

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

**Course: Law of Torts (including MV Accident and Consumer Protection Act)
Semester- I (Batch: 2020-25)**

End Semester Online Examination: February 2021

Date: 05th February, 2021

Duration: 8 hours

Max. Marks: 50

Instructions:

- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.
- Word Limit: (2 Marks: 150-200 words), (3 Marks: 250-300 words), (4 Marks: 350-400 words), (5-8 Marks: 650-750 words)

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|-----|---|--------------|
| Q.1 | <i>In Ryland vs Fletcher</i> [1868] UKHL 1, <i>the court held that, “the person who, for his own purpose, brings on his land and collects and keeps there anything likely to do mischief if it escapes, must keep it in at his peril; and if he does not do so is prima facie answerable for all the damage which is the natural consequence of its escape”</i> . Critically examine the statement and elaborate as to how this principle has lost its value in the modern times? Substantiate your answer with suitable case laws. | (8) |
| Q.2 | The defendant employed his servant, a carpenter, to make a signboard in a shed belonging to the plaintiff, who had allowed the use of it for this purpose. The carpenter lit his pipe while so engaged, and set the shed on fire by negligently throwing down the light used by him. The plaintiff sued the defendant claiming for damages.
Answer the following questions with the help of relevant principles of law and case laws: <ol style="list-style-type: none"> a) Is there a torts liability, attracted by the defendant? Give reasons. (2 Marks). b) What are the circumstances under which the liability occurs? (3 Marks). c) Are there any limitation to attracting these liabilities? (3 Marks). | (2+3+3=8) |
| Q.3 | <i>Tube Will v. Savage (1664)</i> , <i>“If it was not for Assize time*, I would not take such language from You”</i> . | (4x2=8) |
| | Answer the following questions with the help of relevant principles of law and case laws: <ol style="list-style-type: none"> a) Will the statement in the above case amounts to a tort liability? Why? b) Are there any justifications for it? | |
| | <i>*Assize-time is when the judges were in the town for court sessions</i> | |
| Q.4 | The wrong of defamation consists in the publication of a false and defamatory statement with reference to another person without any lawful justification. However a defamatory statement is not necessarily made in words, either written or spoken. A man may defame another by his acts, no less than by his words. Critically examine the statement in the | (8) |

light of Article 19 (1) (a) of the Constitution of India. Differentiate between civil and criminal defamation under Indian law. Explain with the help of relevant case laws.

- Q.5 The plaintiff who was not a professional driving instructor, agreed to give lesson to the defendant. The defendant friend had confirmed that she held fully comprehensive insurance. On her third outing while driving the car without dual controls and despite her teacher's attempts to avert the crash, she hit a tree. The plaintiff was injured in the knee. (3+3+4=10)

Answer the following questions with the help of relevant principles of law and case laws:

- a) Which tort liability will the defendant attract? What are its ingredients? (3 Marks)
- b) What would be the liability if the defendant would have hit an individual who was trying to carjack (highjack a car) them? (3 Marks)
- c) Which are the circumstances under which the liability may be avoided or mitigated? If yes what are those? (4 Marks)

- Q.6 Write Short Notes (Any 2) (4x2=8)
- a) Egg shell skull cases.
 - b) *Doreen Ann Letang vs Frank Antony Cooper (1964) EWCA Civ 5*
 - c) *Res ipsa Loquitor*
