



0103/0522

First Semester Three Year LL.B/Fifth Semester Five Year B.A.LL.B.
(Course – III) Examination, June/July 2015
LAW OF TORTS AND CONSUMER LAW

Duration : 3 Hours

Max. Marks : 100

Instructions :

1. Answer Q. No. 9 and any five of the remaining questions. 10
2. Q. No. 9 carries 20 marks and the remaining questions carry 16 marks each.
3. Answers should be written either in English or Kannada.

సూచనలు :

1. ప్రత్యే నుండి యావుదాదరూ ఐదశ్శ ఉత్తరిసిరి.
2. ప్రత్యే నుండి 20 అంకగళు మత్తు ఉండవుగలిగే తలా 16 అంకగలివే.
3. ఉత్తరపన్న సంపూర్ణవాగికన్నడ అధవాళంగిష్టోనల్లి బరేయబేచు.

Q. No. 1. Define and distinguish between Tort and Crime, Tort and Contract. Marks : 16

అపకృత్య మత్తు అపరాధ, అపకృత్య మత్తు కెరారస్స వ్యాఖ్యానిసి మత్తు వ్యత్యసిసిరి.

Q. No. 2. "Harm suffered voluntarily does not constitute a legal injury and is not actionable". Examine the scope of this rule. Marks : 16

"స్వయంకృత అనుభవిసిద కానియు అకృత్య ఎనిసలారదు మత్తు క్రమ జరుగిసలాగదు" - ఈ నియమద వ్యాప్తియన్న పరీక్షిసి.

Q. No. 3. Explain briefly the exceptions to the general rule that all persons are liable to be sued. Marks : 16

ఎలా వ్యక్తిగళు దావేగ బాధ్యరాగబల్లరు ఎన్నువ సామాన్య నియమకే ఇరువ అపవాదగళన్న వివరిసి.

Q. No. 4. Define "Assault" and distinguish it from "Battery". State the circumstances in which they may be justified. Marks : 16

హల్లేయన్న వ్యాఖ్యానిసి మత్తు ప్రకారదింద అదశ్శిరువ వ్యత్యసిగళన్న తిలిసిరి. ఇపుగళన్న యావ సందబ్ధగళల్లి సమధిసిచొళ్ళబహుదు ? తిలిసిరి.

Q. No. 5. What is Malicious Prosecution ? Explain its essentials. Marks : 16

దురుద్దేశ పూరిత దావే ఎందరేను ? ఇదర ముఖ్యంగాలన్న వివరిసి.

P.T.O.



Q. No. 6. Explain the principle of strict liability and distinguish it from absolute liability with relevant case laws. Marks : 16

ಕಟ್ಟಿಟ್ಟನ್ನ ಹೊಣೆಗಾರಿಕೆಯ ತತ್ವಗಳನ್ನು ವಿವರಿಸಿ ಮತ್ತು ಅದು ನಿರಂತರ ಹೊಣೆಗಾರಿಕೆಯಿಂದ ಹೇಗೆ ಭಿನ್ನವಾಗಿದೆ ಎಂಬುದನ್ನು ನಿರ್ದರ್ಶಿಸಿ. ಪ್ರಕರಣಗಳೊಂದಿಗೆ ತಿಳಿಸಿರಿ.

Q. No. 7. Discuss the salient features of Consumer Protection Act, 1986. Marks : 16
ಗ್ರಾಹಕ ಸಂರಕ್ಷಣೆ ಅಧಿನಿಯಮ, 1986ರ ಪ್ರಮುಖ ಲಕ್ಷಣಗಳನ್ನು ಚರ್ಚಿಸಿ.

Q. No. 8. Write short notes on **any two** of the following : Marks : 8×2=16

ಈ ಕೆಳಗಿನ ಯಾವುದಾದರೂ ಎರಡರ ಕುರಿತು ಲಘು ಟಿಪ್ಪಣಿ ಬರೆಯಿರಿ :

1) "Injuria sine Damnum and Damnum sine Injuria"

2) Kinds of remedies

3) Nuisance.

1) "ಕ್ಷತಿಯಿಲ್ಲದ ಹಾನಿ ಮತ್ತು ಹಾನಿಯಿಲ್ಲದ ಕ್ಷತಿ"

2) ವಿವಿಧ ರೀತಿಯ ಪರಿಹಾರಗಳು

3) ಉಪದ್ರವ.

Q. No. 9. Solve **any two** of the following problems :

Marks : 10×2=20

ಈ ಕೆಳಗಿನ ಯಾವುದಾದರೂ ಎರಡು ಸಮಸ್ಯೆಗಳನ್ನು ಪರಿಹರಿಸಿರಿ :

a) A hundred year old clock tower was situated in a busy street of Magadha city. The clock tower was exclusively under the control of Municipal Corporation of Magadha city. The normal life time of the clock tower was estimated to be 60 years. The clock tower collapsed resulting in the death of 25 people. Can the Municipal Corporation of Magadha city be held liable ?

