



BRAINWARE UNIVERSITY

Term End Examination 2022

Programme – LL.B.-2020/LL.B.-2021/LL.B.-2022

Course Name – Law of Torts Including Consumer Protection Act & Motor Vehicles Act/Law of Torts including Consumer Protection Act & Motor Vehicles Act/LAW OF TORTS INCLUDING CONSUMER PROTECTION ACT & MOTOR VEHICLES 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) Identify the term which is synonymous to the term "tort" when construed in English.
- a) Act
b) wrong
c) punishment
d) None of these.
- (ii) Choose the maxim which forms the very foundation of the law of tort?
- a) Damnum sine injuria
b) Injuria sine damnum
c) Ubi jus ibi remedium
d) None of these.
- (iii) Select the Latin word from which the term "tort" originated.
- a) torte
b) tortum
c) Both torte and tortum
d) None of these.
- (iv) Explain about the Consumer Protection Act which is applicable to?
- a) Immovable goods
b) Movable goods
c) Services
d) All goods and services
- (v) Identify which among these is a civil wrong for which the remedy is a common law action for unliquidated damages.
- a) Tort
b) contract
c) Both Tort and Contract
d) none of these
- (vi) Express the object of the Motor Vehicles (Amendment) Act, 2019.
- a) Further to amend the Motor Vehicles Act , 1988
b) Further to amend the Motor Vehicles Act , 1900
c) Further to amend the Motor Vehicles Act , 1950
d) Further to amend the Motor Vehicles Act , 1912
- (vii) Indicate the nature of damages which aggrieved party can seek as a remedy in Common Law Action if tort has been committed.

- a) Liquidated
c) Both liquidated and unliquidated
- b) unliquidated
d) none of these
- (viii) Determine the result of the Violation of a duty not to injure the reputation of someone else in the law of torts?
- a) Trespass
c) negligence
- b) defamation
d) all of these.
- (ix) Analyse the results of the Violation of a duty not to injure the reputation of someone else in the law of torts?
- a) Trespass
c) negligence
- b) defamation
d) all of these.
- (x) Decide in *Donghue v Stevenson*, the duty of manufacturer was stated towards whom.
- a) Towards retailer only
c) Towards ultimate consumer
- b) Towards the buyer from retailer
d) None of these
- (xi) Choose the effectual defence available in an action for nuisance.
- a) Prescriptive right to commit nuisance
c) Either Prescriptive right to commit nuisance or Statutory authority
- b) Statutory authority
d) Both Prescriptive right to commit nuisance and Statutory authority
- (xii) Identify the maxim based on which there is a leading case- *Gloucester v Grammar School*.
- a) Damnum sine injuria
c) Injuria sine damnum
- b) Vis Major
d) None of these.
- (xiii) Determine the principle which is recognised as a basic principle of the theory or philosophy of law In *Sardar Amarjit Singh Kalra v Promod Gupta & others* case?
- a) Damnum sine injuria
c) Ubi jus ibi remedium
- b) Injuria sine damnum
d) None of these.
- (xiv) Select the linguistic form which served as the basis behind the origin of the term "tort" .
- a) Japanese
c) Arabic
- b) Indian
d) Latin.
- (xv) Choose the leading case related to the maxim 'Injuria Sine Damnum.'
- a) Chase More vs. Richards
c) Ashby vs. White.
- b) Coal Mines Ltd. vs. James
d) None of these.

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Differentiate between motive and malice. (3)
3. Write down the essential ingredients of negligence. (3)
4. Explain the principles laid down in *Donoghue.v.Stevenson*. (3)
5. Critically analyse the concept of Innuendo. (3)
6. Express in your own words the concept of no fault liability under Motor Vehicles Act. (3)

OR

Justify the significance of the Consumer Protection Act. (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Differentiate between trespass and nuisance. (5)
8. Enumerate the essential features of Tort. (5)
9. Critically analyze the case *Bird .v. Jones*. (5)
10. Write a case relating to *res ipsa loquitur*. (5)
11. Explain the concept of vicarious liability. (5)
12. Distinguish between public and private nuisance. (5)

OR

Evaluate the concept of volenti non fit injuria.

(5)
