

(Following Paper ID and Roll No. to be filled in your Answer Book.)

PAPER ID : 9111

Roll
No.

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BBA LLB Examination 2012-2013

Second Semester

LAW OF CONTRACT-II

Time : 3 Hours]

[Maximum Marks : 100

Note :- (i) The question paper contains three sections A, B and C.

(ii) All the sections are compulsory.

(iii) Section A carries 20 marks, section B carries 30 marks and section C carries 50 marks.

SECTION-A

1. Fill in the blanks : 1x20=20
- (a) The Indian Partnership Act came into force on.....
 - (b) Section.....of the Indian Partnership Act came into force a year later (i.e.1933) than the enforcement date of the whole Act.
 - (c) 'A' hires a carriage from 'B'. The carriage was unsafe. This fact was not known to 'B' and thus 'A' got injured.....is responsible for A's injury.

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- (d) Section 201 is the provision for.....
- (e) The bailment of goods as security for payment of a debt or performance of a promise is called.....
- (f) Section.....provides for rights of indemnity holder when sued.
- (g) Sectionprovides for partnership at will.
- (h) Section 18 states that where there is contract for the sale of unascertained goods no property in the goods is transferred to the buyer unless and until the goods are.....
- (i) A guarantee which extends to a series of transactions is known as.....
- (j) Doctrine of Caveat Emptor is in section.....
- (k) A person falsely contracting as agent is not entitled to performance. Stated in section.....
- (l) The right of stoppage can be exercised when the goods are in transit out of the possession of the seller and also in the case of.....of the buyer.
- (m)includes every trade, profession service and occupation.
- (n) A contract to perform the promises or discharge the liability of a third person in case of default is known as.....

- (o) If the bailee with the consent of the bailor mixes the goods with his own, the bailor and bailee shall have the interest in production to their respective shares in the mixture thus produced. The statement is.....(true/False).
- (p) In contract of guarantee the person who gives the guarantee is known as..... .
- (q) Section 170 provides for bailee's..... .
- (r) An Hindu undivided family.....become a partner of partnership firm.
- (s) The above statement (i.e. (r)) was held in case of..... .
- (t) Case ofis an illustration of money-lender sharing the profits of business of which he is not a partner.

SECTION-B

2. Attempt any **three** : 10x3=30
- (a) State the difference between following : 5x2=10
- (i) Indemnity and Guarantee
- (ii) Contract of sale and agreement to sale
- (b) Explain the following very briefly with the help of examples : 5x2=10

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- (i) Theory of subrogation
 - (ii) Right to contribution
- (c) What do you understand by the following : 5x2=10
- (i) Lien
 - (ii) Nemo Dat Quod Non Habet
- (d) (i) What is the acid test of partnership ? 5x2=10
- (ii) Estoppel Vs. Holding out.
- (e) What do you understand by the following (with special reference to LLP Act) : 5x2=10
- (i) Investigation
 - (ii) Whistle-blowing

SECTION-C

Note: - Attempt any **one** from each question : 10x5=50

3. (a) Discuss theory of caveat emptor. Why exceptions to caveat emptor more applicable than theory itself? 10

OR

- (b) What is unpaid-seller? Discuss rights of unpaid-seller.

4. (a) What is the position of minor in law of partnership? 10

OR

- (b) Define partnership. Is law of partnership extension of Law of Agency?
5. (a) Define Guarantee. Also discuss the statement "Surety is the favoured debtor". 10

OR

- (b) Discuss Agency with special reference to maxim "delegatus non potest delegare".
6. (a) Discuss incoming and outgoing partners. 10

OR

- (b) Nature of limited liability of partnership. Explain extended liability and limitation on liability of partners in LLP Act.
7. (a) Seller and buyer agree for sale of a machinery which had a defect. Buyer said- "I will purchase only when defect was removed". Then agreed as-buyer to take the delivery of machine to get it repaired and deduct cost of repairing from price of machine. Machinery damaged during repair. Who to bear the loss? Decide. 10

OR

- (b) There is a firm of father and sons (named : Cox and others) firm had losses. Creditors were worried so they

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made an arrangement. The arrangement was that if firm was to be managed by creditors and if the profit was made then the profit was to be shared by creditor as recovery of loan. Firm purchased goods from Hickman or credit. No payment was made for the said purchase. Hickman filed suit on Cox and others for price on the ground that they are partners. Cox and others alleged- "We are not partners." Does sharing of profit makes them partners? Discuss and decide.

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