



Reg. No. :

Name :

Third Semester B.A.LL.B./B.B.A.LL.B./B.Com. LL.B. (Five Year Integrated) Degree Examination, May 2017
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. General lien.
2. Particular partnership.
3. Delegatus non potest delegare.
4. Substituted agent.
5. Condition and warranty.
6. Partnership by holding out.
7. Continuing guarantee.
8. Nemo dat quod non habet.

(5×2=10 Marks)

PART – B

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

1. Discuss the position of a minor admitted to the benefits of partnership.
2. State the distinction between a sale and an agreement to sell.
3. When can a limited owner make a valid pledge ?
4. Discuss the legal consequences of non registration of a partnership.
5. Explain the methods of termination of agency.
6. What are the rights of surety ?

(4×4=16 Marks)



PART - C

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

1. 'A' becomes surety to 'C' for 'B's conduct as a manager in 'C's bank. Afterwards, 'B' and 'C' enters into contract, without A's consent that B's salary shall be raised and that he shall become liable for one-fourth of the losses on overdrafts. 'B' allows a customer to overdraw and the bank loses a sum of money. Is 'A' liable to make good this loss ? Decide.
2. 'A' directs 'B', his agent to buy a certain house for him. 'B' tells 'A' that it cannot be brought and buys the house for himself. What is the remedy available to 'A' ?
3. 'A' gives cloth to 'B', a tailor, to make a coat. 'B' promises 'A' to deliver the coat as soon as it is finished and to give a three months credit for the price. Decide whether 'B' is entitled to retain the coat until he is paid.
4. A firm had three partners. One partner had contributed 50% of share capital, other two 25% each. Decide whether the partners are to share the profits equally and to contribute equally to the loss sustained by the firm or in proportion to the contribution of capital.
5. The seller agreed to supply 30 tons of apple juice by samples. The sellers crushed 30 tons of apples at once to ensure that they were according to samples and filled them in cases. After receiving some consignments, the buyer refused to take further deliveries. Consequently the apple juice became putrefied. Decide whether the seller or the buyer has to bear the loss. **(4x6=24 Marks)**

PART - D

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

1. Explain and distinguish between contracts of indemnity and guarantee. What are the rights of indemnity holder ?
2. Explain bailment. What are the essentials of bailment and duties of bailor and bailee.
3. Who is an unpaid seller ? What are the rights of unpaid seller against the goods ?
4. Explain the essentials of partnership. Enumerate the nature and extent of liability of the firm for the acts of a partner.
5. What are the rights and duties of an agent ? **(3x10=30 Marks)**