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LAW OF TORTS-1

FINAL TERM EXAMINATIONS

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TOPIC GROUP "G"

Write short notes on the following:-

- i. Injuria Sine damnum**
 - ii. Damnum Sine Injuria**
 - iii. Volenti non Fit Injuria**
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ANSWER (i):-

INJURIA SINE DAMNUM:-

Meaning of “**Injuria sine damnum**” is:-

- **Injuria** means:- injury to legal right of plaintiff .
- **Sine** means:- Without.
- **Damnum** means:- Damages to property or financial loss.

In Injuria sine damnum legal injury is caused to the plaintiff without suffering any physical injury or damage to property or financial loss. Action is taken by the court because there is violation of legal right of plaintiff where there is even no loss has been caused to plaintiff but still it is an actionable cause of action in court of law. Injuria sine damnum is for violation of legal wrongs if the plaintiff's legal rights have been violated by the defendant.

The basic principle of Injuria sine damnum is that when there is a violation of legal right the cause of action is created which then claimant is entitled to sue in court of law to bring an action. In the tort of legal damages only, plaintiff is not bound to prove any damages or financial loss, he just has to prove in court of law that he has suffered damages to his legal rights, that action is brought by the court as actionable per se which means which does not require any evidence because it simply happened. Therefore, compensation in form of damages is determined to be given to aggrieved party by the court.

CASE OF INJURIA SINE DAMNUM:-

RIGGING IN POLLING STATION:-

The plaintiff was a qualified and legal voter whose vote was registered in a polling station of Karachi, the defendant who was returning officer was bribed by a particular party and plaintiff seen him illegally voting on extra ballots for helping other party to win illegally by rigging. In this case plaintiff wasn't even allowed to cast his legal vote. Plaintiff

sued defendant for compensation even no physical or financial loss was occurred in this case.

RESULT OF CASE:-

The defendant took defense that plaintiff suffered no loss of money or any injury and the candidate whom he was going to vote he already got elected even after his rigging and attempt to stop plaintiff to vote. Court said that defendant has committed the tort for attempt of rigging and he must pay compensation to plaintiff even there was no harm and damage physically or financially and candidate was elected which was going to be voted.

ANSWER (ii):-

DAMNUM SINE INJURIA:-

Meaning of “**Damnum Sine Injuria**” is:-

- **Damnum** means:- Damage of money, loss of reputation and comfort, health etc.
- **Sine** means:- Without
- **Injuria** means:- Injury to legal right or violation of legal right.

In Damnum Sine injuria cases damages of money, loss of reputation or injury is being suffered by plaintiff but there is no violation of legal right. The losses which are suffered can be loss of goodwill or reputation and can cause financial damage to plaintiff, which are moral wrongs which have no actionable cause in eyes of law.

The basic principle of Damnum sine injuria is that a person exercises wrong in a manner within reasonable limits which does not have any reason of taking actions by court in tort simply because it causes financial damages to plaintiff, unless there is not a violation legal right. No compensation is being awarded by the court of law even the act was done intentionally but there is no violation of legal right.

CASE OF DAMNUM SINE INJURIA:-

CONFLICT ON FAST FOOD RESTAURANT IN SAME STREET:-

The defendant was the owner of Fast Food Restaurant intentionally opened restaurant in a small street in Karachi in front of plaintiff's fast food restaurant, causing reputation and financial damage to plaintiff and competition between two Fast food restaurants owners started in the street.

RESULT OF CASE:-

The defendant took defense that it is his right to open restaurant for his business anywhere in the city as a citizen. Plaintiff said that due to increase of competition he had to reduce prices of his food items. The court of law said that if there is even financial and reputation loss of defendant fast food restaurant but there is no violation of legal in this case of damnum sine injuria so defendant cannot be held liable and no compensation is liable to be paid by defendant.

ANSWER (iii):-

VOLENTI NON FIT INJURIA:-

Volenti non fit injuria means “**voluntary assumption of risk**” or “**Defense of consent**” or “**consent of the plaintiff**”.

Volenti Non Fit Injuria is a defense of tort in which someone willingly places himself in a position where any harm or damage might result while having the knowledge of risk. It is like taking risk on your own then the injured or affected person who himself engaged in danger are not able to bring claim against other party. In other words, claimant knows about the risk but he takes risk on its own, there is no remedy for such harms or injury.

CASE OF VOLENTI NON FIT INJURIA:-

DRUNK TAXI DRIVER:-

Plaintiff even after knowing that the driver of the private taxi was drunk sat in his car. They met with an accident while going towards their destination which resulted in the death of the driver of the taxi and injury to the plaintiff.

RESULT OF CASE:-

Plaintiff brought a case against the defendant private cab company, the court of law said the case is not trial able as this case comes under volenti non fit injuria because person took risk on its own while knowing the danger, he should have complained before taking ride in the taxi of drunk driver. No compensation is being ordered to be given to the plaintiff in this case by court.

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