

Q.P. Code :07940

[Time: Three Hours]

[Total Marks: 100]

- N.B: Please check whether you have got the right question paper.
1. All questions are compulsory
 2. Figures to right indicate full marks
 3. Cite relevant case laws wherever required

1.1 Attempt the following in not more than two sentences each:

20 Marks

- A) What is meant by 'malfeasance'?
- B) Define 'tort' as per Winfield.
- C) Define 'vis major'.
- D) What is meant by 'joint tortfeasors'?
- E) What is 'battery'?
- F) What is 'appropriate laboratory'?
- G) Which maxim defines defense of consent?
- H) Explain the scienter rule.
- I) State penalty for filing frivolous complaint under Consumer Protection Act, 1986.
- J) What is the limitation period for filing a complaint under Consumer Protection Act, 1986?

1.2 Write short notes (any 4)

20 Marks

- A) Pigeon hole theory
- B) Damages
- C) Unfair trade practice
- D) Malicious prosecution
- E) Wagon mound case
- F) Appeal under Consumer Protection Act, 1986

1.3 Solve any two of the following problems:

12 Marks

- A) 'X' started classes in the neighborhood of 'B' because of which 'B' incurred heavy loss as his classes students diverted to 'X's classes'.
 - i) Whether Mr. X liable in torts? give reasons
 - ii) Give two points of distinction between *injuria sine damnum* and *damnum sine injuria*.
- B) 'X' undergone an eye surgery in Charitable medical camp and lost his eye.
 - i) Can he file case against Charity trust?
 - ii) What is deficiency in service? Explain.

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- C) An employee, Mr. Y, a security guard working on payroll of Mr. X a lawyer. Commits a fraud after working hours.
- Is Mr. X liable under contract or tort? Explain.
 - Is Mr. X liable under crimes? Give two points of distinction between crime and tort.

Q.4 Answer in detail (any 4)

- What is meant by contributory negligence? Explain the doctrine and state the exceptions of contributory negligence citing relevant case laws.
- What is meant by consumer? explain in detail the aims and objects of the Consumer Protection Act, 1986
- State the three tier system of solving consumer complaint under the Consumer Protection Act, 1986
- How are damages calculated under law of torts? discuss the different kinds of damages awarded under torts
- What is meant by defamation? State defenses available for tort of defamation.
- What is a nuisance and state defense for nuisance under torts.