
**REPORT OF THE SPECIAL
LECTURE ON 'CASE LAW
TECHNIQUE AS A LEGAL
METHOD'**



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VIDYAVARDHAKA LAW COLLEGE

Report by: Dr. K.L.CHANDRASHEKHARA

REPORT OF THE SPECIAL LECTURE ON ‘CASE LAW TECHNIQUE AS A LEGAL METHOD’

Vidyavardhaka Law College, Mysuru organised a special lecture on ‘*Case Law Technique as a Legal Method*’ by Prof. M.K. Matolli, Prof. of Law, Govt. Law College, Hassan on 19th January 2022. Dr. P. Deepu, Principal, Vidyavardhaka Law College, welcomed the Resource Person and all the participants. Prof. K.B. Vasudeva, Director Legal Studies, VVLC, will be presided over the programme. Teaching staff and Students were actively participated in the programme.

Prof. K.B. Vasudeva in his introductory address highlighted: *the so-called “neighbour principle” laid down in the seminal case Donoghue Vs. Stephenson (1932) provided the foundation and conceptual cornerstone for the development of the law of negligence in the twentieth century. The seemingly trivial facts of the case, which concerned two friends who visited a café only for one of them to discover a decomposed snail in a bottle of ginger beer purchased by the other, belie the importance of the decision ultimately handed down by the House of Lords. In the following discussion the principle articulated by Lord Atkin to determine the boundaries of the duty of care in negligence is considered in the context of other relevant case law.*

In Donoghue v Stephenson the House of Lords deemed it necessary to overcome the problems generated by privity of contract in order to provide an alternative route of claim for an injured party. It was Mrs Donoghue’s friend that purchased the ginger beer that ultimately caused her injury and therefore only her friend that had a right to sue under the contract. The House of Lords solved this problem by imposing liability in negligence on the owner of the café, specifying that such would be possible where a duty of care could be found to lie between the owner (the tortfeasors) and the victim (Mrs Donoghue). Lord Atkin outlined the parameters of the duty of care in this field in the following often-quoted terms:

“You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour. Who, then, in law, is my neighbour? The answer seems to be persons who are so closely and directly affected by my act that I ought reasonably to have them in contemplation as being affected when I am directing my mind to the acts or omissions which are called in question.”

Prof. K.B. Vasudeva, Director Legal Studies, VVLC, briefing the concept of “neighbour principle” laid down in the seminal case Donoghue Vs. Stephenson



The neighbour principle therefore opens the door to claims in negligence for injured parties by identifying the class of people to whom a duty may be owed in any particular scenario. That class of people includes those who are close enough to be directly affected by the allegedly negligent act and close enough that the alleged tortfeasor should have had their interests in contemplation when acting as he or she did. It is clear that the principle does not throw open the floodgates to unlimited claims, because a tortfeasor will not be held to owe a duty of care to those who are not close enough to be in his or her contemplation at the moment of the tortious act or omission.

For decades the neighbour principle stood as the sovereign guiding authority in this field of law. However, the title to this work asks for a discussion as to whether the precedent set in Donoghue

“provides an adequate basis on which to resolve duty of care questions” and the answer to that question is offered by subsequent judicial decisions on the issue.

Prof. M.K. Matolli, Prof. of Law, Govt. Law College, Hassan delivering a special lecture on ‘Case Law Technique as a Legal Method’



Key points of Prof. M.K. Matolli’s special lecture on ***‘Case Law Technique as a Legal Method’*** highlighted hereunder:

Case law technique is very important to the countries which embody the common legal system. We have also adopted the common legal system in practice. It plays a vital role to dispense and accurate justice. This system helps judges, lawyers, law professionals, legal researchers, and judicial service employees. Due to the mandatory force of precedent case law plays a vital role in legal research. The importance of case law can be viewed as follow:

i. Case Law Can Fulfil the Gaps and Lapses of the Legislation: As discussed case law is considered as the primary authority in Legal source. Therefore, the Researcher can use case Law with Legal validity. If sometimes the Legal Researcher cannot get particular Legislation regarding their research issue then they are illegible to use Case Law as a primary source as to Legislation.

ii. Case Law is Flexible to Use in the Research: Case Law is more flexible than Legislation. It remains in living contact with the reason and justice of the matter. Because of this nature, the researcher can use case law in their research. Case Law is more satisfying, more perfect, and more workable. Thus, the researcher can easily determine the legality of the case law and will be able to use it in a proper manner.

iii. Stability: Case law promotes sense stability. The researcher can decide litigated disputes from the previous decision. Appellate courts must follow the precedent in the same case.

iv. Predictability: Researchers cannot predict the case without studying the case law but after studying the case law every researcher can predict what court will decide?

v. Fairness: Case law gives a sense of fairness. In deciding, case appellate judges base their reasoning in statutes or previously decided cases. So, its benefit is very high.

vi. Binding Authority to Support the Argument: The nature of Case Law is binding in the Legal field. Case Law is the primary authority of the legal source of Law. The decision made by the court is binding but not whole the fact, issue, and another component rather the lower court have to follow the legal principle.

vii. Persuasive Authority Helps to Enrich the Argument: Lower Court produces judgments as well as precedents as superior Court but they do not consist of Legal validity or binding authority in Legal Source. Such precedents are considered as opinions of the superior Court. However, such precedents are persuasive for the superior Court. The Legal researcher can do it in the same way. Considering the persuasive nature of the case Law produced by the lower court. The legal Researcher can use such case Law to reach their argument in the particular research.

After this special lecture many of the students raised plenty of questions and clarified their doubts from the Resource Person Prof. M.K. Matolli.

Students of Vidyavardhaka Law College actively participated in the special lecture.



Dr. K.L.Chandrashekhara, Coordinator, Youth Red Cross Committee, VVLC, Mysuru concluded the programme through his vote of thanks.

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Special Lecture on

‘Case Law Technique as a Legal Method’

-Prof. M.K. Matolli

Prof. of Law, Govt. Law College, Hassan

Date: 19th January 2022

Venue: Lecture Hall, VVLC, Mysuru

Dr.P.Deepu
Principal

Prof. K.B.Vasudeva
Director of Legal Studies

Dr. K.L.Chandrashekhara
Coordinator, YRC

