

Torts
Sem-V

April / May 2017

Torts
Sem V

Q.P. Code :07940

[Time: Three Hours]

[Total Marks: 100]

Please check whether you have got the right question paper.

- N.B:
1. All questions are compulsory
 2. Figures to right indicate full marks
 3. Cite relevant case laws wherever required

Q.1 Attempt the following in not more than two sentences each:

20 Marks

- A) What is meant by 'malfeasance'?
- B) Define 'tort' as per Winfield.
- C) Define 'vis major'.
- D) What is meant by 'joint tortfeasors'?
- E) What is 'battery'?
- F) What is 'appropriate laboratory'?
- G) Which maxim defines defense of consent?
- H) Explain the scienter rule.
- I) State penalty for filing frivolous complaint under Consumer Protection Act, 1986.
- J) What is the limitation period for filing a complaint under Consumer Protection Act, 1986?

Q.2 Write short notes (any 4)

20 Marks

- A) Pigeon hole theory
- B) Damages
- C) Unfair trade practice
- D) Malicious prosecution
- E) Wagon mound case
- F) Appeal under Consumer Protection Act, 1986

Q.3 Solve any two of the following problems:

12 Marks

- A) 'X' started classes in the neighborhood of 'B' because of which 'B' incurred heavy loss as his classes students diverted to 'X's classes.
 - i) Whether Mr. X liable in torts? give reasons
 - ii) Give two points of distinction between *injuria sine damnum* and *damnum sine injuria*.
- B) 'X', undergone an eye surgery in Charitable medical camp and lost his eye.
 - i) Can he file case against Charity trust?
 - ii) What is deficiency in service? Explain.

(P.T.O.)

- C) An employee, Mr. Y, a security guard working on payroll of Mr. X a lawyer. Commits a fraud after working hours.
- i) Is Mr. X liable under contract or tort? Explain.
 - ii) Is Mr. X liable under crimes? Give two points of distinction between crime and tort.

Q.4 Answer in detail (any 4)

48 Marks

- A) What is meant by contributory negligence? Explain the doctrine and state the exceptions of contributory negligence citing relevant case laws.
- B) What is meant by consumer? explain in detail the aims and objects of the Consumer Protection Act, 1986
- C) State the three tier system of solving consumer complaint under the Consumer Protection Act, 1986
- D) How are damages calculated under law of torts? discuss the different kinds of damages awarded under torts
- E) What is meant by defamation? State defenses available for tort of defamation.
- F) What is a nuisance and state defense for nuisance under torts.