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2 SEM LLB 3 CONT 2

2008

(December)

CONTRACT - II

Paper : 203

Full Marks - 80

Pass Marks - 32

Time - Three hours

The figures in the margin indicate full marks for the questions.

Answer question No.1 and any *four* from the rest.

1. First state whether the following statements are true or false and thereafter justify your answer within 4/5 lines each. 2×10=20
 - (a) A partner of an unregistered firm can file a suit for the dissolution of the firm and for accounts.
 - (b) The partners may select any name for the firm they like.
 - (c) In a Hire-Purchase Agreement the property in the goods pass as soon as it is delivered.

- (d) A Crossed Cheque can be payable to the bearer.
- (e) A contract guarantee must always be a written one.
- (f) An agency cannot be created by implication of law.
- (g) Del Credere agent gets only ordinary commission.
- (h) A Bill of Exchange is a verbal order.
- (i) A valid pledge can be made by a person who is in possession of the goods belonging to another person.
- (j) A finder of goods has a right to sue for reward.

2. (a) State under what circumstances a partner can be expelled from a Partnership firm. 7½
- (b) Write the rights and liabilities of an expelled partner. 7½

3. Distinguish between the following :
- (a) Sale and contract for work and labour. $7\frac{1}{2}$
 - (b) Uncrossed Cheque and Crossed Cheque. $7\frac{1}{2}$
4. (a) Explain when and under what circumstances an agent can be terminated. $7\frac{1}{2}$
- (b) Write when an agent is not entitled to remuneration for the business done for the principal. $7\frac{1}{2}$
5. What are the modes of discharge of a surety from liability in a contract of Guarantee ? Give examples of four such modes. 15
6. (a) What is the standard care a bailee has to take in respect of goods bailed to him ? 10
- (b) Explain bailor's particular lien. 5
7. (a) Discuss the law regarding bailment by way of pledge or pawn.

(b) Discuss the law relating to the duties of a seller as well as buyer of goods. $7\frac{1}{2} \times 2 = 15$

8. How will you classify the negotiable instruments ?
What are the kinds of negotiable instruments dealt with the Negotiable Instruments Act, 1881 ? 15

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