

Total number of printed pages-4

21 (4) SPCT 4-4

2018

SPECIAL CONTRACT

Paper : 4-4

Full Marks : 80

Time : Three hours

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

1. Choose the correct option : $1 \times 10 = 10$
- (a) In a bailment, the _____ of the goods is transferred. (Possession/Ownership)
- (b) The Sale of Goods Act deals only with goods which are _____ in nature. (Movable / Immovable)
- (c) According to section 238, the Principal's Liability is based on the rule _____ . (*delegatus non potest delegare/ qui facit per alium facit per se*).
- (d) Section _____ of the Contract Act defines sub-agent. (193/191)

Contd.

- (e) The Sale of Goods Act came into force in the year _____. (1930/1935)
- (f) The person who gives a grantee is called _____. (Principal Debtor/Surety)
- (g) Registration of Partnership Firm is _____. (Compulsory/Optional)
- (h) A partner of an unregistered firm can sue for _____ of the firm. (Share in property/Dissolution)
- (i) The Ministry of Corporate Affairs enforced the Limited Liability Partnership Act, with effect from _____ (31st March, 2009/31st March, 2008)
- (j) Any change in the partner of a limited liability partnership shall _____ the existence, rights or liabilities of the limited liability partnership. (affect/not affect).

2. Write on the following : $2 \times 5 = 10$

- (a) Partnership at will
- (b) Right of Subrogation
- (c) Distinguish between Sale and Agreement to sell

- (d) Whistle Blowing
- (e) Duties of Bailee.

3. What is Pledge? Discuss the rights of a pawnor. Is there any difference between Bailment and Pledge? $3+4+5=12$

Or

Define Surety. Explain the Rights of Surety against the Principal Debtor, Creditor and Co-sureties? $3+3+3+3=12$

4. Who is an agent? Describe the various types of agents. Is consideration necessary to create an agency? $2+7+3=12$

Or

Explain Ratification. Discuss in detail the essentials of valid ratification. $3+9=12$

5. What is Condition and Warranty under Sale of Goods Act? Distinguish between Condition and Warranty. When Breach of Condition can be treated as Breach of Warranty? $4+4+4=12$

Or

Explain the Doctrine of "Nemo dat quod non habet". Are there any exceptions to it? $4+8=12$

6. What do you mean by implied authority of a partner? What are the statutory restrictions on a partners implied authority?

6+6=12

Or

Discuss in details about the rights and duties of Incoming and Outgoing partners in a Partnership firm. 12

7. What is Limited Liability Partnership? Explain the main characteristics of Limited Liability Partnership under the Limited Liability Partnership Act. What are the advantages and disadvantages of Limited Liability Partnership? 2+5+5=12

Or

Explain the following :

6+6=12

- (a) Unpaid Seller
(b) Caveat Emptor.