

(3 Hours)

[Total Marks : 100]

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

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- (a) Define 'Tort'.
- (b) What is meant by 'Accord and Satisfaction' ?
- (c) What is meant by 'Innuendo' ?
- (d) What is meant by 'Scienter Rule' ?
- (e) What does 'Salus Populi Suprema lex' mean ?
- (f) What is 'False imprisonment' ?
- (g) Define the term 'Restrictive Trade Practice' under Consumer Protection Act, 1986.
- (h) Define the term 'Deficiency' under Consumer Protection Act, 1986.
- (i) State the jurisdiction of the National Commission.
- (j) What is nuisance ?

2. Write short notes on any **four** of the following :—

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- (a) Malicious Criminal Prosecution
- (b) Wagon Mound's case
- (c) Conversion
- (d) Nominal damages
- (e) Service
- (f) State Consumer Protection Council.

3. Solve any **two** of the following problems :—

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- (a) Mr. A was employed as a workman in the stone quarry of Mr. B. He worked there for some months, with full knowledge of fact that he was exposed to danger by reason of the negligent practice prevailing in the quarry of swinging stones over the quarryman's heads by means of a crane. One day due to negligence of other workman a stone fell from the crane and injured Mr. A and in consequence he sued Mr. B.
  - (i) Is Mr. B liable ? Will Mr. A succeed ? Why ?
  - (ii) Write name and judgment of the case stating reasons.
- (b) A newspaper published an article in which some John was described as a church warden. He was accused of living with mistress in France. The writer did not know that there was any person as John. He has invented an imaginary name for his article. But unfortunately for him there existed one person bearing the same name. He was an English Barrister and those who knew him supposed that the article referred to him.
  - (i) Who is liable in this case? What is the remedy available to Mr. John ? Why ?
  - (ii) Write name and judgment of the case stating reasons.
- (c) Poonam was travelling by a train. She fell down from the running train while she was passing through the inter-connecting passage between two compartments and died as a result of crush injuries on her head.
  - (i) Who is liable in this case? What is the remedy available to Poonam's parents ? Explain with relevant legal provisions.
  - (ii) Write name and judgment of the case stating reasons.

4. Attempt any **four** essay type questions from the following :—

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- (a) Define the term 'Tort'. Explain its ingredients citing relevant case laws.
- (b) State fully principle of Absolute Liability with special reference to Rylands v/s Fletcher.
- (c) Explain the ingredients of Assault and Battery citing relevant case Laws.
- (d) What is meant by 'Contributory Negligence' ? Explain the doctrine and state exceptions citing relevant case laws.
- (e) Explain three tier system of consumer dispute redressal agencies under Consumer Protection Act, 1986.
- (f) What is meant by 'Consumer' ? Explain in detail the aims and objects of the Consumer Protection Act, 1986.

[TURN OVER]