



‘समानो मन्त्रः समितिः समानी’

UNIVERSITY OF NORTH BENGAL

B.A./BBA/B.Com. LL.B. Honours 1st Semester Examination, 2023

LAW OF TORTS

PAPER CODE: CC02/FC02

Time Allotted: 3 Hours

Full Marks: 100

The figures in the margin indicate full marks.

Answer Question No. 7 and any four questions from the rest

1. (a) Mr. A, a senior school master set up a rival school ‘Accounting Gurukul’, next door to B’s school ‘Accounting School’ and students from ‘Accounting School’ flocked to ‘Accounting Gurukul’. Decide can B sue A in tort. 10
(b) Distinguish between tort and crime, tort and contract. 10
2. (a) A got injured due to the fall of a cinema advertising banner from the roof of a house in Kolkata in the rainy season. The said house is found to be owned and occupied by B. The banner fell on account of strong wind. B claimed it to be an act of God. Decide. 10
(b) Write a note on General Defences that can be availed under the law of torts. 10
3. (a) A lady passenger was sitting with her elbow projecting out of the window of the bus. When the bus was moving, a truck coming from the opposite direction passed so close from the bus that the claimant’s elbow was badly crushed. She sued both the drivers. Will she succeed? Decide. 10
(b) What is Contributory and Composite Negligence? 10
4. (a) Define ‘Nuisance’. 5
(b) Make a distinction between Public Nuisance and Private Nuisance. 5
(c) State the differences between assault and battery. 10
5. (a) What is Defamation? 5
(b) State the conditions of defamation. 7
(c) A tells a policeman he had some articles stolen from him and that it was last seen with X’s possession. The policeman without further information on A’s part makes enquiries and arrests X. Later on due to lack of evidence X is discharged. X, thereafter sues A against malicious prosecution. Decide. 8
6. (a) Discuss the rule laid down in Rylands v. Fletcher. 10
(b) State the exceptions to the rule in Rylands v. Fletcher. 10
7. Short Notes (any four): 5×4 = 20
 - (a) Injuria sine Damnum
 - (b) Deceit
 - (c) Justification of truth as a defence of defamation
 - (d) Contributory Negligence
 - (e) Consumer
 - (f) Nuisance.

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