

2019

B.A. (General)

2nd Semester Examination

**LAW OF CONTRACT-II**

Paper - 2.5

Full Marks : 80

Time : 3 Hours

*The figures in the margin indicate full marks.  
Candidates are required to give their answers  
in their own words as far as practicable.*

Answer any five questions

**Group-A**

Answer any two questions.

1. (a) "In a contract of indemnity the liability of the indemnifier is primary and arises when the contingent event occurs."—Explain the nature of liability of the indemnifier and when does the commencement of his liability take place ? 10
- (b) How is a continuing guarantee revoked ? 6

[ Turn Over ]

2. (a) What are the rights and duties of a Bailor ? 10  
(b) Differentiate between General Lien and Particular Lien ? 6
3. (a) Define mercantile agent ? What do you mean by pledge by a mercantile agent ? 6  
(b) Discuss the various rights of the Pawnor and Pawnee. 10
4. (a) What are the conditions that need to be satisfied for ratification of an agency to be effective ? 3  
(b) Define Agency under the Indian Contract Act, 1872, and write its essentials. 3  
(c) How is agency created ? 4  
(e) Discuss the rights and duties of agents ? 6

### Group - B

Answer any *two* questions

5. (a) What are the role of minors admitted to the benefits of a partnership firm ? 10  
(b) What are the modes of determining existence of a partnership ? 6

6. (a) Define an 'act of a firm', "third party" and "business", under the Indian Partnership Act, 1932. 3
- (b) Discuss joint and several liability of partners. 3
- (c) Write down atleast five important mutual rights and five important mutual duties of partners in a firm. 10
7. (a) Is it necessary for a partnership firm to get registered ? 6
- (b) Discuss the effects of non-registration of a firm ? 10
8. (a) What is the distinguishing feature of Partnership that establishes the existence of the relationship of Partnership ? 6
- (b) Can a partner avoid his liability to contribute to the loss of the firm, if there is any ? Discuss. 6
- (c) Briefly explain the procedure for the registration of a firm ? 4

**Group - C**

Answer any *one* question.

9. (a) Distinguish "Sale" and "Agreement to Sell". 6
- (b) Write a note on "CAVEAT EMPTOR", along with its exceptions. 10
10. (a) Define unpaid seller and discuss his rights. 8
- (b) Explain "NEMO DAT QUOD NON HABET". Mention five exceptions to it. 8
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