

(3 Hours)

[Total Marks : 100

1. Attempt the following in **not more than two** sentences **each** :— 20
 - (a) What is meant by Trespass-ab-initio ? (f) Define 'Manufacturer'
 - (b) What is 'Novus Actus Interveniens' ? (g) Define 'Slander'.
 - (c) What is qualified privilege ? (h) What is False Imprisonment ?
 - (d) What is Public Nuisance ? (i) Define 'Vis Major'.
 - (e) Define 'Service'. (j) What are exemplary damages ?

2. Write short notes on any **four** of the following :— 20
 - (a) Plaintiff as a wrong-doer (d) Deceit
 - (b) State Consumer Protection Council (e) Consumer
 - (c) Injuria Sine Damnum (f) Contributory negligence.

3. Solve any **two** of the following problems :— 12
 - (a) Bob had set a spring gun without notice in his garden. Ted in pursuit of a fowl climbed over Bob's garden wall and he was a trespasser. Ted was injured in the process due to the spring gun set by Bob in his garden.
 - (i) Who is liable and what is the nature of the tort committed here ?
 - (ii) Write the judgement of the case stating reasons.
 - (iii) Write the name of the Case Law.
 - (b) Danny the owner of donkey fettered the forefeet of his donkey and turned it into a narrow lane. It was run over by a heavy wagon belonging to Robert. The wagon was going a little too fast and was not properly looked after by the driver 'M'.
 - (i) Who is liable and what is the nature of the tort committed here ?
 - (ii) Write the judgement of the case stating reasons.
 - (iii) Write the name of the case Law.
 - (c) One Mr. Dagadu was admitted in Balaji hospital on June 07, 2008 with the complaint of back pain. But he was diagnosed with tuberculosis and the treatment was started, for which charges were collected by the hospital. Subsequently on the basis of other symptoms it was later diagnosed as jaundice and treated by Dr. Bandivadekar. The condition of the patient progressively grew worse and hence on 17th June 2008 he was referred to specialist doctor of the Medical College Hospital. On 18th June he was shifted to the above mentioned hospital for better treatment and while going on with the treatment there, he expired on 28th June, 2008.
 - (i) What is the remedy available to Mr. Dagadu ? Why ?
 - (ii) Is there any defence available to the hospital ? Why ?

4. Attempt any **four** essay type questions from the following :— 48
 - (a) Who is a Master ? Who is a Servant ? When is the Master held responsible for the torts committed by his Servant ?
 - (b) Define the term tort and explain how it differs from crime and contract.
 - (c) What is the rationale of strict liability ? Explain with reference to Rylands v. Fletcher.
 - (d) Discuss in detail Consumer safety and Protection of Consumers under the Consumer Protection Act 1986.
 - (e) Enumerate the various 'Unfair Trade Practices' in detail as per the Consumer Protection Act 1986.
 - (f) What are the general defences available in an action for Torts ?

[TURN OVER