

TORTS .

QP Code : 302702

(3 Hours)

[Total Marks : 100

- N.B. :** (1) All the questions are **compulsory**
(2) Figures to right indicate full marks.
(3) Cite relevant Case Laws wherever possible.

1. Answer the following in not more than **two** sentences. 20
- (A) What do you mean by Volenti non fit injuria?
 - (B) What is Tresspass ab initio?
 - (C) Define 'Tort'.
 - (D) What is Private Nuisance ?
 - (E) What is conversion by Destruction.
 - (F) What are Defective Goods.
 - (G) What do you mean by 'Accord' and 'Satisfaction'?
 - (H) Define 'Appropriate Laboratory' as per consumer Protection Act, 1986.
 - (I) Define 'Deficiency' under Consumer Protection Act, 1986.
 - (J) What are the extra Judicial remedies available for torts.
2. Short notes (any **four**) 20
- (A) Ubi jus ibi remedium
 - (B) Actio personalis moritur cum persona Scieniter's rule.
 - (C) Contributory Negligence of Children
 - (D) Consumer
 - (E) Innuendo
 - (F) Scieniter Rule
3. Solve (**Any 2**) 12
- (A) Mr. A parked his car in a street and left his dog inside. The dog had always been quite and docile. As Mr. B was walking past the car, the dog, which had been barking and jumping about in a Car, Smashed a glass panel and a splinter entered Mr. B's left eye, and the lost his eyesight
- (i) What is the remedy available to Mr. B?
 - (ii) Will the answer change if dog is violent and aggressive generally?

[TURN OVER]

(B) At the end of journey, 'A', the conductor of an Omni bus Company, in the temporary absence of the bus driver, began to drive the bus for the purpose of turning it round for the return journey. In doing so he ran upon Mr. B?

- (i) Is there any remedy available to Mr. B? Explain.
- (ii) What would be the answer if the driver of the bus is driving the bus?

(C) In the advertisement of hair dye, the manufacturer of hair dye represents that consumer would be quite safe in respect of Self spreading dye but evidence showed that its use was not quite safe. On its use on rats showed that rats suffered from tumors and on its experimental use on two women showed that it enhances possibility of cancer

- (i) Is the manufacturer liable for the advertisement? Explain
- (ii) How does it differ from Restrictive Trade Practice?

4. Answer in detail (**Any four**)

48

- (i) Who are persons who can and cannot be sued in torts?
- (ii) Name the defences available to defendant for tortious acts with special emphasis on any four of them.
- (iii) What is defamation? Explain libel and slander, citing relevant case-law
- (iv) Explain district consumer disputes redressal agency under the consumer protection Act, 1986.
- (v) Write a note on (i) Evolution of consumer laws
(ii) Aims and objects of Consumer Protection Act, 1986.
- (vi) Explain fully the principle of absolute liability, with special reference to Rylands Vs. Fletcher.

[TURN OVER]