BLOGS

Landmark Cases on Tort Law for CLAT PG

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- Case Name: Rylands v. Fletcher

Facts: In this case, the defendant was installing a water reservoir on his land, and as a result of improper mechanics, the reservoirs burst and flooded the neighborhood of the plaintiff. The plaintiff suffered losses as a result of that.

Principle: Strict Liability

Held: The House of Lords (in appeal) held the defendant liable for the damages. The rule of strict liability was laid down as a result of this decision.

The doctrine of strict liability states: “The person who for his own purpose brings on his lands and collects and keeps there anything likely to do mischief, if it escapes, must keep it in at his peril, and if he does not do so, is prima facie answerable for all the damage which is the natural consequence of its escape.”

The rule is not independently employed by the Courts in current times but is regarded as a part of the tort of nuisance. The Bhopal Gas Tragedy case is relevant from the Indian domain in this regard (It invoked absolute liability).

- Case Name: Donoghue v. Stevenson

Tort: Negligence
Principles involved: Neighbour principle, Duty of Care

Facts: Donoghue drank from a ginger beer bottle bought by her friend, which contained the contents of a dead snail. It was not visible due to the opaque bottle. The appellant suffered from shock and gastroenteritis. She sued the defendant, Stevenson, who was the manufacturer of the bottles.

Held: The manufacturer was found liable to Donoghue. As a result of this decision, a party could claim damages from another even though there was not an express contract between them. It was also held that the defendant had a duty of care, and violation of that duty invited cause for legal

action.

- Case Name: Gloucester Grammar School Case

Principle: Damnum sine injuria This loosely means damage without legal injury.

Facts: One of the teachers of a school quit the school and started a new school close by, which caused loss to the previous school. He was sued for damages.

Held: Although there was substantial fiscal loss to the previous school, there was no violation of the legal right, and hence, no cause of action persisted.

Damnum sine injuria is a relevant principle of the civil law till date.

- Case Name: Bhim Singh v. The State of Jammu and Kashmir

Principle involved: Injuria sine damnum. This expressly talks about a situation where there is a loss of legal rights but no actual discernible damages.

Facts: A sitting member of the Legislative Assembly was taken into custody specifically to deprive his right to vote on a certain sitting in the Assembly. He claimed that his right to vote in the Assembly was infringed.

Held: The Supreme Court held that the police acted maliciously in arresting the petitioner. Even though there was no monetary damage to him, he is entitled to bring a cause of action as a result of his right being violated. He was awarded Rs. 50,000 as compensation.

Ashby v. White is a similar case on the same principles, wherein as a result of deprivation of a person's right to vote, the Court allowed him to seek damages.

The law does not only regard damages but looks into violation of legal rights of an individual, irrespective of consequence.

- Case Name: Hall v. Brookland Auto Racing Club

Principle: Negligence, with reference to foreseeability

Facts: Spectators were harmed during a car racing tournament/show. The showrunners were sued for damages.

Held: The Court examined the duty of the event runners and held that they were not liable to the spectators as they knew the risk of the dangerous sport they were about to witness. Moreover, the

accident was not foreseeable.

CONSTITUTIONAL TORT

It is a principle evolved that allowed the State to be held responsible for the action of its agents. There are a few cases that are relevant in this regard.

Sovereign functions are defined as those functions of the State for which it is not answerable in a Court of law.

1. P&O Navigation Company v. Secretary of State for India: The State cannot be held liable for the execution of sovereign functions.

2. State of Rajasthan v. Vijyawati: The liability of the State is not limited to sovereign functions.

3. Kasturi Lal v. State of U.P.: The Court reiterated that the State is not liable for sovereign functions.

4. Rudal Sah v. State of Bihar: The petitioner was awarded damages owing to his illegal detention in prison for 14 years.

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