

12.

NM-8028

(3 Hours)

[Total Marks : 100

Complete the following in **not more than two** sentences **each** :—

20

- (a) What is liability by ratification ?
- (b) What does 'Volenti Non Fit Injuria' mean ?
- (c) What are judicial remedies ?
- (d) What does 'Accord and Satisfaction' mean ?
- (e) What does 'Actio Personalis Moritur Cum Persona' mean ?
- (f) What does 'Res ipsa Loquitur' mean ?
- (g) What are 'defective goods' ?
- (h) Define 'Consumer Dispute' under Consumer Protection Act.
- (i) Define 'Manufacturer'.
- (j) Effect of filing frivolous complaint under Consumer Protection Act.

2. Write short notes on any **four** of the following :—

20

- (a) Donoghue Vs Stevenson
- (b) Malicious Prosecution
- (c) Vis Major
- (d) Consumer
- (e) Unfair Trade Practice
- (f) Strict Liability.

3. Solve any **two** of the following :—

12

- (a) **A**, the conductor of an omnibus at the end of the journey drove the omnibus for the purpose of turning it round for the return journey, when the driver was absent. In doing so he ran upon **X**.
  - (i) Is there any remedy available to **X** ? Why ?
  - (ii) What would be the effect if the bus were driven by the driver of the bus ?
- (b) **A's** and **B's** dogs were fighting. **B** was beating them in order to separate them and **A** was looking on. **B** accidentally hit **A** in the eye causing him severe injury. **A** brought an action against **B**.
  - (i) Who is liable and what is the nature of tort committed here ?
  - (ii) What would be the effect if **C** a passerby had been hit instead of **A** ?
- (c) Seema's husband was admitted in an hospital without any medical service charges but only on payment of the bed-charges as he was poor. Due to negligence of medical services of the hospital he died. Seema filed a complaint against the hospital ?
  - (i) Is the hospital liable ? Why ?
  - (ii) What would be the effect if he were charged for medical services also ?

[ TURN OVER

4. Solve any four of the following:

- Discuss the law relating to remoteness of damages with decided cases.
- What are the general defences available in an action of Tort ?
- What is 'Deceit' or 'Fraud' ? Discuss in detail the essentials of Tort of Deceit ?
- Explain the ingredients of 'Assault' and 'Battery' citing relevant case laws.
- Explain the three tier system of Consumer Grievances Redressal System under the Consumer Protection Act, 1986.
- Explain in details the Central Consumer Protection Council and State Consumer Protection Council.

(मराठी रूपांतर)

(३ तास)

[ एकूण गुण : १०० ]

१. खालील प्रश्नांची उत्तरे दोन वाक्यात लिहा :-

२०

- कृतीनंतरच्या मंजूरीमुळे येणारी जबाबदारी स्पष्ट करा.
- 'व्हॉलेंट्री नॉन फिट इजुरिया' म्हणजे काय ?
- न्यायालयीन उपचार / उपहार.
- सामंजस्य व समाधान म्हणजे काय ?
- 'अॅक्शिओ पर्सनॅलिस मॉरिटर कम पर्सोना' म्हणजे काय ?
- 'रेस इप्सा लॉक्विटर' म्हणजे काय ?
- सदोष वस्तू म्हणजे काय ?
- ग्राहक संरक्षण अधिनियमानुसार 'ग्राहक तक्रार' ही संज्ञा स्पष्ट करा.
- 'उत्पादक' याची व्याख्या लिहा.
- ग्राहक संरक्षण अधिनियमांतर्गत खोटी तक्रार दाखल केल्यास काय परिणाम होतात ?

२. कोणत्याही चारांवर टिपा लिहा :-

२०

- डोनाग्यु वि. स्टिन्हन्सन
- आकसाने केलेली न्यायालयीन कारवाई
- व्हिस मेजर
- ग्राहक
- अनुचित व्यापारी प्रथा
- स्ट्रिक्ट लायबिलिटी.