

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
LLB DEGREE PROGRAMME – LEVEL 06
CONTINUOUS ASSESSMENT TEST II – 2023/2024
LLU 6814 - LAW OF DELICT
DURATION – 1 HOUR



Date: 11th January 2025

Time: 03.30 p.m. – 04.30 p.m.

Total No. of Questions: 02

Answer ONE question only.

Candidates will be penalized for illegible handwriting.

1. Sudath; a swimming champion, visited the Hikkaduwa Blue Moon Beach Restaurant with a group of friends to spend the weekend. They consumed an excessive amount of alcohol. Since it was late night, the entrance to the beach was closed. Sudath and his friends attempted to force open the entrance. At that moment, the security officers of the restaurant warned them not open it and swim in the sea. Sudath and his group ignored the warnings of the security officers and having force opened the door, entered the beach and started to swim. As the sea was rough at that time Sudath's head hit on the seawall built by Blue Moon Beach Restaurant, leaving him permanently paralyzed. Sudath's friend Saman, who witnessed the accident, was extremely shocked and developed symptoms including severe anxiety and nightmares.

Sudath and Saman intend to take legal action against the Blue Moon Beach Restaurant for the damage they suffered.

Advise them based on the relevant principles of delictual liability.

Support your answer with the relevant case law.

(20 Marks)

2. "Since pure economic losses are different from monetary losses, courts often take a restrictive approach in responding to related issues."

Critically analyze the above statement in the light of the judicial approaches to pure economic loss in Sri Lanka, South Africa and England.

Support your answer with the relevant case law.

(20 Marks)