

**GUJARAT NATIONAL LAW UNIVERSITY  
SILVASSA CAMPUS**

Course: **Law of Torts (Including MV Accident and Consumer Protection Act)**  
Semester- I (Batch: 2023-28)

**End Semester Examination: Oct-Nov 2023**

**Date: 28<sup>th</sup> Oct, 2023**

**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.
- Word Limit: 2 Marks: 150-200 words, 3 Marks: 250-300 words, 4 Marks: 350-400 words, 5-10 Marks: 650-800 words.

**Part: A**

**Marks**

(Answer **Any Four**)

- Q.1 Amit, a food delivery agent, is employed by an online food delivery company **Tomato** to deliver food to customers. **Tomato** prescribes that its delivery agents compulsorily follow google maps to reach the destination on time. One day when the duty hours were about to end and Amit was about to leave for home, he received one more order which had to be delivered to a certain location. Amit accepted the order thinking it to be the last order of the day. He picked up the order from the restaurant and left for the destination in a haste. He drove the vehicle fast so that he could reach the destination fast and leave for his home thereafter. Amit knew a shortcut to reach the destination, therefore he did not follow the google map. On his way to the destination Amit negligently runs a red light at a crossroad and collides with another vehicle thereby injuring the rider and the pillion. A claim for compensation is made by the injured from **Tomato** for the injury caused to them. **Tomato** rejects the claim on the ground that they had no control over how Amit rode his bike. Additionally **Tomato** also claimed that Amit did not follow the prescribed google map to reach the destination and took an alternative route on his own volition. On the grounds mentioned above **Tomato** refused to pay the compensation. (2+4+4=10)

In light of the facts mentioned above decide the following

- a) Is there a tort liability attracted by **Tomato**? Give reasons.
- b) What are the circumstances in which such liability occurs?
- c) What are the limitations to attracting these liability?

Please illustrate your answer with relevant case laws.

- Q.2 *“Law has to grow in order to satisfy the needs of the fast changing society and keep abreast with the economic developments taking place in the country. Law cannot afford to remain static. The Court cannot allow judicial thinking to be constricted by reference to the law as it prevails in England or in any other foreign country. Although this Court should be prepared to receive light from whatever source it comes from, it has to build up its own jurisprudence, evolve new principles and lay down new norms which would adequately deal with the new problems which arise in a highly industrialized economy.”* (10)

Critically examine the statement given above in light of the transition made from the strict liability to absolute liability. Substantiate your answer with relevant case laws.

- Q.3 Communal clashes had erupted in certain parts of New Delhi and the authorities had issued orders for the imposition of curfew in those areas. Ravi, who worked in the Delhi State Road Transport Corporation (hereinafter called **DSRTC**), lived in one such area where curfew was imposed. Most of the offices, schools and colleges, (government as well private), were closed on account of the communal clashes. **DSRTC**, however, on account of providing essential services had not declared an off day therefore all employees had to go to work. Ravi was stabbed to death by a ruffian while going to join his duty in the early hours of morning. Ravi's wife Aarti has claimed compensation from **DSRTC**. (4+6=10)

In light of the facts mentioned above answer the following questions:

- Decide the liability of **DSRTC** in this case. Provide reasons.
- What are the grounds on which liability can be imposed on **DSRTC**?

Elucidate your answers with relevant case laws.

- Q.4 In *Fowler vs. Lanning* Lord Denning went one step further in holding that "*The unintended invasions have thus been completely eclipsed by the tort of negligence and what survives now under trespass are intended invasions. Here the rule of trespass remain unchanged*" (4+3+3=10)

In light of the statement mentioned above answer the following questions:

- Define trespass and discuss in brief the historical evolution of the tort of trespass.
- What are the different ways in which trespass to person can be committed?
- What are the different ways in which trespass to immovable property can be committed?

- Q.5 Discuss the general defenses available to a tortfeasor to justify his/her actions. Illustrate your answer with relevant case laws. (10)

### Part: B

- Q.6 Write a short note on **any five**: (2x5=10)
- Doctrine of Sovereign Immunity.
  - Malfeasance, misfeasance and nonfeasance.
  - Defamation against blind items.
  - Res ipsa loquitur*.
  - Public Nuisance and Claims against Public Nuisance.
  - Discuss *Actio personalis moritur cum persona* in light of claims for Defamation.
  - 'Consumer' under Consumer Protection Act, 2019.

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