

Day : Wednesday

Date : 23/04/2025

S-24995-2025

Time : 02:00 PM-04:30 PM

Max. Marks : 60

N.B.:

- 1) All questions are **COMPULSORY**.
- 2) All questions carry **EQUAL** marks.

Q.1 a) What are the essential conditions that must be met in order for a tort to occur?

OR

- b)** Discuss the different defenses available to a defendant in tort law, and how they can be used to establish a defense.

Q.2 a) How do false imprisonment and malicious prosecution differ in terms of the elements required to establish liability and what defenses are available to defendants in such cases?

OR

- b)** What is the difference between passing off and trademark infringement, and how do they relate to the concept of torts?

Q.3 a) How does the doctrine of res ipsa loquitur apply to the proof of Negligence?

OR

- b)** Explain the rule of Absolute Liability as established in the M.C. Mehta case. How does it differ from Strict Liability?

Q.4 a) In what circumstances can an Injunction be granted as a remedy in Tort law? What are the types of injunctions that can be issued by the court?

OR

- b)** What are the different types of Consumer Dispute Redressal Agencies established under the Consumer Protection Act, 2019?

Q.5 a) i) Ashish, a driver for State Government was driving Collector's car on a busy street in the city when he collided with a pedestrian, causing him serious injuries. The victim's family is now seeking compensation from the State Government, claiming that Ashish was a Government employee and was driving the car in the course of his employment. They argue that the State is vicariously liable for Ashish's actions. Discuss the concept of vicarious liability of the state in this case. How can the State defend itself against such claims?

ii) Write a note on Powers of Claims Tribunal under Motor Vehicle Act, 2019.

OR

- b) i)** Sarah and Mark live in adjacent houses in a suburban area. Mark runs a woodworking business from his home, which involves the use of loud power tools throughout the day. The noise has been causing Sarah significant distress, as she is a teacher who works from home and needs a quiet environment to work in. She has tried speaking to Mark, but he has refused to reduce the noise levels. Sarah wants to take legal action against Mark for private nuisance. Discuss the legal principles that apply to private nuisance and advise Sarah on the remedies available to her.
- ii)** Write a note on Compulsory Insurance Scheme under Motor Vehicle Act, 2019.