



| | | | | | | | | | | | | | | | | | | | | |
|----------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| Roll No. | | | | | | | | | | | | | | | | | | | | |
|----------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

MID TERM EXAMINATION

Even Semester: 2018-19

Course Code: LAW 106

Course Name: Law of Torts And Motor Vehicles Act

Programme & Sem: BA./BBA./B.Com.LL.B. (Hons) & II Sem

Date: 27 March 2019

Time: 2 Hours

Max Marks: 60

Weightage: 30%

Instructions:

- (i) ***Support your answers with case laws and reasoning where needed.***
-

Part A

Answer the following Questions. **Each** question carries **two** marks. (10Qx2M=20)

1. A driver was reversing a car. There was a child behind the car but the child was not injured at all. The mother of the child looking from some distance was shocked under misconception that an accident of her child took place.
 - (A) Driver will be liable for nervous shock
 - (B) Not liable
 - (C) Liable at the discretion of court
 - (D) None of above
2. In which of the following cases the plea of sovereign immunity can be taken
 - (A) Army truck injuring a pedestrian
 - (B) Police constable firing at a religious gathering
 - (C) Chief of Army Staff ordering war action
 - (D) An M.P.making a defamatory statement in a press-meet
3. Identify the correct answer:
 - (A) Tort is a statutory remedy
 - (B) Tort is a criminal wrong
 - (C) Tort is a civil wrong
 - (D) Tort is a contractual wrong
4. Which of the following is the correct statement? Vicarious liability means:
 - (A) Liability without fault
 - (B) Servant's liability for the wrong of the master
 - (C) Master's liability for the wrong of the servant
 - (D) Damage which could not be prevented

5. *Damnum Sine injuria* means:
- (A) An objective right
 - (B) Suffering of loss without violation of legal right
 - (C) Violation of legal right and suffering of loss
 - (D) Violation of legal right
6. "Tortious liability arises from the breach of a duty primarily fixed by law; this duty is towards persons generally and its breach is redressible by an action for unliquidated damages" - This statement is made by:
- (A) Salmond
 - (B) Winfield
 - (C) Dias
 - (D) Julius Stone
7. The maxim '*injuria sine damno*' has been explained in the following case:
- (A) *Donough v. Stevenson*
 - (B) *Ryland v. Fletcher*
 - (C) *Ashby v. White*
 - (D) *Braford v. Pickles*
8. The verdict of the '*Donough v. Stevenson*' was delivered by the following Judge:
- (A) Justice Black Stone
 - (B) J. Douglas
 - (C) Lord Denning
 - (D) Lord Atkin
9. In *Denough V/s Stevenson*, the duty of a manufacturer was fixed towards:
- (A) Retailer only
 - (B) Buyer from retailer
 - (C) Ultimate consumer
 - (D) None of the above
10. A tort is a violation of:
- (A) Right in Personal
 - (B) Right in Rem
 - (C) Either right in Personal or right in rem
 - (D) Imperfect right

Part B

Answer **all** the Questions. **Each** question carries **five** marks.

(4Qx5M=20)

11. The plaintiffs house was called "Ashford Lodge" for sixty years, and the adjoining house belonging to the defendant was called "Ashford Villa" for forty years. The defendant altered the name of his house to that of the plaintiffs house. The plaintiffs alleged that this act of the defendant had caused them great inconvenience and annoyance, and had materially diminished the value of their property. Will the plaintiff succeed? Discuss.
12. How far parents are liable for the torts committed by their children? Discuss.

13. Distinguish between Tort and Breach of Contract

14. Write short note on 'Pigeon Hole Theory'?

Part C

Answer **both** the following Questions. **Each** question carries **ten** marks. (2Qx10M=20)

15. Does an action for tort lie against a corporation for the tortious act done by its servants? Examine the position of Corporation in Tort with special reference to *Poulton v. London and S.W. Ry. Co.*, (1867) 2 LRQB 534 and *Campbell v. Paddington Corporation*, (1911) 1 KB 869 : 104 LT 394.

16. Define Tort. Explain the essentials of tort with the help of case laws.



| | | | | | | | | | | | | | | | | | | | |
|---------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| Roll No | | | | | | | | | | | | | | | | | | | |
|---------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

END TERM FINAL EXAMINATION

Even Semester: 2018-19

Course Code: LAW 106

Course Name: LAW OF TORTS AND MOTOR VEHICLES ACT

Program & Sem: B.A.LL.B./B.B.A.LL.B/B.Com.LL.B. (Hons) (2018-19)

Date: 22 May 2019

Time: 3 Hours

Max Marks: 80

Weightage: 40%

Instructions:

- (i) **Read the questions carefully and answer all questions.**
- (ii) **Support your answers with case laws wherever needed.**

Part A

1. Answer **all** the Questions. **Each** question carries **2** marks. (10x2=20)

i. Match List – I with List – II and select the correct answer using the codes given below the lists:

| List - I | | List - II | |
|----------|-------------------------|-----------|-----------------|
| (a) | Vis Major | (i) | Trespass |
| (b) | Res Ipsa Loquitur | (ii) | Act of God |
| (c) | Actionable per se | (iii) | Negligence |
| (d) | Volenti non fit Injuria | (iv) | General Defence |

