



Reg. No. :

Name :

Third Semester B.A. LL.B./B.B.A. LL.B./B.Com. LL.B.
(Five-Year Integrated) Degree Examination, March 2015
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 **two** marks.

1. Unpaid seller's lien.
2. Agency by ratification.
3. Particular lien
4. C.I.F. contract.
5. Rights of indemnity holder.
6. Partnership at will.
7. Pledge.
8. Auction sale.

(5x2= 10 Marks)

PART – B

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

1. What are the rights and duties of a bailee ?
2. Examine the liabilities of a retired partner.



3. State and explain the features of an agency.
4. What is meant by 'Caveat Emptor' ? Discuss its various exceptions.
5. "The liability of the surety is coextensive with that of the principal debtor". Explain.
6. Explain and distinguish between sub-agent and substituted agent. **(4×4= 16 Marks)**

PART – C

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

1. A guarantees payment to B of the price of five sacks of flour to be delivered by B to C and to be paid for in a month. B delivers five sacks to 'C'. 'C' pays for them. Afterwards, B delivers four sacks to C which C did not pay for. Decide whether A is liable for the price of the four sacks.
2. A employs B to recover 5000 rupees from C. Through 'B's misconduct, the money is not recovered. Decide whether B is entitled to remuneration for his services or should he make good the loss to A.
3. A has hired a bank locker. The bank was robbed. A alleges that his 1 kg of gold was lost and as a bailee the bank is responsible. Decide whether the bank can be held liable for the same.
4. 'A' and 'B', partners of a firm claimed damages for non delivery of a bale of cloth despatched from Bombay to Kochi through railway. This action was brought after the dissolution of the firm which was unregistered. Decide whether the partners of the dissolved firm are entitled to bring the suit for compensation from the railway for non delivery of the consignment of cloth.
5. A buyer took a horse on trial for 8 days. The horse died within this time without the fault of the buyer. Can the seller recover the price of the horse from the buyer ? **(6×4= 24 Marks)**



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PART – D

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

1. Explain different modes of dissolution of partnership.
2. Explain the modes of creation and termination of agency. What are the essentials of valid ratification ?
3. Discuss the application of, maxim 'Nemo dat quod non habet'. State the exceptions to this rule.
4. What are the rights and liabilities of surety ? Explain the modes of discharge of a surety from liability.
5. Enumerate the rights of buyer against seller. What are the remedies available to both in case of breach of contract. **(10x3= 30 Marks)**

PART – B

Answer any two of the following not exceeding 250 words each. Each question carries 4 marks.

1. What are the rights and duties of a holder ?
2. Explain the liabilities of a merged partner.