



BRAINWARE UNIVERSITY

Term End Examination 2023

Programme – LLM-2022

Course Name – Law of Tort

Course Code - LLM202C

(Semester II)

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) Predict the situation if Mr. Singh was riding his scooter on the right side of the road which is illegal as per the Traffic Rules. Mr. Chawla was driving his car in the opposite direction. The two vehicles collided and resulted in loss of Rs. 20,000 to Mr. Singh. This includes his medical expenses and damage to the scooter. In this accident there is no fault on the part of Mr. Chawla

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|---|--|
| a) Mr. Singh will not get any amount as damages | b) Mr. Singh will get full compensation. |
| c) Mr. Singh will get part of compensation. | d) Both will have to share the damages |

(ii) Predict the option whether Punitive Punishment can be awarded under Law of Torts

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|------------------------|------------------|
| a) True | b) False |
| c) Depends on the case | d) None of these |

(iii) Predict the situation if Ratul bashes up Archit. Archit defends himself. Archit drags Ratul to court. Ratul claims that he hit Archit again only because Archit defended himself.

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|---|-------------------------|
| a) Claim is valid | b) . Ratul cannot claim |
| c) Claim is invalid in law as he perpetuated the violence first, and thus, he has no claim. | d) None of these. |

(iv) predict the situation if Sandy and Shayak went to the Sunderbans to shoot pheasants. Sandy's bullet skidded off the bark of a tree and hit Shayak while he was talking on the phone. Shayak was injured and sued his friend for compensation

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|--|--|
| a) Sandy is liable because it was his bullet that hit Shayak | b) Sandy is liable because he was shooting pheasants which is an illegal act |
| c) Sandy will not be liable because it was unforeseeable that the bullet would hit | d) Sandy will not be liable because Shayak is at fault for roaming nearby when Sandy was |

- Shayak shooting
- (v) 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.
- (vi) Select the correct option that defines the action that can be brought under Law of Torts.
- a) restoration of the original position
- b) unliquidated damages
- c) liquidated damages
- d) all of these.
- (vii) Select the name of the correct case law that defines the origin to tort of deceit.
- a) Pasley v. Freeman
- b) Lumley v. Gye
- c) Rylands v. Fletcher
- d) Winsmore v. Greenbank
- (viii) Predict the situation if Ratul bashes up Archit Archit defends himself Archit drags Ratul to court Ratul claims that he hit Archit again only because Archit defended himself
- a) Claim is valid
- b) Ratul cannot claim
- c) Claim is invalid in law as he perpetuated the violence first and thus he has no claim
- d) None of these
- (ix) Locate the name of the case which defines that The tort of inducement is a breach of contract .
- a) Lumley v. Gye
- b) Rookes v. Barnard
- c) Donoghue v. Stevenson
- d) Rylands v. Fletcher
- (x) 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.
- (xi) Predict the nature of Tort Law
- a) a right in personam
- b) a right in rem
- c) both right in personam & a right in rem
- d) neither a right in personam nor a right in rem
- (xii) Choose the option which gives the definition of servant.
- a) on whom the master has command of what to do & how to do
- b) on whom the master has a command of what to do
- c) whom the master can hire & fire
- d) only 1 and 2
- (xiii) Choose the correct option which determines the yardstick for remoteness of damage.
- a) the test of directness
- b) the test of reasonable foresight
- c) both 1 and 2
- d) none of these.
- (xiv) Identify the name of the case law in which remoteness of damage was first applied.
- a) Polerris case
- b) Wagon Mound case
- c) Doughty v. Turner Manufacturing Co. Ltd.
- d) SCM United Kingdom Ltd. v. W.J. Whittal & Sons.
- (xv) Choose the correct option which defines False Imprisonment
- a) total restraint on the liberty of a person
- b) a partial restraint on the liberty of a person
- c) means of escape
- d) all of these.

Group-B

(Short Answer Type Questions)

3 x 5=15

- 2. Describe the exception of *damnum sine inuria*. (3)
- 3. Explain the Extra-Judicial remedies in Tort. (3)
- 4. Explain the principle that slander is actionable on proof of special damage (3)
- 5. Explain under what circumstances, the contributory negligence of the plaintiff is not a good defence (3)
- 6. Define injurious falsehood (3)

OR

Predict the situation where a reversioner can sue the wrong-doer in cases of nuisance (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

- 7. Define False Imprisonment quoting relevant case law. (5)
- 8. Explain Legal remedy Legal damage Legal injury (5)
- 9. Negligence is absence of the care which reasonable man would take in the circumstance. (5)
Justify this statement with the help of case law.
- 10. Explain the concept of innuendo with the help of decided cases. (5)
- 11. Write a short note on *Maxim Novus actus interveniens* (5)
- 12. Write short note on inevitable accident. (5)

OR

Write short note on Act of God (5)
