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3 SEM LLB(N) LoTORT 3

2013

(December)

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

Paper : 303

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) Remotencss of damages
 - (b) Profit a Prendre
 - (c) Trespass ab initio
 - (d) Malice in fact.

2. (a) What is the basic distinction between Tort and Crime ? 10

(b) To constitute a crime an act must be tort is this condition necessary ? Discuss. 5

Or

What do you mean by liability of torts ? Explain tortious liability and contractual liability with examples. 15

3. What is defamation ? What defences are available to a defendant in an action for defamation.

5+10=15

Or

What is meant by strict liability ? Explain it with the help of a leading case. 5+10=15

GROUP - B

4. How the Claims Tribunal is constituted and what are the functions of such a Tribunal. Is there any bar on jurisdiction of Civil Courts where any civil court is constituted ? 6+4=10

5. Describe the procedure adopted by the District Forum when a complaint is filed before it for adjudication. What is the jurisdiction of a District Forum ? 12+3=15

Or

What is the object and composition of Central Consumer Protection Council ? In what manner these councils protect a consumer ? 12+3=15

6. Discuss the facts of the case and the decision given in following case : 15

Lucknow Development Authority

Vs

M. K. Gupta (AIR 1994 SC 787)

Or

- (a) How does a consumer dispute arise ? 5
- (b) In case the order of the District Forum or the State Commission is not being carried out by the opposite party, what punishment is meted out ? 5
- (c) Can an appeal be filed against the order of the National Commission ? If yes, when and where ? 5