

THE OPEN UNIVERSITY OF SRI LANKA
LL.B. DEGREE PROGRAMME – LEVEL 6
2nd ASSIGNMENT TEST 2022/2023
LAW OF DELICT – LWU 4326 / LLU6814
DURATION – 1 HOUR



Date: 04-12-2023

Time: 3.30-4.30 PM

Students will be penalised for illegible handwriting.

It is an examination offence to have unauthorized documents and mobile phones with you in the examination hall.

Answer **ONE** question only.

1. "The maxim *res ipsa loquitur* is merely a rule of evidence and does not relieve the plaintiff of the burden of establishing the negligence of the defendant."

Explain with reference to case law the elements of the maxim of *res ipsa loquitur* and the circumstances in which it may be applied in court.

2. Ajith took his girlfriend Mala to a night club in Ajith's car. Ajith drank heavily at the club and asked Mala to drive home. Mala was still a learner driver and had not obtained her license. She did not want to drive but Ajith slapped her and threatened that if she did not do so he would leave her behind and drive home. Mala was afraid of being stranded at 2.00 am and therefore agreed to drive. Halfway to their home a dog ran across the road. Mala tried to avoid the dog, lost control of the car and crashed into a tree. Ajith suffered spinal injuries and is now paralysed. Mala broke both legs and spent three months in a wheel chair.

Ajith and Mala wish to sue each other for compensation for their injuries. Advise them.

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