



BRAINWARE UNIVERSITY

Term End Examination 2023-2024

Programme – BBA LL.B.-2020

Course Name – Law of Torts including Consumer Protection Act & Motor Vehicles Act

Course Code - BBALLB303

(Semester III)

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) Interpret the matter where the Volenti non fit injuria does not apply.
- | | |
|-----------------|--------------------|
| a) Rescue cases | b) Private defence |
| c) Accident | d) Negligence |
- (ii) Choose the leading case which is related to inevitable accident.
- | | |
|----------------------|-----------------------|
| a) Shark vs. Powell | b) Stanley vs. Powell |
| c) Bird vs. Richards | d) None of these. |
- (iii) Determine the case which is known as the Wagon Mound Case.
- | | |
|---------------------|--|
| a) Shark vs. Powell | b) Ashby vs. White |
| c) R vs. Harry | d) Overseas Tankship Ltd. Vs. Morts Dock & Engineering Co. |
- (iv) State the other name of tort except the word that is Tort is a civil wrong.
- | | |
|-------------|--------------|
| a) Contract | b) law |
| c) rules | d) agreement |
- (v) Identify one of following where the law of torts is based.
- | | |
|----------------------|-------------------------|
| a) Indian Penal Code | b) Separate Statute |
| c) Judicial Decision | d) Civil Procedure Code |
- (vi) Identify the results in the law of torts for the Violation of a duty not to injure the reputation of someone else.
- | | |
|---------------|------------------|
| a) Trespass | b) defamation |
| c) negligence | d) all of these. |
- (vii) Identify one of following which is not a tort.
- | | |
|---------------|--|
| a) Conversion | b) Wrongs which are exclusively criminal |
| c) Detention | d) Wrongful dismissal |
- (viii) Identify the results in the law of torts for the Violation of a duty not to interfere with the possession of the land of another person.

- a) Trespass
c) negligence
- b) defamation
d) all of these.
- (ix) Determine the maxim which is related to the concept of, He who does an act through another does it himself.
- a) Damnum Sine Injuria
c) Injuria Sine Damnum
- b) Ubi jus ibi remedium
d) Qui facit per alium facit per se
- (x) Choose one of the following that who may sue and who may not sue in Tort.
- a) An alien enemy, convicts, bankrupts, husband and wife, child in the womb, corporation foreign state cannot sue other.
c) Every person may sue and may be sued in tort.
- b) The crown, foreign sovereign, ambassadors, public officials, infants cannot be sued.
d) Both options 'An alien enemy, convicts, bankrupts, husband and wife, child in the womb, corporation foreign state cannot sue other' and 'The crown, foreign sovereign, ambassadors, public officials, infants cannot be sued.'
- (xi) Choose one of the following where need not be shown by the plaintiff under the attractive nuisance doctrine.
- a) The owner was or should have been aware of the dangerous condition.
c) The condition was likely to cause injury because of the child's inability to appreciate the risk.
- b) The child was lured onto the property by the attractive nuisance.
d) The expense of remedying the situation is slight compared with the magnitude of the risk.
- (xii) Identify the liability in this case where A, a father sent his minor son B for a work and handed over his cart and horse to B. B negligently drove the horse van and caused injury to C.
- a) A is liable.
c) Neither A nor B.
- b) B is liable.
d) A and B both are liable.
- (xiii) Choose the maxim which is related to the rule of vicarious liability.
- a) Damnum Sine Injuria
c) Injuria Sine Damnum
- b) Ubi jus ibi remedium
d) Respondent superior
- (xiv) The word tortum originated from the Latin word.
- a) Tortious
c) Both tort And tortum
- b) Tortus
d) None of these.
- (xv) Identify the meaning of Vis Major.
- a) Duty
c) Right
- b) Act of God
d) Compensation

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Explain the concept of misfeasance. (3)
3. Express in your own words about the concept of no fault liability. (3)
4. Write in brief the concept of res ipsa loquitur. (3)
5. Examine whether negligence is actionable per se. (3)
6. Classify the privilege available in case of defences of defamation. (3)

OR

Compare and contrast between assault and battery. (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

- 7. Define Tort. (5)
- 8. Differentiate between strict and absolute liability. (5)
- 9. Explain the concept of vicarious liability. (5)
- 10. Critically discuss the concept of malicious prosecution. (5)
- 11. Distinguish between public and private nuisance. (5)
- 12. Evaluate the concept of volenti non fit injuria. (5)

OR

Evaluate the concept of the defences relating to nuisance. (5)
