



**PRESIDENCY UNIVERSITY,  
BENGALURU**

**SCHOOL OF LAW**

**MID TERM EXAMINATION**

**Odd Semester:** 2018-19

**Course Code:** LAW 105

**Course Name:** Law of torts and Consumer Protection Act

**Branch & Sem:** BBA/BA/B.Com.,LL.B(Hons.) & III Sem

**Date:** 29 October 2018

**Time:** 2 Hours

**Max Marks:** 60

**Weightage:** 30%

**Instructions:**

- (i) **All parts of the question paper are compulsory**

**Part A**

Answer **all** the Questions. **Each** question carries **five** marks. (4x5=20)

1. Define torts explaining its essentials. Critically analyze the relationship between torts and contract? A wrong falling under tort as well as breach of contract will have what kind of remedy, alternative or concurrent?
2. What are the defences to defamation? Can there be defamation of class of person? Elaborate.
3. Explain discharge by mode of Res judicata and Limitation period?
4. Write short note on No Fault Liability. Support with relevant case laws.

**Part B**

Answer **all** the Questions. **Each** question carries **five** marks. (4x5=20)

5. What is defamation? Critically analyze the requirement of "publication" for constituting defamation. Support your arguments with case laws.
6. "We are certainly prepared to receive light from whatever source it comes but ultimately we have to build our own jurisprudence". Trace the origin of law of torts in India in the light of the statement.
7. Is law of tort related with social morality? Explain it using the normative approach.
8. How do we assess the liability of owners for harmless animals? Critically analyse the exceptions to it.

### Part C

Answer **all** the Question. **Each** Question carries **ten** marks.

(2x10=20)

9. Discuss the liability of owners of dangerous chattels towards the immediate and ultimate transferee. How the extension of principle held in *Donoghue v Stevenson* has expanded the liability principle.
10. What are the various essentials of negligence? Critically analyze the role of *res ipsa loquitur* for the benefit of the plaintiffs? Is the principle applicable in cases of medical negligence?



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**PRESIDENCY UNIVERSITY  
BENGALURU**

**SCHOOL OF LAW**

**END TERM FINAL EXAMINATION**

**Odd Semester:** 2018-19

**Date:** 29 December 2018

**Course Code:** LAW 105

**Time:** 3 Hours

**Course Name:** Law of Torts and Consumer Protection Act

**Max Marks:** 80

**Programme & Sem:** B.A/ BBA/B.Com.,LL.B (Hons.) & III Sem

**Weightage:** 40%

**Instructions:**

(i) **Answer all the questions.**

**Part A**

Answer **both** the Questions. **Each** question carries **five** marks. (2Qx5M=10)

1. What is public nuisance. Differentiate between public nuisance and trespass
2. Briefly discuss the term goods and services covered under consumer protection act.

**Part B**

Answer **all** the Questions. **Each** question carries **ten** marks. (4Qx10M=40)

3. Who is a Primary and Secondary victim? What is the role of aftermath doctrine in their assessing liability?
4. What are the different Judicial Remedies available under tort law?
5. Who is a consumer under Consumer Protection Act 1986? How is a Consumer different from a Complainant?
6. What are the Rights available to consumers under the Consumer Protection Act 1986? What are the extra judicial remedies available for any tort?

**Part C**

Answer **both** the Questions. **Each** question carries **fifteen** marks. (2Qx15M=30)

7. Nishant made a joke to Mrs Bhatti that her husband, Mr Bhatti had had an accident in which both his legs were broken and that Mrs Bhatti should go to the pub where her husband was lying to bring him home. These statements were false but Nishant intended them to be believed as true by Mrs Bhatti, who suffered a shock to her nervous system as a result. Mrs Bhatti had no predisposition to nervous shock and the shock which caused her weeks of suffering and incapacity was not a result of previous ill-health. W raised an action against Nishant for compensation for her illness and suffering due to the false representation made by Nishant.

Decide whether this is a case of nervous shock or not?

Also decide whether the position would change if there was a medical history of ill health of Mrs Bhatti.

8. Anoop was employed as a Galvaniser of steel for the defendants, Ravish Hon & Co Ltd. While working and operating a machine in the workplace, a piece of molten metal burnt his lip, after he stepped out from behind the protective shield. Although the burn was treated, he developed cancer and died three years later. The complainant had a pre-cancerous condition, before the burn had taken place. When he died, his widow brought a claim Ravish Hon & Co Ltd. Assess whether the medical history of patient in this case will make any difference in getting damages? Answer in the light of the general maxim that “the defendant must take their victims as they find them” is applicable in assessing the liability under tort law.