



BRAINWARE UNIVERSITY

Term End Examination 2023-2024

Programme – BBA LL.B.-2021

Course Name – Law of Torts Including CP & MV Act

Course Code - BBALLB505

(Semester V)

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) Choose from the following remedies that are available in an action in the tort of nuisance

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|-----------------|---------------|
| a) Imprisonment | b) Injunction |
| c) Both | d) None |

(ii) Select the type of negligence occurring while a professional fails to meet the standard of care

- | | |
|----------------------------|------------------------|
| a) Gross negligence | b) Ordinary negligence |
| c) Professional negligence | d) Reckless negligence |

(iii) Select the correct option for the definition of Tort by Winfield

- | | |
|---|---|
| a) a civil wrong for which the remedy is a common-law action for unliquidated damages and which is not exclusively the breach of trust or other merely equitable obligation | b) tortious liability arises from the breach of a duty primarily fixed by the law towards the persons generally, and its violation is redressible by an action for unliquidated damages |
| c) an infringement of a right in rem of a private individual giving a right of compensation at the suit of the injured party | d) none of these. |

(iv) Choose the name of the case from which The rule of strict liability evolved

- | | |
|--------------------------|-----------------------------|
| a) Donoghue v. Stevenson | b) Rylands v. Fletcher |
| c) Lumley v. Gye | d) Champman v. Pickersgill. |

(v) Predict the primary focus in a claim of public nuisance

- | | |
|--------------------|------------------------------|
| a) Individual harm | b) Unreasonable interference |
| c) Intent | d) Proximate cause |

(vi) Select the correct meaning of injuria sine damno

- a) violation of a legal right without any damage b) violation of a lawful request with damage
 c) damage without violation of the legal right d) no damage & no breach of legal rights.
- (vii) Predict the exact situation when the defence of volenti non-fit injuria is not available
- a) if the consent is obtained by compulsion b) if the consent is obtained by fraud
 c) if the consent is obtained under a mis-take d) all of these.
- (viii) Predict the nature of Tort Liability which comes under Vicarious Liability.
- a) independent tort feasons b) joint tort feasons
 c) composite tort feasons d) all of these.
- (ix) Predict the situation which can make a master held liable under Vicarious Liability.
- a) in case of theft of property by a third person, b) in case of theft of property of a third person
 bailed to the master not bailed to the master
 c) neither 1 nor 2 as the act of committing theft d) Both 1 and 2 as it makes no difference
 is not covered whether the goods are bailed or not bailed
 to the master.
- (x) Identify the person responsible for the entire judgment amount in a joint and several liability case
- a) All defendants b) The primary defendant
 c) The plaintiff d) The court
- (xi) Name the legal term for the doctrine that allows a plaintiff to recover from any one or all of the tortfeasors, regardless of fault
- a) Contribution b) Indemnity
 c) Respondeat superior d) Proximate cause
- (xii) Identify the tort is a violation of
- a) Right in Personam b) Right in Rem
 c) Both Right in Personam and Right in Rem d) None of these
- (xiii) Recall the propounder of pigeon hole theory is
- a) Salmond b) Winfield
 c) Austin d) None of these
- (xiv) Infer to the right option: under the law of torts the damages are
- a) Liquidated b) Unliquidated
 c) Limited d) Unliquidated but Limited
- (xv) Choose the correct answer: Nuisance can be
- a) Public only b) Private only
 c) Both public and private d) Neither public nor private

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Identify with reasons as to tort is an infringement of right in rem or not. (3)
3. Describe vis major with illustration (3)
4. Explain nuisance (3)
5. Explain volenti non fit injuria as a defence to the false imprisonment (3)
6. Evaluate Consumer Protection Councils under the Consumer Protection (Amendment) Act, 2019. (3)

OR

- Appraise the situations where the manufacturer is liable in a claim for compensation under product liability of the Consumer Protection Act, 2019. (3)

Group-C

7. Explain the concept of malfeasance, misfeasance and non-feasance with examples. (5)
8. Analyze the rule of strict liability under law of torts with established cases and possible defences. (5)
9. Examine the maxim Injuria sine damnum & Damnum sine injuria with case laws. (5)
10. Write the object and reasons for the enactment of the Consumer Protection Act, 2019 (5)
11. Differentiate between contributory negligence and composite negligence. (5)
12. John recently purchased a new house in a quiet suburban neighborhood. The neighborhood has been known for its peaceful environment, and John was looking forward to enjoying his property without any disturbances. However, a few weeks after moving in, a nearby neighbor, Sarah, starts hosting loud and late-night parties almost every weekend. The noise from the parties is so loud that it disrupts John's sleep and affects his ability to use and enjoy his home. Additionally, Sarah's guests often park their cars haphazardly, blocking access to John's driveway. Frustrated and sleep-deprived, John decides to take legal action against Sarah, alleging a statutory nuisance. In the light of the above scenario, answer: a) Appraise statutory nuisance and distinguish it from common law nuisance. b) Plan the legal remedies available to John to address the statutory nuisance caused by his neighbour, Sarah. (5)

OR

Explain the concept of false imprisonment with reference to the case of Bhim Singh v. State of Jammu & Kashmir. (5)
