



BRAINWARE UNIVERSITY

Term End Examination 2024-2025

Programme – LL.B.-2022/LL.B.-2023/LL.B.-2024

Course Name – Law of Torts Including Consumer Protection Act & Motor Vehicles Act/Law of Torts including CP & MV Act

Course Code - LLB103

(Semester I)

Full Marks : 60

Time : 2:30 Hours

[The figure in the margin indicates full marks. Candidates are required to give their answers in their own words as far as practicable.]

Group-A

(Multiple Choice Type Question)

1 x 15=15

1. Choose the correct alternative from the following :

- (i) Select the definition of tort contained in section 2(m) of the Limitation Act.
- a) a civil wrong which is not exclusively a breach of contract or breach of trust.
- b) a civil wrong which includes breach of contract or breach of trust
- c) a civil wrong which includes breach of contract but not breach of trust
- d) a civil wrong which includes breach of trust but not breach of contract.
- (ii) Identify the Statute where we can find the definition of tort.
- a) The General Clauses Act, 1897
- b) The Limitation Act, 1963
- c) The Indian Penal Code
- d) The Constitution of India
- (iii) Locate the good defence in an action of tort
- a) Act of God
- b) Negligence
- c) Both Act of God and Negligence
- d) None of these
- (iv) Choose the effect of an Act done as Act of State
- a) cannot be questioned in session courts with all facets
- b) can be questioned in municipal courts
- c) can be questioned at all courts
- d) none of these
- (v) Identify which of the following is not related to Tort law
- a) Uncodified
- b) unliquidated damages
- c) Pigeon Hole theory
- d) criminal law
- (vi) Choose when Immunity from actions under statutory authority is available
- a) Restricted to harm which are obvious to the exercise of authority
- b) Restrict to harm which are incidental to the exercise of such authority
- c) Available not only for that harm which is obvious but also for that harm which is incidental to the exercise of such authority
- d) Both Restricted to harm which are obvious to the exercise of authority and Restrict to harm which are incidental to the exercise of such authority

LIBRARY
BRAINWARE UNIVERSITY
SCHOOL OF LAW
Barasat, Kolkata- 700125

9. Define Tort. (5)
10. Assess the situation and respond to the following inquiries: Keya and Biju are collaborating on a building project. They carelessly bring down a wall. Several employees are hurt as a result of this. a) Determine whether or not both can be held liable for tortfeasor status. (B) Describe the joint tortfeasor. c) Briefly describe how the idea of joint tortfeasors affects liability and compensation. (5)
11. Describe the Difference Between Contract of Service and Contract for Service. (5)
12. Sunil and Pramita are next-door neighbors living in a suburban neighborhood. They have been living peacefully for several years until a new neighbor, Avik, moved in next to Sunil's house. Avik is an avid musician and often practices playing the drums in his garage. Unfortunately, the loud drumming sessions have become a major nuisance for Sunil and Pramita, disrupting their daily lives and causing significant annoyance. They decide to address the issue and seek a resolution. In the light of the above facts, answer: a) Appraise the legal concept adopted in this scenario. b) Deduce the factors needed to be considered to determine nuisance exists or not. (5)

OR

Jane, a well-known local businesswoman, finds herself entangled in a case of malicious prosecution. A competitor, Mark, seeks to harm Jane's reputation and business by falsely accusing her of embezzlement. Mark files a complaint with the authorities, providing fabricated evidence and testimonies to support his claims. Jane is subsequently arrested and subjected to a lengthy legal process before the truth eventually comes to light. In the light of the above scenario, answer the questions: a) Appraise the legal concept of malicious prosecution, and explain its application in the present case. b) Dissect the elements need to be established to prove malicious prosecution in this case. (5)

LIBRARY
 BRAINWARE UNIVERSITY
 SCHOOL OF LAW
 Barasat, Kolkata- 700125