



Etching the Path

Lawcutor

NATIONAL QUIZ COMPETITION ON LAW OF TORTS

ANSWER KEY

1. Tort is a special branch of Law which originated in

Ans. D) England

2. The definition of 'tort' is contained in

Ans. B) The Limitation Act, 1963

3. The word 'Tort' is derived from the _____ word 'Tortum' meaning
'Twist'

Ans. C) Latin

4. Tort implies a twisted

Ans. C) consent

5. Law of Tort has developed mainly through

Ans. B) Judicial Decisions

6. Basically, tort is a species of

Ans. C) Civil Injury or wrong

7. Tort is a violation of

Ans. B) Right in rem

8. To constitute a tort

Ans. C) Both (a) and (b)

9. Which statement is correct for an act of tort?

Ans. D) All of the above

10. Malice in law means

Ans. A) Wrongful act done intentionally but without just cause or excuse

11. If a person hires a taxi for a particular journey, the driver is

Ans. C) Independent Contractor

12. Indian constitution provides that the state or government may sue or be sued for tort under

Ans. A) Article 300

13. Can a husband be held vicariously liable for the tort of his wife in India?

Ans. B) No, a married woman can be independently sued

14. In which of the following cases, tort of deceit was found?

Ans. B) Pasley v. Freeman

15. Unliquidated damages means

Ans. D) Damage to be assessed by a court as these are not pre-determined

16. The primary function of the law of tort is

Ans. C) The clarification of the human rights of parties

17. In which case it was observed that the question of negligence arises only when there is a direct harm to the plaintiff by the misconduct and the harm should be foreseeable?

Ans. C) King v. Phillips

18. _____ is a wrongful taking or using or destroying the goods or an exercise of Dominion over the goods, which is inconsistent with the title of the owner.

Ans. A) Conversion or Trover

19. _____ is an agreement whereby a person promises to assist another in the recovery of his property and share the proceeds of such action.

Ans. D) Champerty

20. The liability for damage done by animals can be studied in which head?

Ans. B) Scienier Rule

21. Which of the following is not a defence to tort of defamation?

Ans. C) Defence of Privilege

22. Which is correct of the 'reasonable man'?

Ans. A) He is neither excessively cautious or unusually risk-taking

23. The effect of the application of res ipsa loquitur is

Ans. D) To make his defence, the defence will now have to put forward a plausible explanation consistent with lack of negligence

24. Ms. Usha wants to file a suit against Bhagyalaxmi Theatre praying for a permanent injunction (stay order) restraining the theatre from running the film named "Jai Santoshi Maa". Her contention is that the film hurt her

religious feelings and sentiments as Goddess Saraswati, Laxmi and Parvati were depicted as jealous and were ridiculed.

Ans. A) She cannot file a suit because injury to religious feelings is not a legally recognized right.

25. What main element differentiates the crime of battery from the tort of battery?

Ans. B) The unwanted touch; we have a right to be free from bodily harm

26. A loud bass beat that can be heard through an apartment wall (from another apartment) at midnight can be classified as

Ans. A) Nuisance

27. Which of the following is a leading case on 'Damnum Sine Injuria'?

Ans. B) Gloucester Grammar School Case

28. When there is a duty to speak, the tortfeasor should speak or disclose the fact. If he remains silent then it amounts to

Ans. A) Fraud

29. 'A' is about to sell his land and at the auction 'B' tells falsely that A's land is mortgaged and so no one buys the land. Here B is liable for

Ans. B) Slander of title

30. Which of the following best describes the main function of 'duty of care' in negligence?

Ans. C) It ensures that the tort of negligence does not extend too widely

31. Which of the following interest is not protected by the law of tort?

Ans. A) Loss of commercial profit due to competition

32. Which of the following is the remedy for the trespass of land?

Ans. D) All of the above

33. Principal of trespass to property constitutes of

Ans. A) unjustifiable physical encroachment of one person's land

34. Malicious prosecution consists in

Ans. A) Instituting unsuccessful criminal proceeding maliciously and without reasonable and probable cause

35. The standard of care required on part of defendant in the tort of 'negligence' is of

Ans. C) a reasonable and prudent man

36. In an auction sale, 'X' is the higher bidder. The auctioneer accepts the offer not by speaking but by striking the hammer on the table. This amounts to

Ans. A) Express Acceptance

37. 'A' has grown a tree on his land. The branches of the tree are overhanging on the land of 'B'. Under the law, 'B' is entitled to

Ans. Chop off the overhanging branches while remaining of his land and inform 'A' about the same

38. Which one of the following statement is correct?

Ans. Inevitable accident is both defence and denial of liability

39. Which one of the following is not an exception to the rule of volentia non fit injuria?

Ans. D) Injury is caused while doing lawful acts under contract

40. The rule laid down in Re Polemis case is that the defendant shall be liable for all

Ans. C) Direct consequence of his act, if he could foresee the kind of damage which has actually occurred

41. A & B entered A's premises to search for an escape of gas. Each one of them applied naked light to the gas pipe in Z's premises. In this case, which one of the following statements is legally sustainable

Ans. A) Both A and B are joint tort-feasors and jointly liable

42. The question as to whether the defendant has committed a breach of his duty towards the plaintiff depends on whether he:

Ans. B) Did not act as reasonable man

43. In which one of the following situations 'A' will be liable for defamation?
'A' writes a letter containing a defamatory matter about 'B';

Ans. D) Sends it in a sealed envelope to B's wife

44. In a case of False imprisonment

Ans. D) The wrong could be constituted even without the knowledge of the person wronged

45. The 'last opportunity' principle is related to:

Ans. C) Vehicle Accidents

46. Mental Conditions of the wrongdoer at the time of wrongdoing is:

Ans. B) Not relevant in tortious liability

47. Match Decided Cases with its relating principle: Rylands v. Fletcher

Ans. C) Strict Liability

48. Match Decided Cases with its relating principle: Bird v. Jones

Ans. D) False Imprisonment

49. Match Decided Cases with its relating principle: Tolley v. Fry and Sons Ltd.

Ans. B) Defamation

50. Match Decided Cases with its relating principle: Grant v. Australian knitting mills

Ans. A) Negligence

Etching the Path