



PRESIDENCY UNIVERSITY, BENGALURU
SCHOOL OF LAW

Max Marks: 100

Max Time: 180 Mins Weightage: 40%

Set A

COMPREHENSIVE EXAMINATION

I Semester 2016-2017

Course: BL A 103 Law of Torts

11 January 2017

Part A

(10 Q x 2 M= 20 Marks)

1. A finder gets possession by finding and taking the article lost by the owner and can sue in trespass if any person other than the owner takes it away from him. TRUE/FALSE
2. A and B are friends and they are also roommates in the hostel. One day, after having heated arguments with each other A closed the door of their room and locked it from outside leaving B confined to the room. B has a duplicate key in his pocket. However, he forgets about it. Can B sue A for False Imprisonment? YES/NO
3. Can Battery be committed without causing fear or apprehension? YES/NO
4. The tort of false imprisonment relates to injury to but the tort of malicious prosecution relates to abuse of
5. Nominal damages are allowed as remedy by the court where there has been an infringement of the plaintiff's legal right but he has suffered no actual loss or harm. YES/NO
6. A and B are enemies. A gives a blow to B's head from behind. B is badly injured. Is it true if it is said that B cannot sue A for battery because there was no apprehension by A to B.? YES/NO
7. A and B are friends. A owns a gun. One day A takes his unloaded gun and gives it to B and forgets to take it back. Later that day A and B argues and in the heat of the moment B takes out the gun and points at A. Can A sue B for the tort of Assault? YES/NO
8. A has created an obstruction to a road by parking his bike. B in exercise of his right of way removed the bike. Can A sue B for trespass to goods? YES/NO
9. A is driver of B's car. One day A used the car for smuggling. The car along with the smuggled items was seized by the customs officials. Can B sue A for conversion? YES/NO
10. A takes out some wine from B's wooden cask and later mixes water with the remainder to make good the deficiency caused. Can B sue A for Conversion? YES/NO

Part B

(8 Q x 5 M= 40 Marks)

1. Explain with the help of cases the Concept of Innuendo.
2. Distinguish between Libel and Slander.



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Max Marks: 80

Max Time: 120 Mins

Weightage: 20 %

Set A

MID TERM EXAMINATION

I Semester 2016-2017

Course: BLA 103 Law of Torts

24 October 2016

Part A

Answer the following questions

(10 Q x 2 M= 20 Marks)

1. Re-entry on land is an remedy for a tort.
2. The maxim means violation of a legal right without any damage.
3. Mistake of fact is good defence under the law of torts. TRUE/FALSE
4. What is an unliquidated damage?
5. What is an Actionable per se?
6. In Gloucester v Grammar School (1410) YB 11 Hen IV, F 47, the court applied the maxim
7. What is the Pigeon Hole theory?
8. What is the remedy of Self-Help?
9. What do you mean by the maxim Ex turpi causa non oritur action?
10. What do you mean by the maxim Volenti non fit injuria?

Part B

Answer the following questions

(6 Q x 5 M= 30 Marks)

1. Explain the capacity to sue of an insolvent and an unborn child.
2. Explain the concept of Discharge and discuss the extinction of liability by act of parties.
3. Distinguish between the Tort and Contract.
4. Explain with the help of cases the But-For Test and Voluntary and unreasonable act.
5. Elaborate on the relevance of the cases Wagon Mound I and Wagon Mound II.
6. Elaborate on the different Non- Pecuniary Judicial Remedies.

Part C

Answer the following questions

(1Q x 15 M + 2 Q x 7.5M= 30 Marks)

1. Carrie is a successful column writer in a newspaper that has the highest circulation in the country. She has vulnerable body since her birth, as she contracts infections very quickly. This fact had given a great deal of emotional pain to her and her parents, especially when it comes to finding a suitable boy for her.

However, after a ten year long relation with Big, Carrie is getting married to him in the month of January. She along with her friend Charlotte has spent the afternoon looking at wedding dresses. Before heading home they go to a new champagne bar to celebrate finding 'the perfect one'. Charlotte offers Carrie a lift home in her car, assuring Carrie that she's all right to drive as she's 'probably only just over the drink-drive limit'. On the journey home Charlotte loses control of the car and crashes into a lamp post. Carrie suffers minor cuts and bruises and is taken to hospital for a checkup.

At the hospital Carrie contracts an infection in a cut to her right arm. The doctor on duty decides not to treat the infection with antibiotics immediately as he has recently read a report in a little-known medical journal which suggested that it is better to allow the body 'time to heal' following a trauma.

Carrie's right arm is partially paralyzed now. Carrie and her family are advised by her family lawyer that she can claim around Rs. 55 lakhs as compensation.

While completing the answer you are to cover the following:

- a. Correct identification of the Plaintiff/s and Defendant/s and also the possible combination of suits in a court of law
- b. Correct Identification of the Legal Right violations
- c. Application of Causation in this case
- d. Explain the Remoteness of damage in this case

Support your answers citing relevant doctrines and case laws.

[15 marks]

2. Pluto purchased and consumed a bottle of Lemon Fizz manufactured by Fizz Co. The beverage contained shards of glass, some of which Pluto swallowed. After a delay of some hours, Pluto underwent surgery to have the glass removed from his stomach.

Which of the following best describes the damages he is most likely to receive from Fizz Co.? Support your answers citing relevant doctrines and case laws.

