

(3 Hours)

[Total Marks : 100]

1. Answer questions in **two or three** sentences :— 20
- (a) Define Partnership.
  - (b) Define Agency.
  - (c) Who is a Surety ?
  - (d) Explain "Factor" and "Broker" in Agency.
  - (e) What is Bailment ?
  - (f) Who is an Unpaid seller ?
  - (g) Is consideration essential in a Contract of Agency ?
  - (h) Who is a Dormant Partner ?
  - (i) Explain Hire Purchase.
  - (j) Difference between Sale and Agreement to sell.
2. Write short notes on any **four** of the following :— 20
- (a) Explain Delcredere Agent.
  - (b) "Delegatus non protest delegate". Explain this maxim with reference to Agency.
  - (c) Explain effect of Non-registration of Partnership.
  - (d) Explain Unpaid Seller's rights.
  - (e) Distinguish between Condition and Warranty.
  - (f) Explain Undisclosed Principal.
3. Solve any **two** of the following :— 12
- (a) 'A' is employed by 'B' to buy from 'C' goods of which 'C' is the Apparent owner. Before 'B' employed 'A', 'A' was the employee of 'C'. 'A' during the term of employment under 'C' had known that goods belonged to 'D'. 'B' is ignorant of this fact.
    - (i) Can B set off against the price of the goods, a debt owing to him from 'C' ?
    - (ii) What will be your opinion if 'A' was not earlier employed by 'C' and was aware that 'C' is the apparent owner ?
  - (b) 'A' purchased some woollen underwears from company 'B' dealing in such goods. After wearing the woollen underwears 'A' contracted skin disease due to the excessive presence of chemicals in garments.
    - (i) Substantiate with relevant Section whether 'A' can claim damages.
    - (ii) Cite the relevant Case law and explain whether 'B' was liable to pay damages.
  - (c) A partnership is created between 'A' and 'B'. 'A' and 'B' agrees B's minor son 'C' to enjoy the benefits of partnership which is already in existence.
    - (i) Can 'A' and 'B' agree to B's minor son 'C' to enjoy the benefits of Partnership ?
    - (ii) What is the right which has to be exercised by 'C' on becoming major ?

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4. Answer in detail (any four) :—

- (a) Distinguish between representations, warranties and condition with referene to goods in a Contract of Sale and explain Implied Conditions and Implied Warranties.
- (b) Define "Partnership". State the essentials of partnership. Give the rights and liabilities of each partner in respect of partnership business ?
- (c) Explain the various modes in which the relationship of agency is created. Also examine the various modes of terminating agency.
- (d) Define Bailment and discuss the rights and duties of Bailor and Bailee.
- (e) "A surety is a favoured Debtor". Explain the statement pointing out the rights of surety against :
  - (1) The principal debtor
  - (2) The Creditor
  - (3) A Co-surety.
- (f) Explain the methods of Dissolution of Partnership and also discuss the consequences of Dissolution with respect to winding up of business.

