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**Presidency University**

**Bengaluru**

**SCHOOL OF**

**Make-Up Examinations, June 2024**

**Winter Semester**: Makeup Exam

**Course Code**: LAW2021/LAW2121

**Course Name**: Law of Torts

**Program & Sem**:

**Date**:01-JULY 2024

**Time**: 9:30AM-12:30PM

**Max Marks**: 100

**Weightage**: 50%

**Instructions:**

1. *Read the all questions carefully and answer accordingly.*
2. *Do not write any matter on the question paper other than roll number.*

**Part A**

**Answer any 4 Questions. Each question carries 5 marks. (4Qx 5M= 20M)**

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1. What is the primary purpose of tort law in legal system? (CO1) [Knowledge]

2. What does "Ubi jus ibi remedium" mean in the context of law, and why is it considered fundamental in legal systems? (CO2 ) [Comprehension]

3. What are the four elements typically required to establish a claim of negligence in tort law? (C.O2) [Comprehension]

4 Explain how a tort differs fundamentally from a crime in terms of legal implications and proceedings. (C.O2 ) [Comprehension]

5. How does the doctrine of Res Ipsa loquitur apply in tort cases, and what role does it play in establishing negligence?

(C.O.2 [ Comprehension]

6. Compare and contrast the defenses of contributory negligence and comparative negligence in tort law jurisdictions

(C.O.4) [Analysis]

**Part B**

**Answer any 4 Questions. Each question carries 10 marks. (4Qx10M=40M)**

7. Describe the elements required to prove defamation in a tort case, including the distinction between libel and slander.

(C.O.No.3 [Application]

8. Enumerate the key differences between strict liability and liability based on fault in tort law? Provide examples of each.

(C.O.No.4 [Analysis]

9. Analyze the fundamental differences between assault and battery in tort law.

(C.O.No.4) [Analysis]

10. Discuss and apply the concept of vicarious liability in tort law with the help of decided cases.

(C.O.No.3 [Application]

11. Explain the doctrine of "Volenti Non-Fit Injuria" with relevant case laws. How does this doctrine serve as a defense in tort law? (C.O.No.2) [Comprehension]

12. Discuss negligence in tort law. Illustrate your answer with key elements required to establish a claim of negligence, citing pertinent case laws. (C.O.No. 3[Application]

**Part C**

**Answer any 2 Questions. Each question carries 20 marks. (2Qx20M=40M)**

13. A manufacturer produces a batch of defective electronic devices that are prone to overheating and catching fire. Several consumers suffer property damage and minor injuries as a result. Discuss the manufacturer's liability under the tort of product liability. What must the consumers prove to establish the manufacturer’s liability, and what defenses might the manufacturer assert? (C.O.No. 4 [Analysis]

14. A company advertises a weight loss product that guarantees significant results within 30 days. After purchasing and using the product as directed, many consumers find that it doesn't deliver the promised results. How can the affected consumers use the Consumer Protection Act, 2019 to seek redress for this misleading advertisement? What steps should they take, and which rights under the Act are relevant to their case (C.O.No 3 [Application]

15. Ravi, while driving his car, negligently runs a red light and collides with a motorcycle driven by Suresh. Suresh suffers serious injuries, and his motorcycle is severely damaged. Suresh was not wearing a helmet at the time of the accident, which is mandatory under the Motor Vehicles Act. After the accident, it is found that Ravi’s car insurance had expired a month ago. Discuss the legal consequences for Ravi driving without valid insurance. What penalties could he face under the Motor Vehicles Act, and how does this affect Suresh’s ability to claim compensation? (C.O.No. 4 [Analysis