

GUJARAT NATIONAL LAW UNIVERSITY
SILVASSA CAMPUS
 Course: **Law of Torts**
Semester- I (Batch: 2024-29)

End Semester Examination: October 2024

Date: 21st Oct, 2024

Duration: 3 hours

Max. Marks: 50

Instructions:

- Read the questions properly and write the answers in the given answer book.
- Do not write anything on the question paper.
- 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.

Answer any five of the following		Marks
Q.1	'A' lived in a house next to a Roman Catholic chapel where 'B' served as the priest. 'B' rang the chapel bell at all hours of the day and night, causing a disturbance to 'A'. As a result, 'A' filed a lawsuit against 'B' for nuisance. Decide the lawsuit by giving reasons.	(10)
Q.2	'Legal damage is neither identical with actual damage nor is it necessarily pecuniary.' Discuss with the help of relevant case laws.	(10)
Q.3	'X' told 'Y' to leave the premises in occupation of 'Y'. When 'Y' refused, 'X' gathered some of his workmen and mustered around 'Y', tucking up their sleeves and aprons and threatening him to break his neck if he did not leave. 'Y' left from there and filed an action of trespass for assault. Decide the same by giving reasons.	(10)
Q.4	The State of West Bengal was engaged in famine relief work during the month of May 2023. A truck that was not mechanically sound or suitable for the use of the road was deployed by the driver, an employee of the State of West Bengal, for the famine relief work without adequately checking the working condition of the truck. On a hot sunny day, the truck caught fire, which led to the death of X, another employee of the State. Discuss the vicarious liability of the State.	(10)
Q.5	A small girl aged about five years was a pupil at a nursery school run by the defendant. The employee of the nursery school who was in charge of the girl left her unattended in the classroom to take care of another child. The girl got out of the classroom and made her way onto a busy highway. L, a lorry driver, saw the girl running in the middle of the road. He suddenly applied break to save the child, and in doing so, he dashed against a telegraph pole and sustained severe injuries. L sues the defendant for negligence. It was pleaded in defence that though the defendant might've owed a duty of care to the child, he owed no such duty to L and therefore, the maxim <i>volenti non-fit injuria</i> applied in this case. Argue the case for and against and then decide, giving reasons.	(10)

- Q.6 'A' hired a car from B. The written contract contained a clause which read, "Nothing in this agreement shall render the owner liable for any personal injuries to the rider of the machine hired." Owing to a defect in the brakes of the car, 'A' met with an accident and got injured. Can 'A' recover damages? Decide while making a distinction between contractual liability and tortious liability. (10)
