

## NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination August - December, 2025

Semester: UG I Semester

Subject: Law of Torts (Compulsory)

Time: Three Hours

Marks:100

**Instructions:**

1. All questions carry equal marks.
2. The paper consists of six questions. Attempt any five out of six. Write the question number of the attempted question, carefully.
3. Substantiate your answers with the use of relevant case laws.
4. If the students think any fact is missing, they are allowed to make assumptions. However, any such assumptions made, must be clearly stated in the answer.
5. Adhere to the prescribed word limit for each answer- 500 words

Q1) 'X' hosted a small birthday gathering at her family's farmhouse. She mentioned to all of her guests that they were welcome to use the lawn and outdoor seating area but were not to enter any bedrooms in the house, as her parents were very strict about keeping rooms private. During the party, "Y" found the washroom in the lawn area were occupied, and entered a bedroom to use its washroom. Subsequently, X accused Y of trespass, while Y argued that he had no intention to trespass and had caused no harm to X or her property. Discuss whether Y's act constitutes trespass to land under the law of torts, supporting your answer with relevant legal principles and case laws. **(Marks 20)**

Q2) Debansh negligently bursts multiple crackers during a wedding procession of his friend. As a result, an explosion follows. Diya, walking on the sidewalk nearby, suffered serious injuries and was taken to the hospital immediately. She recovered from the injuries in a few months, however, could not resume her normal routine due to her restricted hand movements, and as a result, developed post-traumatic stress disorder. She became dependent on her mother and was unable to lead a normal life. To deal with her condition, she had to undergo therapy. However, one day, she took an overdose of drugs and committed suicide. Diya's representative has now filed a case against Debansh asking for damages for the injury and for the death of Diya. Decide. **(Marks 20)**

Q3) Trace the evolution and the need of the rule of Absolute Liability as propounded by the hon'ble Supreme Court in M.C. Mehta Case. How does this rule differ from the rule of Strict Liability? **(Marks 20)**

Q4) During a heated argument at the university fest, Satyam, a third year student, angrily raised his fist and advanced towards Roshan, shouting, "I'll smash your face right now!" Before

Roshan could move away, Satyam pushed his shoulder, causing Roshan to stumble and sprain his wrist. The incident was witnessed by several students who recorded it on their mobile phones. Roshan filed a suit for damages against Saytam alleging that he has been subjected to assault and battery. Satyam contends that he acted in the heat of the moment and it was only a “verbal outburst” and a “minor push.” **(10\*2 = Marks 20)**

- (i) Determine whether Saytam’s conduct constitutes assault or battery, or both.
- (ii) Distinguish between assault and battery under torts.

Q5) Critically examine whether a patient who avails medical treatment can be considered a “consumer” and whether the rendering of medical services constitutes a “service” under the Consumer Protection Act? **(Marks 20)**

Q6) Write a short note on following: **(10\*2= Marks 20)**

- (i) Distinguish between private nuisance and public nuisance with the help of case laws.
- (ii) Is publication an essential element for tort of defamation?