



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

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MAIN EXAMINATION

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JANUARY – APRIL 2022

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FACULTY OF LAW

REGULAR PROGRAMME

CLS 104: PRINCIPLES OF TORT

Date: APRIL 2022

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and any Other TWO Questions

Q1. The plaintiff was a personal representative of the deceased who met his death while travelling as a passenger in the defendant bus. The bus reached a place where the road was flooded and it was risky to cross. The driver was reluctant to continue the Journey but some of the passengers including the deceased insisted that the journey should be continued. The driver eventually yielded and continued with some of the passengers including the deceased. The bus got drowned together with all the passengers on board. The deceased body was later found the following day.

It was held that the plaintiff action against the defendant could not be maintained because the deceased knew the risks involved and assumed it voluntary and so the defense of **Volenti non fit injuria** rightly applies, there are however some limitations of the Doctrine **Volenti non fit injuria**, discuss with examples. (30 marks)

Q2. While giving an explanatory note of **Res ipsa loquitur** as a rule of evidence in court, discuss its conditions thereof. **(20 marks)**

Q3. Explain the maxim **vicarious liability** as shown in the Principles of **Tort** citing examples. **(20 marks)**

Q4. Right of reputation is recognized as inherent right of every person which can be exercised. With the help of case Laws show how reputation is a property of a person.

marks)

Q5. You are a Lecturer in the Principles of Law of Tort and the topic is defamation, discuss the same under the following notes;

- a) Types of defamation (4 marks)
- b) Principle defenses of defamation (6 marks)
- c) Remedial measures of defamation (6marks)
- d) Essential elements of defamation (4 marks)

END