

Q.23. Discuss the rule of absolute Liability with special references to the judgment of Hon'ble Supreme Court in M.C. Mehta v. Union of India reported in AIR 1987 SC 1086.

5 (B) Write short note with reference to case law on :—(i) Principles of lis pendens. 15(ii) Defamation of deceased person 15(iii) Part performance of contract 15(iv) Absolute liability and strict liability in torts 15(v) Contract of personal service cannot be enforced. 15

3. (b) The plaintiff, a food grains merchant, enjoying good reputation, had incurred ill will of a Food Inspector who falsely implicated him in a case under Section 3/7 of the Essential Commodities Act, 1955. The plaintiff was arrested and detained for 7 days. After the trial he was acquitted. In the plaintiff's suit for damages the State as well as the Inspector pleaded that since the prosecution was not malafide, the State was not liable for the act of Food Inspector, the suit must fail. Whether the State would be vicariously liable for the acts of the Food Inspector ? 10

4. (b) The plaintiff, a food grain merchant enjoying a good reputation, had incurred ill will of a food inspector who falsely implicated him in a case under Section 7 of the Essential Commodities Act, 1955. The plaintiff was arrested and detained for seven days before being put on trial in the Court of Chief Judicial Magistrate who acquitted him. In the plaintiff's suit for damages, the State of Punjab as well as the inspector pleaded that since the prosecution was not malafide and as the State was not liable for the act of the food inspector, the suit must fail, Whether, the State would be vicariously liable for the acts of the food inspector? 10

12. (a) What the plaintiff is required to prove in an action for malicious prosecution? 15

12 (b) A files a criminal complaint against B that B, who is an editor of a reputed newspaper, has published an editorial in which allegations regarding A's personal character including allegation of committing rape of his maid servant is made, he also appears before the Magistrate and gives his statement along with statements of two other persons supporting the complaint. The Magistrate, however, after examining the statements recorded and allegations of complaint, dismissed the same. Whether B can bring an action for malicious prosecution? If yes, is there any limitation prescribed for bringing such action? 5

3. (b) 'A' an officer in the Irrigation Department of the State of U.P., wrote a letter to 'B' a contractor, holding him responsible for theft of a machine. The letter was sent in a sealed envelope which was received by 'C' a clerk employed by 'B' in his office, in routine discharge of his duties. 'C' opened the letter and handed it over thereafter, to 'B', can 'B' succeed in a suit for defamation against 'A*? Give reasons. 10