

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



Date: 06th November 2024

Time: 03.30 p.m. – 04.30 p.m.

Total No. of Questions: 02

Answer ONLY ONE (01) question.

Candidates will be penalized for illegible handwriting.

1. “An act, in the sense of voluntary human conduct, is generally postulated as a requirement of delictual liability. This requirement has produced much confusion in relation to liability for an omission.”

- PQR Boberg, *The law of Delict*, volume 1 (Juta and Company Ltd, 1984) p. 210-

Examine the validity of the above statement with special reference to the possibility of assigning delictual liability for omissions. Support your answer with relevant case law.

(20 Marks)

2. “Even if the plaintiff proves every other element in tortious liability, he will lose his action if the harm which he has suffered is too remote a consequence of the defendant’s conduct.”

- Sharvananda J. in *Collettes V. Bank of Ceylon* (1984) 2 Sri L R 253 at 300-

Do you agree with the above statement?

Critically analyze the above statement in light of the main principles used to determine the remoteness of damages. Support your answer with relevant authorities.

(20 Marks)

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