B.A. LL.B., (Hons) DEGREE SECOND SEMESTER EXAMINATIONS, AUGUST 2017

REMEDIES IN TORT, LAW OF MOTOR VEHICLE ACCIDENTS AND CONSUMER **PROTECTION**

Time: 3 Hours

Maximum Marks: 50

Answer ANY FIVE questions. Question No: VIII is compulsory. Each question carries TEN marks.

(5x10=50)

Examine how injunction serves as a proper remedy in tort? When is injunction sought for?

Describe the provisions relating to registration of motor vehicles intended (for personal use.)

Are the reliefs / remedies provided under the Consumer Protection Act adequate? Do you see the need for a revamp in the nature of reliefs that can be granted by the consumer fora?

How has the Motor Vehicles Act dealt with the issue of liability of owners? Do you support the idea of no-fault liability in the case of motor accidents as provided in the Act? Substantiate. Sanche davi V. Mader Motor 140, 163-A, 166

Comment on the composition and powers / functions of the various consumer dispute redressal agencies established under the Consumer Protection Act.

Age the current motor vehicle laws in India equipped to deal with issues relating to and arising out of the use of motor vehicles on Indian roads? Give your views and suggest changes, if you feel the need for the same.

Write short notes on ANY TWO of the following:

Respiso (series) (a) Extra-judicial remedies in torts

(b) Complaint and version

Sel 8 deferces Effect of change of place of local residence and change of state on registration of vehicles

Ashutosh buys a new luxury coupé car and gets a free prize of an all-inclusive, all expenses paid family trip to Bali for 3 nights and 3-days from the dealers, with accommodation and food / beverages being provided at a four- star beachside resort. When Ashutosh and his family checks in at the resort two weeks later as part of the free trip and orders a certain dish and two cans of diet soda in the menu, he is told that these food / beverage items are not available at the resort. Later on when he orders another seafood dish and he is told that this dish is not part of the free accommodation and food offer by the dealers. The same reply is given to Ashutosh on many subsequent occasions also when he orders certain dishes. The cottage provided to Ashutosh also did not have Wi-Fi service and a mini-refrigerator as promised. Ashutosh, on his return to India, serves. a lawyer's notice on the owners of the resort stating that a complaint before the consumer disputes redressal agency in India, claiming damages for five lakh rupees, including Advocate's fee and interest thereon from the resort is about to be filed, if four lakh rupees is not immediately delivered and transferred as Compensation otherwise to Ashutosh's bank account as settlement of the claims without judicial intervention. The resort maintains that it being based in Bali is not subject to the process and jurisdiction of Indian courts or redressal bodies and also maintains that in the event of it being subject to jurisdiction, it is not entitled to pay any compensation as Ashutosh whose boarding and lodging were free at the resort is NOT a consumer and that they have no relation with Ashutosh whose contract was only with the dealers of the car. Will Ashutosh succeed if he files a complaint? Advise Ashutosh on his prospects.

* 21 is not liable