Code :

| | | | | |
|-----|-------|-------|-------|------|
| | (a) | (b) | (c) | (d) |
| (A) | (ii) | (iii) | (i) | (iv) |
| (B) | (iii) | (ii) | (iv) | (i) |
| (C) | (ii) | (i) | (iii) | (iv) |
| (D) | (iv) | (ii) | (iii) | (i) |

ii. D employs a driver Z to drive his car. D specifically instructs the driver not to drive fast and in no case exceed the speed of 50 kms per hour. Z exceeds the limit and causes the accident in which P is injured. In an action against D for damages:

- (A) D is not vicariously liable for the act of the driver because the driver acted against the express instructions of his master.
- (B) D is not liable as the act of the driver was not done during the course of employment.
- (C) D is liable as the driver was doing an authorized act in an unauthorized manner.
- (D) D is not liable as there was contract for service between D and the driver.

iii. The rule currently followed in India to determine remoteness of damages was laid down in:

- (A) Re Polemis case
- (B) Overseas Tankship (U.K.) Ltd. V. Morts Dock Engg. Co. Ltd.
- (C) Liesbosch Dredger v SS Edison
- (D) Smith V. London and South Western Rly. Co.

iv. P and Q, unknown to R, sought and got a lift in R's car, but on account of some mechanical defect in the car, of which R was not aware, one of the front wheels of the car got detached and flew away, and the car toppled. P and Q got serious injuries and later on, P died of his injuries. Q and P's next kin sued R for damages for negligent driving. What defence R has?

- (A) Volenti non fit injuria
- (B) No responsibility towards P and Q who got a free lift
- (C) Inevitable accident
- (D) No defence

v. Read Assertion (A) and Reason (R) and answer by using code below:

Assertion (A): Tort is a civil wrong for which the remedy is a common law action for unliquidated damages.

Reason (R): Theory of 'pigeon - hole' was propounded by Salmond.

Code:

- (1) Both (A) and (R) are true and (R) is the correct explanation of (A)
- (2) Both (A) and (R) are true and (R) is not the correct explanation of (A)
- (3) (A) is right but (R) is wrong
- (4) (A) is wrong but (R) is right

vi. For false imprisonment there should be

- (A) Total restraint on the liberty of a person
- (B) Partial restraint on the liberty of a person
- (C) Means to escape
- (D) All of the above

vii. 'Sometimes it happens that the legal right of a person is violated but he does not suffer any harm.' From which one of the following maxim we can attribute it?

- (A) *Damnum sine injuria*
- (B) *Injuria sine damno*
- (C) *Volenti non-fit injuria*
- (D) *Res ipsa loquitur*

viii. Definition of 'Tort' is contained in

- (A) The General Clauses Act, 1897
- (B) The Limitation Act, 1963
- (C) The Indian Contract Act, 1972
- (D) The Indian Penal Code, 1860

ix. The plaintiff was watching a cricket match at a stadium organized by the Cricket Club of India. He was seriously injured by a mighty hit from the batsman. In this case, who is liable to pay the damages to the plaintiff?

- (A) The Batsman
- (B) The Cricket Club of India
- (C) Both (A) and (B) above
- (D) None of the above

x. Liability to pay compensation in certain cases on the principle of no fault was provided under:

- (A) Section 140 of Motor Vehicles Act, 1988
- (B) Section 4 of Motor Vehicles Act, 1988
- (C) Section 20 of Motor Vehicles Act, 1988
- (D) Section 50 of Motor Vehicles Act, 1988

Part B

Answer **all** the Questions. **Each** question carries **6** marks.

(5x6=30)

2. What is vicarious Liability? Discuss with the help of Master-Servant relationship.
3. Define Negligence. What are its essential elements?
4. Distinguish between Tort and Crime.
5. Write short note on:

A. *Volenti non fit injuria*

B. Act of God

6. **Arya** and **Robert** went to a family restaurant for dinner. Arya, out of practical joke, pulls a chair away just as Robert about to sit on the chair. Robert fell on the floor and broke his hand. Robert wants to file a suit against Arya. Discuss the liability of Arya.

Part C

Answer **all** the Questions. **Each** question carries **15** marks.

(2x15=30)

7. Discuss the rule of **Strict Liability** and **Absolute Liability** with reference to *Ryland v Fletcher (1868) LR 3 HL 330* and *M.C Mehta v Union of India A.I.R. 1987 SC1086*.

8. Read the **Facts** carefully and answer following questions:

Tanu and **Manu** are neighbors. Tanu plants a tree on his land. However, he allows its branches to project over the land of Manu. Manu wants to bring a suit against Tanu.

- i. Is Manu Liable? If yes, why?
- ii. What are the remedies available to Tanu?
- iii. Differentiate between Private Nuisance and Trespass to Land.

