

Mid Semester Test: August-2016

Law of Torts

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Law of Torts
Semester-I (Batch: 2016-21)

Mid Semester Test: August-2016

Date: 10th August, 2016

Duration: 2 hours

Max. Marks: 30

Instructions:

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write any thing on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.
- **Bare Act is not allowed.**

Part-A**Marks**

(Cite relevant provisions and judicial decisions in support of your answers)

- Q.1 A leading National Law University in India has titled its course as 'Law of Torts' instead of 'Law of Tort'. Do you think such a title for the course shows elementary misunderstanding of this very course? Justify your answer through suitable examples. (05)
- Q.2 Distinguish between Tort and Crime. (05)
- Q.3 Sandesh Pvt. Ltd. (a renowned Producer) in Bollywood has made a movie titled 'Niravana'. It was duly certified for public exhibition by the Central Board of Film Certification (CBFC) established by the Ministry of Information and Broadcasting, Government of India. It turned out to be a blockbuster in the last three months and was widely acclaimed by the critics. However, Mr. Babulal filed a tortious action against Sandesh Pvt. Ltd. in the court after watching it. He has claimed injunction against showing the movie on the ground that one particular scene of nearly five minutes duration has hurt his religious feelings/sentiments. In the scene, one artist who was playing the role of Lord *Shiva* on stage, was shown eating *kulfi*, while in washroom pleading before the hero for his release, hiding, crawling under the chairs and running away from the hero shouting '*bachao, bachao*' ('save, save') in the state of fear. That too when the anchor on stage introduced Lord *Shiva* as 'The Fearless'. In Indian mythology, Lord *Shiva* is depicted as beyond any sort of fear. According to the petitioner, he couldn't bear the sight of someone clad in the attire of Lord *Shiva* being shown in such a way.
Decide the petition. (08)

Part-B

- Q.4 Read the following set of facts and answer the questions: (2x2.5 = 05)
- (a) A person Mr Kumar (office assistant) has hired 10 taxis (with the price of INR 5,000

Q.4 Read the following set of facts and answer the questions:

(2x2.5
=05)

- (a) A person Mr Kumar (office assistant) has hired 10 taxis (with the price of INR 5,000 per taxi for the entire day) from UBER taxi services for the purpose of one day family function. The timing for the services of the hired taxis were finalised from 8 AM to 6 PM. But all the 10 taxis reached at 11 AM morning in the venue. Due to

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the said delay, the family function got delayed and disturbed.

Whether Mr Kumar is a consumer as per the provisions of the Consumer Protection Act, 1986? Justify.

- (b) Mrs Elina is a poor widow with no income, no property. She had purchased 2 sewing machines, taking a loan under a subsidised scheme (Rural women development scheme). The price of the machines was 45 thousands. After one week, both the machines found to be defective. The dealer of the machines did not respond to the complaint of Mrs Elina for one month. Elina wants remedy under the Consumer Protection Act, 1986.

Whether Mrs Elina is a consumer as per the provisions of the Consumer Protection Act, 1986? Justify.

Q.5 Read the following fact and answer as per the provisions of the Consumer Protection Act, 1986.

(4+2+
1=07)

On 21/04/2016, Ms Tina (an engineer by profession) purchased a milk packet (500ml, MN Dairy, Gandhinagar, Gujarat) for 25 rupees. After drinking one cup of the milk, she had some stomach infection. She was admitted in the AXZ hospital. The doctor in AXZ hospital advised for blood test. In the meantime, one injection was administered to her for immediate relief. Due to the injection, she had swelling on her feet. The doctor advised to go for some other diagnosis. She did all the diagnosis in the same hospital i.e., AXZ hospital. As per the diagnosis report, the doctor said there is a Gallstone (stone in the gallbladder). Medication started for this. For the purpose of availing the medi-claim reimbursement, she went for the diagnosis in another diagnosis centre. There, it was found that, there was no Gallstone. She was remained absent from her office for two months without salary. She had spent approximately 3 Lakhs for the medical expenses. Her family members have sent the rest of the milk for test in the laboratory and it was found that the milk was contaminated with some other chemicals in liquid form. That is why, the stomach infection was there.

- (a) Being the advocate, advise Ms Tina the remedies under the Consumer Protection Act, 1986. What is the proper jurisdiction to file the said complaint as per the Consumer Protection Act, 1986?
- (b) Write the hierarchy of the consumer dispute redressal agencies in India as per the provisions of the Consumer Protection Act, 1986.
- (c) When and where a revision petition can be filed as per the provisions of the Consumer Protection Act, 1986?

Consumer Protection Act, 1986?

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