- a. Compensation for any wages lost as a result of the accident and the costs of his medical care.
- b. The above plus compensation for physical pain and suffering caused by the accident and his medical care.
- c. All the above plus compensation for mental distress caused by worrying about wounds the glass might inflict before it could be removed.
- d. All of the above plus exemplary damages, because Fizz Co. will be held strictly liable for its defective product.

[7.5 marks]

3. Pluto intentionally killed a dog belonging to Clooney, claiming that it had been roaming free in violation of local municipality law. Clooney brought suit and testified at length that, while he had obtained the dog for free from a local animal shelter, he had come to regard it as his boon companion.

Which of the following best describes the chances for Clooney to get compensation? Support your answers citing relevant doctrines and case laws.

Clooney will most likely recover:

- a. Nothing, because Pluto was enforcing the law.
- b. Nominal damages, only.
- c. Compensation for his emotional distress.
- d. Compensation for his emotional distress and punitive damages for Pluto's intentional wrongdoing.

[7.5 marks]



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Max Marks: 80

Max Time: 120 Mins

Weightage: 20 %

Set B

MID TERM EXAMINATION

I Semester 2016-2017

Course: BLA 103 Law of Torts

24 October 2016

Part A

Answer the following questions

(10 Q x 2 M= 20 Marks)

1. Re-capturing of goods is an remedy for a tort.
2. The maxim means damage without any violation of a legal right.
3. Necessity is not a defence under the law of torts. **TRUE/FALSE**
4. What is an unliquidated damage?
5. What is an Actionable per se?
6. In *Ashby v White* (1703) 2 Ld Raym 938, court applied the maxim
7. What is the Pigeon Hole theory?
8. What do you mean by the maxim *Volenti non fit injuria*?
9. What is the remedy of Declaration?
10. What do you mean by the maxim *Ex turpi causa non oritur action*?

Part B

Answer the following questions

(6 Q x 5 M= 30 Marks)

1. Explain the capacity to sue of a married women and a Convict.
2. Explain the concept of Discharge and discuss the extinction of liability by act of parties.
3. Distinguish between the Tort and Crime.
4. Explain with the help of cases the Egg Shell theory and Voluntary and unreasonable act.
5. Elaborate on the Principle of Reasonable Foreseeability.
6. Elaborate on the different Pecuniary Judicial Remedies.

Part C

Answer the following questions

(2 Q x 15 M= 30 Marks)

1. The legendary Indian guitar band – Blue Floyd – are about to start a tour of India- they are performing a warm-up gig at a small venue. A spotlight falls onto the stage causing a massive explosion killing the band members: Josey, Amish and Dave. The lighting rig (onto which the spotlight was fitted) had been negligently maintained by Jack & Lion Lighting. The sight is particularly horrible.
Honey, Amish's wife, is watching the gig from the VIP area of the venue. She is physically unharmed, but later suffers nightmares and depression. This is particularly traumatic for her as she had previously suffered from depression, but had sought help and recovered.
Peter, Josey's brother who is at Paris, is listening to the live radio broadcast of the gig - hears the explosion - thinks he can hear Josey screaming. He rushes to the airport, managing to catch a flight that is just leaving, and arrives at the hospital several hours after the accident. Josey's body has not

yet been moved to the morgue and is still covered in blood and grime from the explosion. He develops post-traumatic shock disorder.

Lucy is a very big fan of the Band - founder member of their fan club- contributes to their fan magazine- has attended every Blue Floyd gig in India - has travelled to a number of their overseas concerts. She always tries to stand as close to the stage- she was not hurt by the explosion but has since been overcome with grief.

Tim- trainee ambulance man- first on the scene- and is his first major incident. He rushes to the stage but quickly sees that there is little he can do. He spends the next two hours comforting distraught fans. He suffers recurring nightmares and panic attacks.

Stuart, an employee of the Jack & Lion Lightings- is full of guilt and depression- thinks it was his job to fix the lighting - he feels the explosion was his fault - subsequent investigation completely exonerates him.

While completing the answer you are to cover the following:

- a. Correct identification of the Plaintiff/s and Defendant/s and also the possible combination of suits in a court of law
- b. Correct Identification of the Legal Right violations
- c. Application of Causation in this case
- d. Application of Remoteness of damage in this case

Support you answers citing relevant doctrines and case laws.

[15 marks]

2. Maggi, who is 75, is in the supermarket on a busy Sunday afternoon when she begins to feel pains in her chest. It transpires she is having a heart attack and she collapses to the floor. Although the supermarket is crowded, no one comes to help her.

Bobby, the store manager, makes an announcement to the crowd- asking if there is a doctor present in the supermarket- but offers no assistance. Kathy is a nurse – hears the announcement comes forward - tries to help Maggi - fails to put her in the recovery position. Maggi later dies.

Meantime, some minors in the neighborhood see Maggi's car- which was left unlocked, with the key still in the ignition in the supermarket car park as she did not want to spend time looking for a parking space. The youths drive off in the car; fail to stop at a pedestrian crossing, and hits Julie and her daughter Jill who were crossing the road. Both are injured, Jill seriously. One of the youths, Mark, who was not wearing a seatbelt, suffers a serious head injury.

While completing the answer you are to cover the following:

- a. Correct identification of the Plaintiff/s and Defendant/s and also the possible combination of suits in a court of law
- b. Correct Identification of the Legal Right violations
- c. Application of Causation in this case
- d. Application of Remoteness of damage in this case
- e. Explain the concept of Capacity of minors to be sued.

Support you answers citing relevant doctrines and case laws.

[15 marks]