

# Aishwarya College of Education (Law)

Affiliated to Dr B.R Ambedkar Law University Jaipur

Sector-A Kamla Nehru Nagar, Jodhpur (Rajasthan) Email- [info@aishwaryacollege.edu.in](mailto:info@aishwaryacollege.edu.in) Phone-02912760175

ACE | Law | IN | 2021-22 | 003


Date: - 19.01.2022

## MOOT COURT ACTIVITY

The students of **BA LLB FIRST & SECOND SEMESTER** are hereby informed that the **Moot Court Activity** will take place on 21.01.2022 , Friday from 12:00 p.m onwards at Auditorium, Aishwarya College of Education (LAW).

Note:

- Students should remain present before half an hour of the scheduled time and should be in proper uniform.
- Masks should be worn by all the students and should be sanitized properly.
- Social distance has to be maintained .

  
Principal 19.1.22

Copy To :

✓ Notice board

2. Department of law for information and necessary changes
3. Circulation among concern Teachers & Students

**MOOT COURT PROBLEM****STATEMENT OF FACTS**

1. Mr. Pavan is a mill owner. His neighbour is Mr. Kalyan, a businessman, who operated mines in his land . The lands of Mr. Pavan and Mr. Kalyan are adjacent to each other . Mr . Kalyan had excavated up to disused mines and because of this the shafts appeared to be filled with earth.
2. Mr. Pavan employed some independent contractors and engineers who were apparently competent, to construct a reservoir on his land to provide water for his mill. In the course of work the contractors came upon some old shafts and passages on Mr. Kalyan's land.
3. The contractors took no notice of them and proceeded to built the reservoir over them .when the reservoir was completed and filled with water , the water entered the old shafts and passages and burst through into the Mr Kalyan's mines
4. It was found as a fact that the Mr Pavan had not been negligent although the contractors had been negligent in the construction of the reservoir.
5. An action was brought by Mr. Kalyan against Mr. Pavan based on the rule laid down in Rylands v. Fletcher .

## STATEMENT OF ISSUES

- 1 WHETHER THE CONSTRUCTION OF RESERVOIR WAS A NON-NATURAL USE OF PAVAN'S LAND?
- 2 WHETHER ALL ELEMENTS OF STRICT LIABILITY WERE SATISFIED OR NOT?
- 3 WHETHER REASONABLE FORESEEABILITY IS APPLIED IN THIS CASE?
- 4 WHETHER THE RULE OF RYLANDS V. FLETCHER COULD BE USED TO OBTAIN DAMAGES FOR PERSONAL INJURY?
- 5 WHETHER MR. PAVAN WAS NEGLIGENT IN HIS ACTIONS?
- 6 WHETHER MR.PAVAN IS LIABLE AS PER THE PRINCIPLE OF VICARIOUS LIABILITY FOR THE NEGLIGENCE OF INDEPENDENT CONTRACTORS ?