

**HIGH COURT OF KERALA  
JUDICIAL TEST (HIGHER) 2020  
PART-I, PAPER-IV**

**LAW OF TORTS**

Total Marks 100  
Time: 3 hrs

**PART A**

**Answer any SEVEN questions. Each carries 5 marks.**

Write short notes on the following:

1. Explain Occupiers Liability
2. Distinction between Tort and Crime
3. Examine relevance of polluter pays principle in an action in tort.
4. Res Ipsa loquitor.
5. False imprisonment
6. Discuss *Donoghue v. Stevenson*
7. Actio personalis moritur cum persona
8. Trespass to land
9. What is meant by passing off? Give an illustration.
10. *Rylands v. Fletcher.*

[7x5=35]

**PART B**

**Answer any TWO questions. Each carries 10 marks.**

1. The management committee of a temple conducted a religious festival using fire crackers in accordance with the permission granted by the revenue officials and police authorities. The fire crackers were busted by the independent contractor engaged by the management committee of the temple. Due to the negligent act of one of the workers of the independent contractor during the use of fire crackers, a huge explosion occurred resulting in the death of the father and mother of Miss.Revathi. Miss.Revathi intends to seek compensation from the worker responsible for the incident, independent contractor, temple management committee and its members and the Government and its officials. Advise her.
2. A driver of the bus was driving the bus on a rainy day. While so, a cyclist suddenly came in front of the bus. The driver had to apply sudden brake to save the cyclist. Since the road was wet, the bus skidded on the road and hit another bus, coming from the opposite direction even though both the buses were being driven at a moderate speed. This resulted in injury to passengers of both buses. Decide on the liability of the owners of the buses.

P.T.O.

3. Mr.Santhosh, Managing Director of a company, constructed a high compound wall to his company head office without permission of the Electricity Board and installed railings on the top of the compound wall. Mr.Reghu, a painter was entrusted with painting the railing on the top of the compound wall. While painting, Mr.Reghu came in contact with the live wire of the Electricity Board running above the compound wall and died of electric shock. The wife and children of Mr.Reghu intend to seek compensation. Advise them.

4. During a festival, an elephant ran amok. In the incident several persons sustained injuries. In a suit for damages filed by one of the injured the owner of the elephant raised a contention that only on account of the disturbance caused by the public the incident had occurred and therefore he was not liable. Decide.

[2x10=20]

### **PART C**

**Answer any THREE questions. Each carries 15 marks.**

1. Discuss the tort of defamation and defenses to it.
2. Examine deficiency in service and unfair trade practices under the Consumer Protection Act.
3. Examine the concept of remoteness of damage in tort.
4. Explain the principles relating to public and private nuisance.
5. Discuss minor's liability in torts.

[3x15=45]