

Total number of printed pages—4

2 SEM LLB 3 CONT 2

2009

( December )

**CONTRACT-II**

Paper : 203

Full Marks : 80

Time : Three hours

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

1. Write short notes on *any four* of the following :  
5×4=20
- (i) Lien
  - (ii) Factor
  - (iii) Holder in due Course
  - (iv) *Caveat emptor*
  - (v) Crossed cheque
  - (vi) Bailee
  - (vii) Quasi Contract.

2. Distinguish between *any two* of the following :  
8×2=16

- (a) Contract of Indemnity and Guarantee.
- (b) Pledge and Mortgage.
- (c) Sale and hire purchase agreement.
- (d) Promissory Note and Bill of Exchange.

3. Answer *any two* questions :

- (a) State the liabilities of a Surety. Under what circumstances a surety can be discharged from his liabilities ?  
5+10=15
- (b) Is the Registration of a Partnership Firm compulsory ? What are the effects of a non-registration firm ?  
5+10=15
- (c) What are the requirements for formation of a valid contract of sale as per provisions of the Sales of Goods Act 1930 ? In what respect 'sale' is different from Gift ?

10+5

4. Answer the questions giving proper reasons :  
(any two) 2×7=14

- (a) B owes to C a debt guaranteed by A. The debt becomes payable, C does not sue B for the debt for one year after the debt becomes payable. Is A discharged from suretyship ?
- (b) A cheque had been drawn by X in favour of Y on an account maintained by him with a banker. The cheque when presented by Y to the particular banker, he refused to pay the amount as stated in the cheque on the ground of insufficiency of funds in the account of X. What is the legal remedy available to Y ?
- (c) 'A' sells and delivers goods to 'B'. 'C' afterwards without consideration, agrees to pay for them in default of B. Examine the status of the agreement.
- (d) A, B and C are sureties of D for the sum of Rs. 6000.00 lent to E. E makes default in payment. Are the sureties to D liable to pay the said sum of Rs. 6000.00 ? If so in what manner the sureties have to contribute ?
- (e) What are the rights of an unpaid seller ?

(f) What are the different modes of dissolution of a Partnership Firm ?

(g) What are the rights and duties of the bailor ?

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