



جامعة السلطان الشريف علي الإسلامية
UNIVERSITI ISLAM SULTAN SHARIF ALI
SULTAN SHARIF ALI ISLAMIC UNIVERSITY

**Faculty of Shariah and Law
Semester II, 2022/2023 Academic Session**

Final Examination Question Paper

Course Code : LB2302
Course Name : Law of Tort II
**Course Level : Bachelor of Laws (LL.B) & Bachelor of
Shariah Law (BSL)**
Time : 3 hours

Notes:

1. Answer any **four** of the following questions.
2. All answers, wherever relevant, must be supported by statutory provisions and case law.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

QUESTION 1 (15 Marks)

Haris, aged 35 years, became paralyzed after an accident due to the negligence of Borneo Motors Sdn Bhd. He can never go back to work. He was the breadwinner of the family earning B\$5,500.00 per month and has 3 young children. His monthly expenditure before the accident was B\$1500.00. He had just received a letter of promotion to the post of Senior Executive Manager with a pay rise of B\$450.00. As the accident had happened at 2.30am, there was no doctor available at Tawakal Medical Centre, a government hospital and so had to be moved to Bunut Specialist Centre, a private hospital. As such he incurred E.\$6,000.00 for medical expenses during the fifteen days treatment. Haris's wife attends to him round the clock.

Advise Haris as to quantum of damages.

QUESTION 2 (15 Marks)

Fahmi, who is a student at Universiti Brunei Darussalam (UBD) was jealous of a special relationship between Rania and Ismail, who are also students at UBD. One day, while Rania and Ismail were having tea at the University canteen, Fahmi took out what resembled like a pistol and pointed it at Ismail. Rania screamed in fear. He pulled the trigger and black ink squirted out from the pistol. Ismail quickly ducked down and the ink splashed on the back of Hafiz who was sitting behind Ismail. Fahmi and his friends laughed heartily at what happened. Hafiz was angry and shouted abusively at Fahmi. Fahmi came forward threatening to punch Hafiz but was stopped by the crew members of the University canteen.

Advise Fahmi, Ismail and Hafiz as to any possible claims in tort.

QUESTION 3 (15 Marks)

- (a) Discuss **THREE** (3) elements required in law in order to establish the tort of false imprisonment by the plaintiff against the defendant. Support your answer with relevant case law.

(7.5 Marks)

- (b) Discuss **THREE** (3) defences to the tort of false imprisonment. Support your answer with relevant case law.

(7.5 Marks)

QUESTION 4 (15 Marks)

- (a) Explain **THREE** (3) types of 'possession' in the context of a person who may claim or file a suit for trespass to land. Support your answer with relevant case law.

(7.5 Marks)

- (b) Explain **THREE** (3) types of 'interference' in the context of trespass to land. Support your answer with relevant case law.

(7.5 Marks)

QUESTION 5 (15 Marks)

"A man is not to sell his own goods under the pretence that they are the goods of another man, and he is not allowed to use any means to contribute to that end. He may not use names, marks, letters by which he may induce purchasers to

*believe that the goods which he is selling are the manufacture of another person". (As per Lord Longdale in **Perry v Truefitt** [1842] 49 ER 749 at 752)*

Discuss.

QUESTION 6 (15 Marks)

- (a) Rahman is a driver working for Gadong Properties Sdn Bhd. His job is to pick the company director from his house in the morning, send him back for lunch and drop him at his house after office hours. One fine day, after sending the director home for lunch, Rahman also drove home for lunch and an accident occurred on the way. Rashid who was the victim in the accident suffered major injuries. He was admitted in a private hospital for ten days. The total bill of his treatment came to a staggering figure of B\$6000.00. Rashid plans to claim the cost of his treatment against Rahman's employer.

Advise Rashid.

(7.5 Marks)

- (b) Azim suffered serious injuries while driving at night from Bandar Seri Begawan to Kuala Belait as a result of his car plunging into a culvert on a public road due to some repair works being carried out by Zico Sdn Bhd. Zico Sdn Bhd had engaged two other parties to carry out the drainage work and they in turn subcontracted the work to another party, named Roko. Azim wrote to Zico Sdn Bhd informing the company about his injuries and seeking compensation. Zico Sdn Bhd denied liability as the

actual drainage work was done by Roko. Roko also denied liability, claiming the accident was due to the excessive speed of the car.

Advise Azim.

(7.5 Marks)

التوفيق والنجاح