

**B.A., LL.B. (Hons.) DEGREE SECOND SEMESTER EXAMINATION,**

**JANUARY 2021**

**LAW OF TORTS**

**Question carry Six marks (5\*6 =30 Marks)**

**Question 1 (Time 10 a.m-10.30 a.m (20 minutes for writing and 10 minutes for uploading)**

1. a) Describe how *ubi remedium ibi jus* turned to *ubi jus ibi remedium* under the common law.

**OR**

- b) What is the restrictive theory of foreign sovereign immunity? How far it is recognised in India.

**Question 2 Time 10.30 a.m-11.00 a.m (20 minutes for writing and 10 minutes for uploading)**

2. a) Mr. Naz was the patient of Dr. Devaraj. Due to severe abdominal pain Mr. Naz was directed to do an endoscopy. While it was doing, his physician identified some severe internal problems and then Mr. Naz was taken to the operation theatre and removed his appendix. Discuss the tort Dr. Devaraj committed and remedies for it.

**OR**

- b) 'B' was arrested in connection with a crime on 13.10.2010. The trial court acquitted him from the charge imposed upon him in 2015. But he was released from jail only in 2019. Discuss the remedies available to 'B' under the law of tort.

**Question 3 (Time 11.00 a.m-11.30 a.m (20 minutes for writing and 10 minutes for uploading)**

3. a) '...the person who for his own purposes brings on his lands and collects and keeps there anything likely to do mischief if it escapes, must keep it in at his peril...' Explain

**OR**

- b) Critically examine the rules to determine the employer-employee relationship. Can an independent contractor be sued under the law of tort for the actions of his servants?

**Question 4((Time 11.30 a.m-12.00 p.m (20 minutes for writing and 10 minutes for uploading)**

4. a) Critically examine the rules to determine the existence of 'duty' under the law of negligence.

**OR**

- b) Discuss the impact of Overseas Tankship (U.K.) Ltd v. Morts Dock Engg. Co. Ltd 1953.

**Question 5(Time 12.00 p.m-12.30 p.m (20 minutes for writing and 10 minutes for uploading)**

5. a) 'C', a taxi driver, died while trying to rescue two employees who were engaged in cleaning public drainage. Discuss the rights available to 'C'.

**OR**

- b) Critically examine the Rule in Smith v. Baker, 1891.

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