

Total No. of printed pages = 4

3 Sem LLB (N) 3 TORT

2012

(December)

**LAW OF TORTS INCLUDING M.V.
ACCIDENT ACT AND CONSUMER
PROTECTION ACT**

Paper : 303

(New Course)

Full Marks – 80

Pass Marks – 32

Time – Three hours

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

GROUP – A

Answer *all* questions.

1. Explain any *two* of the following : $5 \times 2 = 10$

(a) Contributory negligence

(b) Inevitable Accident

(c) Volenti non fit injuria

(d) Act of God.

2. "All the torts are civil injuries, but civil injuries are not torts." Explain this statement and bring out the essential characteristics of a tort. 15

Or

Explain the meaning of trespass and the concept of trespass ab initio with illustrations. 15

3. What is meant by vicarious liability? Discuss the liability of the master for torts committed by the servant with the help of leading cases. 15

Or

Discuss the facts of the case and the decisions given in

Khagendra Nath Kalita

Vs.

Jadav Chandra Patgiri

(1976 LR 379).

GROUP-B

Answer *all* questions.

4. Who can apply for compensation arising out of an accident? Can an appeal be made if aggrieved by the award of the Claims Tribunal?

6+4=10

Or

What punishment is provided for any one for who drives a vehicle in a public place without a valid licence ? What happens when an unauthorised person is asked to drive a vehicle ? 6+4=10

5. (a) What is meant by deficiency in service ? Explain with illustrations. 9

(b) A LPG distributor registered the name of 'X' for providing a gas connection as early as possible. But the assured gas connection could not be provided to 'X' within the expected time. Can 'X' file a case under CPA against the LPG distributor for deficiency of service ? Explain. 3

(c) 'B' purchased a LCD TV set from 'D' where a warranty for free service is provided for one year. But the free service assured to 'B' could not be provided to him by the dealer within the warranty period. Can 'B' file a case of deficiency of service in a consumer court ? Explain. 3

Or

(a) Discuss the procedure being followed for filing a complaint in the District Forum ? 7

(b) What is the limitation period for filing the complaint and the jurisdiction of the District Forum ? 8

6. Discuss the composition of the National Commission with reference to its pecuniary, original and appellate jurisdiction. Can an appeal lie against the order of the National Commission? 15

Or

Discuss the facts of the case and decision of the following case : 15

Indian Medical Association

Vs.

V. P. Shanta

(AIR 1996 SC 550)