

Con. 5227-10.**Contract II****AM-5272**

(3 Hours)

[Total Marks: 100

- N.B.:** (1) **Figures** to the **right** indicate marks assigned to **each** question.
 (2) Quote relevant **case laws** wherever **necessary**.

1. Answer in not more than **two** sentences :-**20**

- (a) Define "Goods" as provided under Sale of Goods Act, 1930
- (b) What is the difference between Indian Law and English Law with regard to Contract of Indemnity?
- (c) Why Mutual Agency is a conclusive that of partnership firm?
- (d) Quote right of unpaid seller against buyer personally
- (e) What is the difference between partners in Partnership firm and members of Public Company with regard to their liability?
- (f) Define Bailment.
- (g) What type of agreement is involved between Principal Debtor and Surety, in Contract of Guarantee?
- (h) In an auction sale, auctioneer represents whom and till when?
- (i) What do you mean by "Partnership Property" ?
- (j) Why Del Credere agent is paid extra commission?

2. Write short notes any **four** :-**20**

- (a) Duties of a Bailee
- (b) Expulsion of a Partner
- (c) Difference between Sale and Agreement to sell
- (d) Agency by Ratification
- (e) Implied Authority of a Partner
- (f) Sale by Sample and Description,

3. Answer any **two** :-**Sol 12**

- (a) A agreed to purchase a car from B. Payment for car was to be made on installment basis. First installment was received by B but before second installment became due, while travelling A suffered injury due to failure of brakes.
- (i) What are the grounds available to A to file suit against B? Quote the type of agreement involved here.
- (ii) Who will bear the loss and why?
- (b) A, Band C are partners in a partnership firm. Band C without the knowledge of A started business which is competing with the business of partnership firm.
 - (i) What are the grounds available to A against Band C ?
 - (ii) If the business of Band C is not competing with business of partnership firm, will your answer differ from (i)? Give reasons-
- (c) A lady on her way to attend a wedding, had to be rushed to hospital due to sudden heart attack. She handed over Gold ornaments, which she was wearing to hospital staff. The concerned staff stored the said ornaments in a locked cupboard placed in storeroom. Security was deployed outside storeroom by hospital. At the time of her discharge from hospital it was noticed that ornaments of a lady were lost.
 - (i) In what capacity hospital was holding ornaments?
- (ii) If a lady wants to succeed against hospital and she approaches you to act as her Advocate what legal issues you will raise before the Honourable Court ?

4. Write short notes on Any **four** :-**48**

- (a) Discuss various grounds for dissolution of a partnership firm.
- (b) Discuss various modes of creation and termination of Agency.
- (c) Discuss rules regarding passing of property in goods from Seller to Buyer under Sale of Goods Act, 1930.
- (d) What are the essential features of Partnership firm? Discuss rights and duties of partners inter-se and to third party.
- (e) Define Contract of Guarantee. Discuss the same in detail with special reference to discharge of surety and compare it with Contract of Indemnity.
- (f) Explain in detail "Doctrine in caveat emptor". Quote its exception. Does this doctrine hold good today? Express your views.

[TURN OVER