

Total number of printed pages—4.

19 (3-II) SPCN 2·5

2016

**SPECIAL CONTRACT**

Paper : 2·5

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks : 1×10=10
- (i) Section 129 of the Indian Contract Act defines \_\_\_\_\_. (Continuing guarantee/ Contract of guarantee)
- (ii) According to section 128 of the Indian Contract Act, the liability of the surety is co-extensive with that of the \_\_\_\_\_. (Creditor / Principal debtor)
- (iii) An agent who for extra remuneration undertakes the liability to guarantee the due performance of the contract by the other party is called \_\_\_\_\_. (Commission agent / Del-credere agent)

Contd.

- (iv) A \_\_\_\_\_ sets under the control and direction of principal.  
(sub agent/substituted agent)
- (v) Clubs are the form of \_\_\_\_\_.  
(Partnership/Association of peculiar nature)
- (vi) Principal of holding out as provided under section 28 of the Indian Partnership Act is based on the \_\_\_\_\_.  
(Doctrine of vicarious liability / Doctrine of estoppel)
- (vii) A stipulation in a contract of sale, which is collateral to the main purpose of the contract is called \_\_\_\_\_.  
(Conditions/Warranty)
- (viii) \_\_\_\_\_ are goods identified and agreed upon at the time a contract of sale is made.  
(Ascertained goods/Specific goods)
- (ix) Registration with Registrar of Limited Liability of Partnership is \_\_\_\_\_.  
(optional / compulsory)
- (x) Maximum number of partners under Limited Liability of Partnership is \_\_\_\_\_.  
(20/unlimited)

2. Answer the following questions :  $2 \times 5 = 10$
- (i) What is F.A.S contract and F.O.B contract under contract of sale ?
- (ii) Define Bailment.
- (iii) Mention the kinds of agent.
- (iv) Define Partnership at will and particular partnership.
- (v) Define holding out under Limited Liability Partnership Act, 2008.
3. Define surety. Explain the rights of surety against the principal debtor, creditor and co-sureties.  $3+3+3+3=12$
- Or**
- Define Pledge. Who can pledge ? Explain the rights of pawnee.  $2+4+6=12$
4. Explain ratification. State in detail the essentials of a valid ratification.  $4+8=12$
- Or**
- Who is an Agent and Principal ? Discuss the rights of Agent and duties of Principal.  $2+2+8=12$
5. Define Partnership. Explain in detail the rights and duties of the partners.  $2+5+5=12$

**Or**

What is dissolution of a firm ? Discuss in detail the modes of dissolution of a firm. 3+9=12

6. What is Condition and Warranty under Sales of Goods Act 1930 ? Distinguish between Condition and Warranty. When breach of condition can be treated as breach of warranty ?  
4+4+4=12

**Or**

Discuss the duties of seller and buyer. What are the modes of delivery of goods ? Explain the rules regarding delivery of goods.

2+3+7=12

7. Write short notes on: 3+3+3+3=12

- (a) Whistle blowing
- (b) Relationship of partners
- (c) Registration and effect of conversion
- (d) Extent of liability of limited liability partnership

under Limited Liability Partnership Act 2008.

**Or**

Explain the nature and scope of Limited Liability Partnership Act 2008. 12