

- Right in rem - Right against public
- Right in personam - Right against individual
- Quit fault per aliam - He who acts through another, is acting himself.
- Quit fault per se - (act of agent = act of principal)
- Respondent superior - Let the principal be liable.

Compensation
↑
Damages

order of court to do/not do/
correct any - **Injunctions**
act

court order -
to return
possession of prop. -
specific Restitution of Property

Judicial Remedies

Extra Judicial Remedies

- self defence
- Prevention of trespass
- Re-entry on land
- R. capture of goods
- Abatement of nuisance
- Deterrence damage fearant

Remedies

LAW OF TORTS

[Sec 2(m) of limitation Act, 1963:
"Tort means a civil wrong which is
not exclusively a breach of contract
or breach of trust."

Types of Torts

- Plaintiff → defendant
- probable cause
- defendant → acted maliciously
- Plaintiff → damages
- Proceedings in favour of Plaintiff

- Battery**
- Assault**
- Bodily Harm**
- False Imprisonment**

• use of force
• w/out plaintiff consent
• w/out any lawful justification

• apprehension
↓
"A" strikes his fist at "Z"
↓
assault.

• wilful act
↓
to cause physical harm
↓
in fact causes physical harm.

Personal liberty is infringed, without lawful justification.

- legal duty to exercise due care
- Breach of duty
- damage

Negligence

Defamation

gossip/word (temporary) slander
written (permanent) libel

Malicious Prosecution

Vicarious liability of State

Anita Bhandari & ors v. Union of India
Pehinica's husband - Bank cash deposit - killed by security guard - Bank - responsible - it gave permission to law gun

Kinds of Tortious Liability

A Civil wrong (Tort)

Wrongful Act (violate legal right)

Gloucester Corporation v. Taylor, 1112
[Proper fencing X - child ate fruit - died - tort ✓]

General Cleaning Corporation v. Christmas, 1113
[Employee - safety belt X - injury ✓ - tort ✓]

Legal damages

Damnum sine Injuria
(Damage without injury)

Gloucester Grammar School
[School left as teacher, started his own school - damages to old school ✓, but remedy X]

Injuria sine Damnum
(Injury without damage)

Roby v. White, 1703
[plaintiff → election X by defendant, damage X, but remedy ✓]

Legal Remedy

wrongful act must come under law.

B Strict / Absolute liability

(liable even without intention or negligence)
Rule in Ryland v. Fletcher → any person who keeps anything likely to do mischief on his land - [own peril] → escape from control
Strict liability only if non-natural use of land.

Exceptions to case of Ryland v. Fletcher

- Damage due to natural use of land
- Consent of plaintiff
- Act of third party
- Statutory Authority
- Act of God
- Escape due to plaintiff's own default

M.C. Mehta & ors v. Union of India

Ofam gas leak - Shriyanand & fertilizer industries - Ullah ✓ → Marvellous substance shall be carried with highest standard of safety.

C Vicarious liability

Types

- 1) Principal & Agent
- 2) Partners
- 3) Master & Servant
- 4) Employer & Independent Contractor
- 5) liability for the acts of servants/employees

Elements

- existing relationship between Master & servant
- servant → tortious act ✓
- tortious act during course of employment.

Element of tort