

Name:	
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2019

Course: Law of Tort and Consumer Protection Laws Program: BB.A., LL.B. (Hons.), B.A, LL.B. (Hons.), B.Com,LL.B.(Hons.), B.Sc, LL.B.(Hons.) Course Code: CLCC 1006 Instructions: Read questions carefully before attempting.	Semester: I Time: 03 hrs. Max. Marks: 100
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S. No.	SECTION A	Marks	CO
Q1	Statement spoken in anger or vulgar abuse is not actionable per se under defamation. (True/ False)	2	CO1
Q2	If the interference is direct then the wrong is if it is consequential, it amounts to	2	CO1
Q3	The pecuniary jurisdiction of National Consumer Protection forum is	2	CO4, CO5
Q4	Innuendo means.....	2	CO1
Q5	A landowner’s rights in the air space above his property can be extended to an unlimited height. (True/ False).	2	CO1
SECTION B (any two)			
Q6	Differentiate between contributory negligence and composite negligence. With the help of examples and case laws.	10	CO1
Q7	Differentiate between unfair trade practice and restrictive trade practice. With the help of examples and case laws.	10	CO4, CO5
Q8	‘Every person has a right to defend his own person, property or possession, against an unlawful harm.’ Analyze the statement and distinguish between private defence and necessity.	10	CO1

SECTION-C (any two)

Q9	Explain why reasonable foreseeability test is the best test is for deciding negligence. Substantiate with appropriate case laws.	10	CO1, CO3
Q10	“Negligence is the omission to do something which a reasonable man, guided upon those considerations which ordinarily regulate the conduct of human affairs, would do, or doing something which a prudent and reasonable man would not do”. With help of above given statement, define the duty of care of doctor towards its patients.	10	CO1, CO3
Q11	What do you understand by malicious prosecution? What is required to be proved by the plaintiff in an action for malicious prosecution?	10	CO1, CO3
SECTION-D			
Q12	A Society meeting was organized wherein due to conflict of opinions, ‘M’ was told by the convener of the meeting ‘Q’ to leave the venue which got ‘M’ embarrassed. Being told to leave the meeting, he clenched his fists and started moving ferociously towards ‘Q’ shouting words that ‘ <i>I will take you down first before I leave this meeting and open up about how many officials you have bribed</i> ’. In the light of the abovementioned situation, answer the following questions: a) What is the difference between libel and slander? (5 Marks) b) Can Q file a case for tort of defamation against M? Give reasons and elaborate with appropriate case laws. (10 Marks) c) Explain the defences available to the defendant in the ordinary suit of defamation? (10 Marks)	25	CO1, CO2, CO3
Q13	Camilla is a specialist surgeon employed by a public hospital ('the Hospital'). She examined one of the Hospital's patients, Rubin, and recommended a diagnostic operation to ascertain whether Rubin had a malignant growth affecting his prostate gland. Camilla did not inform Rubin before the operation that there was a small statistical possibility (about 5 per cent) that the operation, although skilfully performed, would cause permanent sterility. The diagnostic operation was performed skillfully by Camilla at the Hospital, after Rubin had given his consent, and it was ascertained that Rubin did not have a malignant growth. However, as a result of the	15	CO2, CO3, CO4, CO5

	<p>operation Rubin became permanently sterile. Advise Rubin of the principles of tort law relevant to any claim he may wish to bring against the Hospital.</p>		
<p>Q14</p>	<p>A group of transporters joined hands and offered reduced rate of transportation and lucky draw in order to induce customers to transports goods only through them. In consequence of this, a company named 'T&T', which was not the part of the combination, suffered trade losses. T&T filed a case for damages.</p> <p>What remedy is available to T&T under the law of torts? Would your answer be different if T&T was kept out of the combination by defendant group guided by some personal enmity with T&T?</p>	<p>10</p>	<p>CO1, CO2, CO3</p>