

LLB
FIRST SEMESTER
LAW OF TORTS
LLB – 103

[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 motorist 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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