



Reg. No. :

Name :

**Third Semester Integrated B.A.LL.B./B.B.A.LL.B./B.Com.LL.B (5 Year)
Degree Examination, April 2016
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. 'Nemo dat quad non habet'.
2. C.I.F. contract.
3. Agreement to sell.
4. Agency by ratification.
5. Partnership at will.
6. Auction sale.
7. Conditions as to merchantability.
8. Rights of bailee.

(5×2=10 Marks)

PART – B

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

1. Explain 'delegatus non potest delegare'.
2. What are the exceptions to the rule 'risk follows ownership' ?



3. A surety is a favoured debtor. Comment.

4. Write a short note on implied warranties.

5. What are the effects of non registration of a firm ?

6. Explain 'Caveat emptor'.

(4×4=16 Marks)

PART - C

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

1. X becomes surety to Y for Z's conduct as a manager in Y's bank. After wards Y and Z enters into a contract without X's consent that Z's salary will be raised and that he shall become liable for one third of the losses on overdrafts. Z allows a customer to over drawn and the bank loses a sum of money. Is 'X' liable as surety ?

2. 'A' gave 'B' a motor launch on hire to go for a holiday on river Ganga. The launch caught fire and 'B' was unable to put it out of order. It's fire extinguishing machine was out of order. He got injured in the accident and suffered loss. Is 'A' liable for non disclosure of facts ?

3. The master of a ship finding that the cargo in the ship was perishing sold the goods for the best price available at the nearest port. Is the sale valid and binding on cargo owner ?

4. 'A' agreed to sell a specific cargo to 'B', which was on it's way from UAE to Bombay. The ship was cast away and goods were lost without the knowledge of the parties. Decide whether the agreement binding ?

5. 'A' partner of a firm assigned his share to another person 'B'. 'B' agreed to share the profits of business alone. Later, the firm incurred loss. Discuss whether 'B' is accountable for the losses ?

(4×6=24 Marks)



PART - D

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

1. Define a contract of guarantee and distinguish it from contract of indemnity.
What are the essential features of contract of indemnity ?
2. How do you determine the existence of partnership ? Can a minor become a partner ? What are his rights and liabilities ?
3. Define pledge. State the circumstances in which a non-owner can make a valid pledge ?
4. What are the rights and obligations of a finder of lost goods ? What is the nature of the lien he has over the goods ?
5. Enumerate the rights of surety against principal debtor, creditor and co-surety.

(3×10=30 Marks)

PART - B

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

1. Explain 'delegatus non potest delegare'
2. What are the exceptions to the rule 'risk follows ownership' ?