over a scooterist and killed him. The deceased's income was Rs. 1.5 lakhs per month. The insurance company took the plea that their liability is limited to Rs. 1.5 lakhs only. Decide .
- (d) A was a practicing Chartered Accountant and he purchased a computer for being installed in his office. The computer was defective and he wants to file a complaint under the Consumer Protection Act. Advise. 4×5=20

UNIT-II

2. Define tort and discuss its constituents. Whether it is law of torts or law of tort in your view ? Explain. 15
3. (a) Discuss Defamation. What are the defences to an action for defamation in tort ? 10
- (b) A, the driver of a bus permitted the conductor to drive the bus. The conductor drove the bus in such a negligent way and knocked down B and injured him seriously. Discuss the liability of the owner of the bus. 5
4. Write short notes on the following :
- (a) Vicarious liability of the State 10
- (b) Act of god as a defence in tort. 5

- (a) 'Nuisance is an unlawful interference with a person's use or enjoyment of land'. Discuss. 10
- (b) A, the Superintendent of police cancelled the bail bond and ordered the rearrest of B. Accordingly B was re-arrested by C, a Sub Inspector of police. But later it was proved that the Superintendent of police acted without authority as a bail can only be cancelled by a magistrate. What offence if any has been committed by the Superintendent and the Sub Inspector ? 5

UNIT-III

5. Sections 140 to 144 of the Motor Vehicles Act, provides for payment of compensation on the principle of no fault liability. Discuss. 15
7. (a) Discuss the rights of third parties against insurers on insolvency of the insured. 10
- (b) The owner of a truck had permitted the truck to be used for taking a dead body for cremation and on return journey the driver allowed two passengers to board the truck. The truck met with an accident and both the passengers died. Discuss the liability of the insurance company as well as the owner of the truck to pay compensation.

8. (a) Who is a consumer under the Consumer Protection Act ?
What are the matters for which a consumer dispute can be
filed ? 10
- (b) What is the importance of consideration under the Consumer
Protection Act ? 5
9. Write short notes on :
- (a) Problems faced by Consumers
- (b) Composition and jurisdiction of State Commission.

2×7.5=15