ಮಗದಾ ನಗರದ ಒಂದು ಜನಸಿಂಹಿತ ರಸ್ತೆಯಲ್ಲಿ 100 ಮಣಿ ಹಳೆಯದಾದ ಒಂದು ಗೋಪುರ ಗಡಿಯಾರವಿತ್ತು. ಈ ಗೋಪುರ ಗಡಿಯಾರವು ಮಗದಾ ನಗರ ಪಾಲಿಕೆ ನಿಯತ್ಯಂತಕ್ಕೆ ಸಂಪೂರ್ಣವಾಗಿ ಒಳಪಟ್ಟಿತ್ತು. ಅದರ ಬಾಳಿಕೆ ಸರಾಸರಿ 60 ಮಣಿಗಳು ಎಂದು ಅಂದಾಜಿಸಲಾಗಿತ್ತು. ಗೋಪುರದ ಗಡಿಯಾರವು ಕುಸಿದು ಬಿದ್ದ ಪರಿಣಾಮ ಜನರು ಮೃತರಾದರು. ಮಗದಾ ನಗರ ಪಾಲಿಕೆಯನ್ನು ಹೊಣೆಗಾರನಾಗಿ ಮಾಡಬಹುದೇ ?



b) 'Z' the defendant published a news item in his newspaper that Mr. 'X' married Ms. 'Y'. But Mr. 'X' was already married. Mr. 'X's wife sued 'Z' for defamation – Can she succeed ?

'Z' ಎಂಬ ಪ್ರತಿವಾದಿಯು ತನ್ನ ಪತ್ರಿಕೆಯಲ್ಲಿ ಮಿ. 'X' ಎಂಬವರು ಮಿಸ್ 'Y'ಯನ್ನು ವಿವಾಹವಾಗಿದ್ದಾರೆ ಎಂದು ಪ್ರಕಟಿಸಿದ್ದರು. ಆದರೆ ಮಿ. 'X' ರವರು ಈ ಮೊದಲೇ ವಿವಾಹವಾಗಿದ್ದರು. ಮಿ. 'X'ನ ಹೆಂಡಿತ್ಯಾ 'Z' ವಿರುದ್ಧ ಮಾನನಷ್ಟು ದಾವೆ ಹೂಡುವಳು. ಅವಳು ಯಶಸ್ವಿಯಾಗುವಳೇ ?

c) The defendant left a two horse van unattended in a crowded street. A boy throws a stone at the horses and they started running away causing injury to women and children. A policeman who was on duty inside the police station seeing the horses running away, rushed out the police station and stopped the horses and in the process sustained injuries. The policeman sued the defendant claiming compensation. Can he succeed ?

ಪ್ರತಿವಾದಿಯು ಒಂದು ಜನಸಂದರ್ಭೀಯರುವ ರಸ್ತೆ ಮಧ್ಯದಲ್ಲಿ ಎರಡು ಕುದುರೆಗಳ ಗಾಡಿಯನ್ನು ಕಾವಲು ಇಲ್ಲದೇ ಬಿಟ್ಟಿರುತ್ತಾನೆ. ಒಬ್ಬ ಹೂಡುಗ ಕುದುರೆಗಳ ಮೇಲೆ ಕೆಲ್ಲು ಎಸೆಯುತ್ತಾನೆ. ಅವುಗಳು ಓಡಲು ಪ್ರಾರಂಭಿಸಿ ಮಹಿಳೆಯರಿಗೆ ಮತ್ತು ಮಕ್ಕಳಿಗೆ ಗಾಯಗಳನ್ನು ಉಂಟು ಮಾಡುತ್ತವೆ. ಒಬ್ಬ ಕರ್ತವ್ಯ ನಿರತ ಪೋಲೀಸ್ ಪೇದೆಯು ಆರಕ್ಷಕ ತಾಣೆಯಿಂದ ಇದನ್ನು ನೋಡಿ, ತಕ್ಷಣ ತಾಣೆಯಿಂದ ಹೊರಗೆ ಒಂದು ಕುದುರೆಗಾಡಿಯನ್ನು ನಿಲ್ಲಿಸುತ್ತಾನೆ. ಆ ಪ್ರಯತ್ನದಲ್ಲಿ ಆತನಿಗೆ ಗಾಯಗಳು ಉಂಟಾಗುತ್ತದೆ. ಪೋಲೀಸ್ ಪೇದೆಯು ತನ್ನ ಗಾಯಕ್ಕಾಗಿ ಪ್ರತಿವಾದಿ ವಿರುದ್ಧ ಪರಿಹಾರಕ್ಕಾಗಿ ದಾವೆ ಹೂಡುತ್ತಾನೆ. ಆತನು ಯಶಸ್ವಿಗಾಗುವನೇ ?