



KENYATTA UNIVERSITY
EXAMINATION FOR THE DEGREE OF BACHELOR OF LAWS

LPL 102: TORT I

1ST SEMESTER 2021/2022

TIME: 2 HOURS

INSTRUCTIONS:

1. Answer ALL QUESTIONS.
2. Note that penalties accrue for failure to answer Question One.
3. Support your answers with illustrations from relevant case law, statutory provisions and any other applicable references
4. Write neatly and legibly.
5. Your answer script must bear your student's registration number.
6. Do not scribble or draft answers on the inner or outer cover pages of your answer booklets.
7. Do not write anything except your registration number on this Question Paper

Question One

- a) The maxim *Ubi jus ibi remedium* is the foundation of tort law.....Professor Birk. With aid of case law, illustrations and maxims discuss the above statement. [20 marks]
- b) Manchestina is a renowned boxer for quite a while. On one of the games, the opponent Aliana knocked her on the ear leading to her pleading profusely and subsequently losing her ability to hear. Mjuaji tells her that she is a mediator she will assist her recover damages from Aliana. With aid of case law and maxims advise Manchestina.

[10 marks]

Question Two

Bonke works for SMART Plc as a delivery driver. He drives his own van but wears a uniform supplied by SMART Plc who pays his monthly salary. On Monday afternoon, he is on his way to do his last delivery when he gets a call from his daughter Patti and agrees to collect her from school. As they leave the school and drive in the direction of the delivery destination, Bonke's van skids and hit Keith's car.

With reference to above facts and case law advise Keith.

[20 marks]

INVOLVEMENT IN EXAMINATION IRREGULARITY SHALL LEAD TO DISCONTINUATION

Question Three

- a) With aid of decided cases and illustrations, discuss the rule in Ryland vs Fletcher.
[10 marks]
- b) Imma has been appointed the head of the legal department with an international organization at Gigiri. The appointment was unexpected. She wrote a circular inviting all people to participate in the celebrations duped home coming. Angel and Aloo attended the celebration which went well. Most people were very drunk including Omukamah. In the night of the celebration day, Aloo and Omukamah left the rest of the group with whom they were uncoordinatedly dancing with in the open field. They went to a dark corner near some tress where both Omukamah and Aloo fell an old pit latrine sustaining serious injuries.

With aid of case law and illustrations advice the victims.

[10 marks]