

LLB
SECOND SEMESTER
SPECIAL CONTRACT
LLB – 202 [REPEAT]
[USE OMR FOR OBJECTIVE PART]



Duration: 3 hrs.

Full Marks: 70

Time: 30 min.

(Objective)

Marks: 20

Choose the correct answer from the following:

1 × 20 = 20

1. The contract of guarantee is a contract in which a person perform the promise or discharge the liability of-
 - a. The contractor
 - b. Stranger
 - c. Third person
 - d. None of the above
2. The person who during the contract of bailment delivers goods is called-
 - a. Bailor
 - b. Bailee
 - c. Both (a) and (b)
 - d. None of the above
3. As per section 185 of the Contract Act, 1872 consideration is-
 - a. Necessary to create agency
 - b. Not necessary to create agency
 - c. Depends upon type of agency
 - d. None of above
4. The term "Pledge" means-
 - a. A thing which is given as security
 - b. A thing which is sold out
 - c. Both (a) and (b)
 - d. None of above
5. A hires a carriage of B. The carriage is unsafe though B is not aware of it and A is injured.
 - a. B is responsible to A for the injury
 - b. B is not responsible to A for the injury
 - c. No one is responsible to each other
 - d. None of above
6. Section_____ of the Contract Act defined sub-agent-
 - a. 191
 - b. 192
 - c. 193
 - d. None of the above
7. In Bailment, bailor is duty bound to disclose fault in goods bailed as provided in section-
 - a. 148, of the Contract Act
 - b. 149, of the Contract Act
 - c. 150, of the Contract Act
 - d. None of above
8. An unsound person cannot become-
 - a. An agent
 - b. Principal
 - c. Both (a) and (b)
 - d. None of above

9. The Sale of Goods Act, was enforced on-
 - a. 1st day of May, 1930
 - b. 1st day of June, 1930
 - c. 1st day of July, 1930
 - d. None of above
10. The term 'partnership' has been defined under-
 - a. section 3
 - b. section 4
 - c. section 5
 - d. section 6
11. Which of the following is not a right of surety-
 - a. Rights of Subrogation
 - b. Rights of Indemnity
 - c. Rights of interest on debt
 - d. Right to be indemnified by principal debtor
12. A partnership at will means-
 - a. Partnership can be dissolved at the will of even a single person
 - b. Partnership cannot be dissolved
 - c. Partnership can be dissolved with an agreement of all the partners
 - d. None of the above
13. Which of the following is not the duty of bailee-
 - a. Duty to return
 - b. Duty to set up "jus tertii"
 - c. Duty to return increase
 - d. Duty to return increase
14. The person who gives indemnity is called-
 - a. Indemnity Holder
 - b. Indemnifier
 - c. Indemnified
 - d. Surety
15. Which of the following is not correct-
 - a. A pledge by mercantile agent is not a valid pledge
 - b. A pledge by person in possession of goods under voidable contract is a valid pledge
 - c. A pledge by pledge is valid pledge
 - d. A pawnee can exercise special property in the goods pledged
16. Which of the following is not an essential of a sale as per the Sale of Goods Act, 1930-
 - a. Agreement
 - b. Price
 - c. Time of payment of price
 - d. Goods
17. A partnership firm is-
 - a. a distinct legal entity from its partners
 - b. not a distinct legal entity from its partners
 - c. a juristic person
 - d. either (a) or (c)
18. Which of the following is not a duty of agent-
 - a. Duty to delegate
 - b. Duty to avoid conflict of interest
 - c. Duty to follow customs
 - d. Duty to follow customs

19. Which one of the following is not correct-
- a. Buyer shall apply for the delivery of the goods
 - b. Seller shall give delivery of the goods at buyers place at the cost and risk of the seller
 - c. Conditions are the stipulation in breach of which buyer has right to terminate the contract
 - d. Warranties are the stipulation in breach of which buyer has no right to terminate the contract
20. Which one of the following is not a condition of guarantee-
- a. Principal Debt
 - b. Consideration
 - c. Interest on debt
 - d. Three parties to the contract

(Descriptive)

Time : 2 hrs. 30 min.

Marks : 50

[Answer question no.1 & any four (4) from the rest]

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| 1. What are the key elements and of a contract of guarantee? Under what circumstances can a guarantor be discharged from their obligations under a contract of guarantee? | 5+5=10 |
| 2. Analyze the circumstances in which a contract of indemnity may arise, such as contracts of insurance, suretyship, and contracts for professional services. | 10 |
| 3. Discuss the essential elements of a contract of bailment and explain the rights and duties of both the bailor and bailee. | 10 |
| 4. Examine the concept of the contract of agency in commercial transactions, outlining its essential elements and the legal relationship between the principal and the agent. | 10 |
| 5. Analyze the essential elements required to establish a valid partnership, including the existence of a lawful business, mutual agreement, sharing of profits and losses, and the intention to carry on business together. | 10 |
| 6. What do you mean by partnership? What are the essentials of a partnership? | 3+7=10 |
| 7. Discuss the essential elements required for a valid contract of sale, including the definition of goods, the capacity to buy and sell, the existence of an agreement, and the passing of ownership. | 10 |
| 8. Explore the rights of unpaid seller. | 10 |

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