

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination April-May, 2023

Semester: UG – II Sem (BA/ BBA LLB Hons.)

Subject: Law of Torts, MV Act and Consumer Protection

Time: Three Hours

Marks: 100

Instructions:

1. Attempt any five out of six questions.
2. All questions carry equal marks.
3. Use of any reference material such as Bare Acts is not permitted.

Q.1) Abhinav, a professional skydiver, decides to participate in a skydiving competition organized by a well-known sports company. During the competition, he sustains serious injuries as a result of faulty equipment provided by the organizers. Abhinav decides to sue the sports company for damages. Discuss the application of the defence of *volenti non fit injuria* in this case, considering factors such as the nature of the activity, the standard of care owed by the defendant, and the role of free and informed consent in the defence of *volenti non fit injuria*."

(Marks: 20)

Q. 2) Mr. X and Mr. Y are neighbors living adjacent to each other. They both occupy huge pieces of land with a big garden, boundary space and a cottage in between the garden. Mr. X, finding a damaged broken wall in between the two premises begins throwing away all his waste from his premise into the property of Mr. Y. After a month of his continued practice, Mr. X notices accumulation of dumped waste, obnoxious smell and a further additional damaged portion of the wall to which the dumped waste was in direct contact. Also, few plants around the same area also died. As Mr. X believes that these acts of Mr. Y amount to interference with his enjoyment of property, he intends to bring a civil action for damages. Guide him on the appropriate action to be taken and the relevant tort under which a suitable remedy may be obtained.

(Marks: 20)

Q.3) Mr. Akshat was married to Mrs. Ankita. After a heated argument between the two, Mrs. Ankita left for her parents place and resided there for over three months and denied speaking or meeting with Mr. Akshat. Finding no alternate to communicate, Mr. Akshat wrote a letter to his wife aggressively alleging of her misbehaviour towards him and lack of affection in marriage. He falsely alleged her of not taking care of her responsibilities as a wife and used abusive language making remarks on her moral turpitude and claiming her to be engaged in an adulterous relationship with her colleague. He also went ahead to abuse her parents and remarked that the parents had failed in upbringing their daughter. The letter was delivered at her parent's address and was read by Amit, Mrs. Ankita's younger brother aged 25 years, who also read it over to the parents. Mrs. Ankita intends to bring an action for defamation claiming compensation for loss to reputation in the eyes of his brother and the family.

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In light of the above circumstances, decide whether an action of defamation by Mrs. Ankita against Mr. Akshat could be successful. While answering, explain the tort of defamation while elaborating upon its essential ingredients, types, remedies and defences.

(Marks: 20)

Q.4) "Trespass to a person is an intentional tort and it is an intentional interference with any person's body or liberty." In light of the above statement, explain the three types of trespass to persons identified through judicial decisions while listing their essentials.

(Marks: 20)

Q.5) What do you mean by the principle of 'no-fault liability'. List and explain the principles evolved through the judicial decisions to establish liability of enterprises for engaging in hazardous or dangerous activities resulting in damage while listing the defences to liability, if any. Also suggest whether the principle of no-fault liability has been used as a basis for any specific legislation in placing liability on such enterprises or state.

(Marks: 20)

Q.6) Write short notes on *any two* of the following:

- a) Consumer Dispute Redressal Machinery
- b) Professional Negligence by lawyers
- c) Insurance of Motor Vehicles Against 3rd Party Risks
- d) Tort of Conversion

(Marks: 10+10=20)