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2010

(July)

LAW OF CONTRACT - II

(New Course)

Paper : 203

(Special Contract)

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. State whether the following statements are true or false. Justify your answer very briefly (within 4/5 lines each) 2×10=20

(a) In a partnership firm, the partners can select any name as they please.

- (b) When the goods are bailed gratuitously, the bailor can ask for the return of the goods at any time.
- (c) The right of general lien has been conferred on five specific kinds of bailees.
- (d) A contract of guarantee is a contract to discharge the liability of a third person in case of his default.
- (e) An agency cannot be created by express authority.
- (f) In a hire purchase agreement the property in the goods pass as soon as it is delivered.
- (g) There are only two parties in case of bill of exchange.
- (h) Delcredere agent gets extra ordinary commission.
- (i) Dissolution of partnership between all the partners of a firm is not a dissolution of a firm.
- (j) When a person keeps his goods in the premises of another person but himself continues to have control over them is called bailment.

2. Write short notes on any *three* of the following : $5 \times 3 = 15$

- (i) Essentials of valid contract of sale
- (ii) Agency of necessity
- (iii) General lien of bankers
- (iv) Duties of bailee.

3. Distinguish between (any *two*) : $7\frac{1}{2} \times 2 = 15$

- (i) Cheque and bill of exchange
- (ii) Agent and servant
- (iii) Sale and agreement to sell.

4. Explain the meaning of the Latin phrase :

- (i) "Nemo dat quod non habet." $7\frac{1}{2}$
- (ii) Discuss various ways of termination of agency. $7\frac{1}{2}$

5. Write short notes on any *three* : $5 \times 3 = 15$

- (i) Crossed cheque
- (ii) Dissolution of partnership firm
- (iii) Auctioneer
- (iv) General lien.

6. Define Negotiable Instruments. Write its essential features. $5+10=15$

7. Define any *three* of the following: $5 \times 3 = 15$

(i) General lien of wharfingers

(ii) Continuing guarantee

(iii) Gratuitous bailment

(iv) Partnership at will.

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