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3 SEM LLB LoT 3 (N)

2018

(December)

LAW

Paper : 3-3

**(Law of Torts, M.V. Act and
Consumer Protection Act)**

Full Marks : 80

Time : Three hours

**The figures in the margin indicate
full marks for the questions.**

1. State either True **or** False : $1 \times 10 = 10$
- (i) The word tort is derived from the French word 'tortum'.
 - (ii) A convict does not have the same rights of action for action as any other person.
 - (iii) Doctrine of common employment was propounded for the first time in Priestley *v.* Fowler case.
 - (iv) Blackburn J. laid down the rule of Strict Liability.

- (v) *Jus tertii* may be a good defence, if the plaintiff is in actual possession at the time of conversion.
- (vi) Incorporeal property has physical existence.
- (vii) Obstruction to light or air is private nuisance.
- (viii) Prescription is a defence available in case of nuisance.
- (ix) The word 'service' under Consumer Protection Act, 1986 includes the rendering of any service free of charge.
- (x) An appeal from an order of the Claim Tribunal to the High Court can be made within 90 days.

2. Answer briefly within 3-4 lines each of the following questions : 2×5=10

- (i) Define Tort.
- (ii) State *four* exceptions of Strict Liability.
- (iii) What is malicious prosecution ?
- (iv) State *two* differences between public and private nuisance.
- (v) What is unfair trade practice ?

3. Write a brief note on origin and development of Law of Torts. Distinguish between tort and crime and tort and contract.

6+3+3=12

Or

Write a note on justification of tort, with relevant case laws. 12

4. Elaborate the concept of Absolute Liability with the help of judicial pronouncements.

12

Or

Elaborate the concept of *Qui facit per alium facit per se* and *Respondeat Superior*. 12

5. What is false imprisonment? Elaborate its various essential ingredients and defence.

4+4+4=12

Or

What is trespass to land? State its various defences. What is trespass *ab initio*?

3+5+4=12

6. What is *Res Ipsa Loquitur*? State its essential conditions. What are the limitations to the rule?

4+4+4=12

Or

Critically analyse the various remedies for torts. 12

7. Write short notes : **(any two)** 12

(i) District Forum

(ii) Rights of Consumer

(iii) Salient feature of Motor Vehicle Act

(iv) Claims Tribunal.
