

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

Duration: 3 hrs.

Full Marks: 70

Time: 30 min.

Marks: 20

Choose the correct answer from the following:

$$1 \times 20 = 20$$

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

9. Vis Major means-
a. Damage
c. Accident
b. Major injury
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
c. Statement
b. Slander
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
c. Mayhem
b. Battery
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
c. Negligent persons
b. Joint tortfeasor
d. Contributory negligence

15. Which case laid down the fundamental test for determining duty to care?
a. Bourhill vs. Young
c. Heaven vs. Pender
b. Donoghue vs. Stevenson
d. Ashby vs. white

16. Which of the following is not a tort described as 'trespass to a person'?
a. Battery
c. Public nuisance
b. False Imprisonment
d. Assault

17. Which of the following is an essential ingredient to establish strict liability of the defendant?
a. Non-natural use of land
c. Negligence of the defendant
b. Escape of dangerous thing
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

(Descriptive)

Time : 2 hrs. 30 min.

Marks : 50

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

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

= = *** = =