

31/3/23

Time: 2.30 hrs

Marks: 75

FyLB

(12 Marks)

Reguler

**Q. No.1: Answer in two sentence. (Any six)**

1. How tort is distinct from breach of contract?
2. Explain the maxim 'Volenti non fit injuria'
3. What is meant by assault?
4. What is meant by joint tort Feasors?
5. What is meant by nervous shock?
6. State the exceptions to principle of strict liability.
7. Define the consumer.
8. What is meant by liability without fault?

**Q. No.2: Write short notes on any two.**

(12 Marks)

1. *Ubi Jus Ibi remedium*
2. Kind of nuisance
3. Principle of absolute liability
4. Deficient service

**Q.No.3: Answer any two situational based questions.**

(12 Marks)

1. A new restaurant opened in the Motinagar near by the old restaurant. Due to this old restaurant lost its 50% consumers and so as 50% revenue. Since it was very heavy loss to old restaurant, it filed a civil suit for damages against new restaurant.
  - a. Whether old restaurant can succeed in suit for damages against the new restaurant? Why?
  - b. Explain the principle involved in this situation.
2. The Plaintiff Ms. Anita filed a civil suit for damages against the hospital where she was operated for stone removal surgery from her gall bladder. But she continued to feel pain. After few days it was detected that a gauge was left in her abdomen by the surgeon operated her.
  - a. Whether Ms. Anita would succeed in suit for damages against hospital? Why?
  - b. Explain the principle involved in this case.
3. A seven year old student was asked to remain in school after school hour for non-payment of school fee. However, the student was not told this fact. But this fact was informed to his parent. A student was not aware that his freedom was restricted by the School.
  - a. What kind of tort is committed by the school? Explain.
  - b. Whether it is necessary that person must know that his freedom is restricted? Explain.
4. Mrs. D went to a cafe and got bottle of ginger beer. The ginger beer contained a decomposed snail. Mrs. D suffered from personal injury due to consumption therefore she proceeded claim compensation from the manufacturer.
  - a. Identify the case and the principle involved.
  - b. Explain the principle involved.

**Q.No.4: Answer any three question in detail**

(39 Marks)

1. Discuss the aims and objects of the Consumer Protection Act, 2019.
2. Explain the general defences in torts.
3. Explain the essential elements of defamation. State the defences in defamation.
4. Discuss in detail the different judicial and extra-judicial remedies.
5. Explain negligence as tort. Discuss the professional negligence.

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