

[Time: Three Hours]

[Marks:100]

Please check whether you have got the right question paper.

- N. B. : 1. All questions are compulsory
2. Cite relevant Case Laws whenever necessary
3. Figures to right indicate full marks

Q.1

Answer in two to three lines.

Marks 20

- a) What is meant by an exemplary damages?
- b) What is express malice?
- c) What is 'malfeasance' and "non-feasance"?
- d) What is the accord and satisfaction?
- e) What is meant by liability by ratification?
- f) What is distress damage feasant?
- g) What is mayhem?
- h) What is the meaning of trespass ab initio?
- i) Give 2 instances is not a consumer?
- j) Who is a trader according to unfair trade practices?

Q.2

Write short notes (any 4)

Marks 20

- a) Consumer Dispute.
- b) Central consumer protection council.
- c) Characteristics of tort.
- d) False imprisonment.
- e) Extra judicial Remedies.
- f) Contributory negligence.

Q.3

Solve any two.

Marks 12

- a) Mr. A employed an independent contractor Mr. Q to construct a drainage system. During the work the contractor left a heap of gravel on the road. Mr. A was warned by police to remove the heap of gravel so he undertook to cart the gravel away. Mean time a passerby Mr. Z slipped upon the heap of gravel and was injured Mr. Z wants to claim damages.
 - i) Against whom should Mr. Z should claim the damages? Explain
 - ii) What is the defence available?
- b) 'A' was a manager of Tom Ltd. A firm dealing to ladies clothes for several years, 'A' was known to her customer as Miss Tom, 'A' after leaving the service of Tom Ltd. Started a rival establishment in the name of Miss Tom. On seeing this Tom Ltd. Sued 'A'.
 - i) Name and explain the tortious activity for which Tom Ltd. Can sue 'A'
 - ii) Advise 'A' on the same.
- c) A consumer demanded packed tin of mango pulp of Rs. 50/- form a shop. But as he opened there was Strawberry pulp inside the packet. Which costed Rs. 80/-. But as he returned it to shopkeeper, shopkeeper refused to accept it and demanded more Rs. 30/-.
 - i) Can shopkeeper recover Rs. 30/- from consumer? Why?
 - ii) Advise consumer. On the same.

- Q.4 Answer the following question. (any 4)
- a) Explain the concept of vicarious liability with the help of master and servant relationship.
 - b) State any 8 defenses available in tort.
 - c) Explain the theories of remoteness of damages.
 - d) State the requisites of valid defamation along with its defenses.
 - e) What is principle of strict liability? Explain it with reference to
 - f) Explain district consumer disputes redressal agency under consumer protection act 1986.
