

UNIVERSITY OF COLOMBO, SRI LANKA

FACULTY OF LAW

DEGREE OF MASTER OF LAWS IN PRIVATE AND COMPARATIVE LAW- 2024/25

SEMESTER I END EXAMINATION

(LAW OF DELICT –PLLM 11316)

(Three Hours)

Total number of questions: 04

Answer **THREE (03)** questions and **no more**
(Candidates will be penalized for illegible handwriting)

Question 01

Critically analyse how the court has applied theories of Justice in delict selecting **three** decided cases. Does the approach of the court in each case reflect a substantive development of the law of delict in Sri Lanka? Support your answer with relevant legal authorities.

(20 Marks)

Question 02

Rani is married to Mr. Bernard and was employed by the Expo Legal Company as its Principal Attorney in civil matters. Mr. Bernard's office is situated at Guruge Building, Dam Street, Hulftsdorp. On 24 October 2023 Mr. Bernard was assaulted at work by three unknown people when he was in the lift and as a result of that he sustained serious injuries including severe head trauma, fracture of his right arm, and cataracts in both eyes. Mr. Bernard was hospitalized and received extensive medical treatment. He has not returned to work and has not received his employment benefits and salary from Expo Company. Rani pleads that the attack resulted from the wrongful and negligent breach of legal duty of the employer by not providing adequate security guards at the entrance to the offices in the building and not ensuring the building is security controlled. It was later found that the security guard who was employed there had been moved away for another duty.

Advise Rani on the possibility of suing Expo Legal Company and/ or obtaining any other suitable remedies for the injuries suffered to her husband. You are required to cite relevant case laws and legal provisions to support your argument/s.

(20 Marks)

Question 03

Nihal is a patient with a history of respiratory illness and lives in Battaramulla. His health deteriorated suddenly due to an air quality drop in December 2024, and he was kept under strict medical supervision with a ventilator for a month in a private hospital. It was alleged that the cause for air quality drop was the particles carried with monsoon winds from India. Nihal claims that he was not advised by the authorities to wear a mask due to poor air quality and the authorities have not taken any steps to warn people against transboundary environmental pollution and as a result, he sustained a severe breathing difficulty. He further claims that this attitude of the officials violated his right to life.

Advise Nihal about possible cause of action, basis of liability and the delictual remedies.

(20 Marks)

Question 04

A) Rex asked Daisy to marry him in September 2020, which she accepted, believing that Rex loved her and wished to spend the rest of his life with her. They married in December 2020, but the relationship broke down in a very short period. Approximately a week after the marriage, Rex began insulting Daisy and asked her to leave the matrimonial home. Daisy discovered that when Rex proposed marriage to her, he felt no affection towards her and had not disclosed this to her although he had discussed this with friends.

Daisy wishes to know whether she has any delictual remedies for her emotional suffering. Advise Daisy.

(15 Marks)

B) "Privacy can be infringed only by an acquaintance with personal facts by outsiders contrary to the determination and will of the person whose right is infringed, and such acquaintance can take place in two ways only, namely through intrusion and disclosure."

Do you agree with this contention? Support your answer referring to Sri Lankan and any comparative delict/tort law-based jurisdictions.

(05 Marks)

.....