

Roll No.

SAP ID



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, July 2020

Open Book – Through Blackboard Learning Management System

Course Code: CLCC1004 Course Name: Law of Contract II Semester: II.

Programme: B.B.A., LL.B. (Hons.) Corporate /Banking, Insurance and Finance / International Trade and Investment Laws 2019 (B1& B2 Batch)

Time: 03 hrs.

Max. Marks: 100

Instructions:

As this examination is in open-book format, the students are expected to demonstrate a very high degree of Academic Integrity and not copy contents from resources referred. Instructors would look for understanding of the concept by the students and any similarity found from resources online/ offline shall be penalized in terms of deduction of marks and even cancellation of paper in requisite cases. The online examination committee of the School would also look for similarity of two answer scripts and if answer scripts of two or more students are found similar, both the answer scripts shall be treated as copied and lead to cancellation of the paper. In view of the aforesaid points, the students are warned that they should desist from using any unfair means.

All Questions are Compulsory

Answer each question in not more than 500 words

S. No.		Marks	CO
1	<p>a. A gives cloth to tailor, B for making suit with tailor charges of Rs 4000. The suit is ready and A is willing to pay charges but B refuses to deliver, unless A pays an old debt of Rs 500. Whether B is entitled to do so? Marks 5</p> <p>b. A's ornaments were stolen from his house which were subsequently recovered by the police and kept in police custody. Thereafter, the ornaments were stolen from the police custody too. A sued the police department for damages. Will A succeed? Decide the liability of Police department with help of provisions & case laws on the subject. Marks 15</p>	20	CO3
Ans.			
2	<p>a. When an Agent does some act, which is suddenly required to be performed without the knowledge of Principal but for the benefit of the Principal, this act falls under which category as per relevant provisions on the subject? Marks 5</p> <p>b. A employs B as his agent for selling his(As) watch for not less than 100 Rupees .B buys the watch himself and handover Rs 120 to A, who was quite satisfied with the price and does not ask the name of buyer. Later on after few weeks, A discovers the identity of buyer, once B resold</p>	20	CO2

	the watch to buyer C for Rs 150. Can A claim Rs 30 from his Agent? Marks 15		
Ans.			
3	<p>a. When the accounts of the firm are settled, whether any creditor can still claim his dues against firm? Support your answer with relevant provisions. Marks 5</p> <p>b. An unregistered firm sold goods worth Rs. 20,000 to B, who gave a cheque for the amount, but the cheque was dishonored on presentation. A, who was a partner in the firm, demanded money from B who paid only 10,000. In the meantime, the firm was dissolved and the sum of Rs. 10,000, the unpaid balance, was assigned to A for realization. A sued B for recovery of the amount. B pleads that A's suit is not maintainable as the firm is unregistered. Decide the maintainability of suit. Marks 15</p>	20	CO3
Ans.			
4	<p>a, The plaintiff ordered for the construction of two revolving shafts for their two ships. Detailed specifications were provided to defendant, however; certain matters were left to the defendants. The shafts were duly packed and supplied within the specified time but they were defective as not meeting the specifications mentioned by the plaintiff. There was substantial area outside the specification, which was not fully covered by its direction as they were left to the skill and judgment of the seller. Plaintiff refused to make payment to the seller and intended to cancel the contract.</p> <p>Discuss the liability of Seller with the help of legal provisions and case laws. Marks 10</p> <p>b. A farmer brought a dead pig from a butcher B for consumption and A left the pig hanging on his land. C another farmer purchased the dead pig from A for human consumption, but found it unfit for human consumption. C claimed against A for the cost and damages; would he succeed. Justify your response with relevant provisions/case law. Marks 10</p>	20	CO4
Ans.			
5	<p>a. A guarantees payment to B, a tea-dealer, for any tea that C may buy from him from time to time to the amount of Rs 100. Afterwards, B supplies C tea for 200/- and C fails to pay. Whether B can recover any amount from A? If so, justify your answer with relevant provisions or examples. Marks 10</p>	20	CO3

	b. A, B and C, sureties for D, enter into three separate bonds, each in a different penalty, viz., A for Rs. 10,000, B for Rs. 20,000 and C for Rs. 40,000. D makes default to the extent of Rs. 30,000. Decide the liability of A, B and C. However, if default by D were to the extent of Rs. 40, 000, then what would be the liability of A, B & C? Marks 10		
Ans.			