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SCHOOL OF LAW
 Durgam Chok, Kolkata - 700125

Term End Examination 2025-2026**Programme – LLM-2025****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) 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.
- (ii) Tell 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
- (iii) Which of the following is a necessary element of false imprisonment?

a) The plaintiff must suffer physical harm	b) The confinement must be without lawful justification
c) The plaintiff must be unaware of the confinement	d) The act must be done with an evil motive
- (iv) Outline the correct option which defines the nature of independent tort-feasors.

a) action against one bar the action against the others	b) action against some bars the action against the others
c) action against one does not bar action against the other	d) all of these.
- (v) Explain the nature of Tort Liability which comes under Vicarious Liability.

a) independent tort feasors	b) joint tort feasors
c) composite tort feasors	d) all of these.
- (vi) Examine 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
- (vii) Explain the situation which can make a master held liable under Vicarious Liability.

- a) in case of theft of property by a third person, bailed to the master
 b) in case of theft of property of a third person not bailed to the master
 c) neither 1 nor 2 as the act of committing theft is not covered
 d) Both 1 and 2 as it makes no difference whether the goods are bailed or not bailed to the master.
- (viii) Name the correct option which provides the meaning for Doctrine of Common Employment.
- a) if the wrongdoer servant and the person injured are fellow servants, the master is not liable
 b) if the wrongdoer servant and the person injured are fellow servants, the master is liable
 c) if the wrongdoer servant and the person injured are not fellow servants, the master is not liable
 d) none of these.
- (ix) Examine 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.
- (x) Explain 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. Whittall & Sons.
- (xi) Explain the element which does not come under intentional tort.
- a) An intentional tort occurred
 b) An injury resulted from the tort
 c) The tort did not cause the injury.
 d) The injury caused damages to the person
- (xii) Examine the essential element through which the difference between crime of assault and tort of assault can be understood.
- a) The victim of a tort assault knew the person committing the tort meant to cause harm
 b) The victim of a tort assault did not know the person committing the tort meant to cause harm.
 c) In a criminal assault, the defendant uses a weapon
 d) There is no tort of assault
- (xiii) Examine the essential element through which the difference between crime of battery and tort of battery can be understood.
- a) In a criminal battery, two or more people must be present
 b) In a criminal battery, a person is actually injured. In a tort battery, the person is not hurt.
 c) The unwanted touch; we have a right to be free from bodily harm.
 d) There is no tort of battery. All batteries are crimes
- (xiv) Explain the situation which can be referred as an example of contributory negligence.
- a) A pedestrian jaywalks and is hit by a car
 b) A doctor fails to diagnose a patient's condition
 c) A business owner fails to maintain safe premises
 d) None of these
- (xv) Identify the key difference between battery and assault.
- a) Battery requires physical contact, while assault does not
 b) Both require physical contact
 c) Assault requires physical contact, while battery does not
 d) Assault is a more serious offense than battery

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Group-B

(Short Answer Type Questions)

3 x 5=15

2. Identify the origin of law of Torts and also highlight the development of law of torts in India. (3)
3. Explain the concept of 'ubi jus ibi remedium'. (3)

4. Discuss the interrelationship of res ipsa loquitor with negligence. (3)
5. Define the essential elements of crime. (3)
6. Interpret the distinction between Tort and Breach of Trust. (3)

OR

Evaluate the distinguish between Malice in Fact and Malice in Law. (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Define Negligence and give its elements in detail. (5)
8. Justify when slander is actionable without proof of special damage. (5)
9. Explain the doctrine of contributory negligence with reference to children liability. (5)
10. Analyze the concept of Act of God as a defense under the law of Torts. (5)
11. Justify the defense of Necessity in the case of Leigh v. Gladstone. (5)
12. Analyze the application of 'Volenti non fit injuria' in Hall v. Brooklands Auto Racing Club. (5)

OR

Discover the limitation of the defense of consent as laid down in Smith v. Baker. (5)

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