

Reg. No. :

Name :

**Third Semester B.A.LL.B/B.B.A LL.B/ B.Com.LL.B (Five Year Integrated)
Degree Examination,
August 2019**

Paper V- SPECIAL CONTRACTS

Time : 3 Hours

Max. Marks : 80

PART – A

Answer any **five** of the following not exceeding 50 words each. Each question carries 2 marks.

1. Who can be an agent?
2. What is the purpose of a contract of guarantee?
3. What is meant by general lien available to a bailee?
4. What are the consequences of a pledge by a mercantile agent?
5. What is meant by right of redemption of pawnor?
6. Who is a substituted agent?
7. What is the difference between a 'bailment' and 'pledge' of goods?
8. What is meant by the term 'condition' under the Sale of Goods Act?

(5 × 2 = 10 Marks)

PART – B

Answer any **four** of the following not exceeding 120 words each. Each question carries 4 marks

1. Explain the liability of the agent of a foreign principal.
2. Explain the liability of a surety in case of a continuing guarantee.
3. Explain the liability of a bailee in case of mixing of bailed goods without the consent of the bailor.
4. Explain the statutory rule in relation to stipulations as to time in a contract of sale.
5. Explain the effect of ratification of acts done without authority.
6. Explain the tests for determining whether a partnership exists or not.

(4 × 4 = 16 Marks)

PART – C

Answer any **four** of the following. Each question carries **6** marks.

1. David purchases a hot water bottle from Vijayan's shop asking for a particular brand he has seen advertised on the TV. Two days later when he poured hot water into the bottle, it broke, scalding him. Advise David about his legal rights under the Sale of Goods Act.
2. Sanjay, a minor, is admitted as a beneficiary in a partnership in 2011. He chooses to become a partner on attaining majority in the year 2018. Is he liable for the debts of the firm incurred before he became a partner? Explain.

3. Khan and Sarkar jointly invest their money to purchase a shop which is then let out on rent. If they share the rent earned equally, examine whether they are partners for the purposes of the Indian Partnership Act.
4. Steve borrowed his neighbour's hand cart for two days to use it in carrying out some construction activities in his plot of land. On the fifth day, the work was still not over, and the hand cart breaks down while being used by Steve. Examine the liability of Steve as a bailee under the Indian Contract Act.
5. Kishan is entrusted by Madhu as his agent to get the exterior walls of Madhu's house painted and to finish the work in one day. Accordingly Kishan makes the necessary arrangements and pays for them from his pocket. When Kishan arrives with the tools and workers to complete the work on the appointed day, he is unable to enter the property since Madhu has left for his native place on account of a death in his family. Since the work is not completed, is Kishan entitled to the expenses incurred? Explain.

(4 × 6 = 24 Marks)

PART – D

Answer any **three** of the following. Each question carries **10** marks

1. Explain the legal provisions in relation to right of lien, stoppage of goods in transit, right of resale and right to sue the buyer that are available to an unpaid seller.
2. Explain the law relating to conduct of auction sales under the Sale of Goods Act.
3. Distinguish between the rights available to buyers and sellers under CIF and FOB contracts.

4. Explain the provisions relating to the introduction of new partners, the retirement and expulsion of partners.
5. Explain the law governing the liability of a surety showing how he is treated as a 'favoured debtor'.

(3 × 10 = 30 Marks)
