

LLB  
FIRST SEMESTER  
LAW OF TORTS  
LLB – 103 [REPEAT]  
[USE OMR FOR OBJECTIVE PART]

**SET  
A**

Duration: 3 hrs.

Full Marks: 70

Time: 30 min.

Marks: 20

**( Objective )**

**1×20=20**

***Choose the correct answer from the following:***

1. The word tort has been derived from the Latin word-
  - a. Wrong
  - b. Totem
  - c. Tortum
  - d. Civil
2. English case Ryland vs Fletcher laid down a very important rule-
  - a. Absolute liability
  - b. Vicarious Liability
  - c. Indirect liability
  - d. Financial liability
3. The rule of Res Ipsa Loquitur means-
  - a. Where there is a wrong, there is a remedy
  - b. Causing injury to a person without any actual physical damage
  - c. Things speak for itself
  - d. No action can arise from an illegal act
4. Tort is a -
  - a. Accident
  - b. Civil wrong
  - c. Criminal wrong
  - d. Murder
5. In tort, the wrongful act or omission must result in
  - a. Any damage
  - b. Attempt
  - c. Accident
  - d. Legal damage
6. Volenti non fit injuria means-
  - a. Knowledge of injury
  - b. Voluntarily acceptance of injury
  - c. Act of God
  - d. Plaintiff the wrong doer
7. Shyam went to watch a cricket match. The ball hit and he was injured. Can the defence of Volenti non fit injuria used?
  - a. yes
  - b. no
  - c. maybe
  - d. None of the above
8. An inevitable accident means-
  - a. An unexpected injury which could not have been foreseen and avoided
  - b. An unexpected injury which could have been foreseen and avoided
  - c. An act of God
  - d. None

9. Vis Major means-
  - a. Damage
  - b. Major injury
  - c. Accident
  - d. Act of God
10. Qui facit per alium facit per se means-
  - a. Knowledge of injury
  - b. Who does an act through another is deemed in law to do it himself
  - c. Who does an act through another is not deemed in law to do it himself
  - d. Plaintiff the wrong doer
11. If any statement on the face of it seems to be innocent but its secondary meaning or a disclosure of some truth it seems to be defamatory it is
  - a. An innuendo
  - b. Slander
  - c. Statement
  - d. Libel
12. An act by the defendant that causes the claimant reasonable apprehension of infliction of intentional and direct application of force on him is-
  - a. Assault
  - b. Battery
  - c. Mayhem
  - d. False imprisonment
13. Can a husband be held vicariously liable for the tort of his wife in India?
  - a. Yes, because husband is considered as the agent of his wife
  - b. Yes because husband is the guardian of his wife
  - c. No, a married woman can be independently sued
  - d. No because husband is not the guardian of his wife.
14. When two motorists coming from opposite directions in their bike collide with each other and in the process, they injure a person who was standing on the roadside, the two motorists are -
  - a. Independent tortfeasor
  - b. Joint tortfeasor
  - c. Negligent persons
  - d. Contributory negligence
15. Which case laid down the fundamental test for determining duty to care?
  - a. Bourhill vs. Young
  - b. Donoghue vs. Stevenson
  - c. Heaven vs. Pender
  - d. Ashby vs. white
16. Which of the following is not a tort described as 'trespass to a person'?
  - a. Battery
  - b. False Imprisonment
  - c. Public nuisance
  - d. Assault
17. Which of the following is an essential ingredient to establish strict liability of the defendant?
  - a. Non-natural use of land
  - b. Escape of dangerous thing
  - c. Negligence of the defendant
  - d. Only a and b
18. The plaintiff horse reached over the defendant's boundary and nipped some poisonous trees and died. Will the defendant be liable?
  - a. No, because the horse ate on its natural instinct
  - b. Yes, the poisonous tree being a dangerous thing escaped his premises.
  - c. No, because the defendant did not have duty to care
  - d. None of the above.



19. .... failure to do what a reasonable and prudent person would ordinarily have done under the circumstances of the situation
- |               |             |
|---------------|-------------|
| a. Assault    | b. Nuisance |
| c. Negligence | d. Mayhem   |
20. Defenses to defamation are-
- |                           |                     |
|---------------------------|---------------------|
| a. Truth                  | b. Fair comment     |
| c. Privileged information | d. All of the above |

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**( Descriptive )**

Time : 2 hrs. 30 min.

Marks : 50

*[ Answer question no.1 & any four (4) from the rest ]*

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|---|--------|
| 1. "Damnum sine injuria and injuria sine damnum are two different principles of Law." Comment briefly.      | 10     |
| 2. Discuss in detail the rule of MC Mehta vs Union of India (Oleum Gas Leak Case)                           | 10     |
| 3. Discuss trespass ab initio with decided case laws.   | 10     |
| 4. If a servant does a wrongful act in the course of his employment, the master is liable for it". Discuss. | 10     |
| 5. What is negligence? Explain the essentials of negligence.  | 2+8=10 |
| 6. Explain the general defences against tort.   | 10     |
| 7. Write a short note on Assault.   | 10     |
| 8. What do you understand by damages? Define the various kinds of damages.                                  | 2+8=10 |

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