

**LAW OF TORT**

**Time: 3 Hours**

**Max. Marks: 50**

**I. Answer any FIVE from the following. Each question carries 5 marks each.**

**(5 x 4 = 20)**

1. Innuendo
2. Res Ipsa Loquitur
3. Doctrine of Common Employment
4. Damnum Sine Injuria
5. Contributory Negligence
6. Actio personalis Moritur cum persona
7. Deceit

**II. Answer any TWO from the following. Each question carries 5 marks each.**

**(5 x 2 = 10)**

1. A and B resided on adjacent farms. B kept a number of beehives. One day, B for removing honey, smoked the hives with a smoker without warning A was tacking his horse. The bees, irritated by the smoking operation, swarmed upon A and his horse. The horse dragged A, and threw him violently against a wall, causing him severe injuries. Examine the applicability of the rule in Ryland v. Fletcher in the case.
2. A, a journalist, writes an article against B, a public servant, alleging that B has misappropriated a sum of Rs 2 lakhs from the public fund under his control. In an action in tort for defamation by B against him, A takes the defense of fair comment. Discuss with reasons.
3. A, a music teacher, gives music lessons at his residence. B, the neighbor residing in the adjoining house, maliciously causes discomfort to A, by hammering against the parting wall, beating the trays, whistling and shrieking. A prays for injunction against B. Will A succeed?

**III. Answer any TWO from the following. Each question carries 10 marks each.**

**(10 x 2 =  
20)**

1. How is the tort of deceit different from negligent misstatement? Do liabilities and remedies differ too?
2. Actio personalis moritur cum persona- Examine the applicability of this rule and state its limitations, if any.
3. Distinguish between a servant and an independent contractor. In what circumstances, if any, is an employer liable for the torts of an independent contractor?

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