Odisha Judicial Service (Mains) 2018

Law of Contract · optional paper

Time: 3 hours. Full marks: 150. The figures in the right-hand margin indicate marks. Answer six questions, selecting two questions each from any two Sections and one each from remaining two Sections.

Section A

1. "The law of contract is not the whole law of agreement nor is the whole law of obligation." Discuss. [25 marks]

2. Explain the legal status of Minor Under Contract Act. X a minor, aged 14 years sold an immovable property to Y. On attainment of majority X wanted to cancel the sale and get back the property. Can X do it? Give reasons. [25 marks]

3. Explain the following: (a) Vagueness of contract. (b) Quantum Meruit (c) Mere silence is no fraud (d) These cannot be a contract to make a contract (e) Privity of consideration. [25 marks]

Section B

4. Explain what is meant by an Unpaid Seller's right of stoppage in transit and state how stoppage can be effected. [25 marks]

5. (a) Critically examine: (i) Rights of the Surety (ii) Discharge of Suretyship (b) "A seller cannot convey a better title to the buyer than he himself has." Discuss and indicate the exceptions, if any. [10 marks] [15 marks]

6. (a) What rights and liabilities flew in cases of part delivery and wrong delivery goods? (b) Nemo dat quod non habet. Comment. [15 marks] [10 marks]

Section C

7. (a) Discuss that the Partnership arises out of contract and not status. (b) Can a Minor be a Farmer? Give reasons for your answer. [15 marks] [10 marks]

8. (a) What are the rights of a Partner who rescinds the contracts of Partnership as the ground of fraud? (b) What are the rights and liabilities of outgoing Partners? [10 marks][15 marks]

9. (a) Explain the necessity for the registration of firms in India. What are the effects of non-registration firms? (b) Write notes on the following: (i) Implied authority of a partner (ii) Mode of determining the existence of partnership [15 marks] [10 marks]

Section D

10. What do you mean by the term indorsement of a negotiable instrument? Enummerate different kinds of indorsement. [25 marks]

11. (a) Write about the legal consequences of bouncing of cheque. (b) Define Bill of Exchange. State the policy on which it is used. [10 marks] [15 marks]

12. (a) Write notes on the following: (i) Dishonour of cheque (ii) Bearer instrument (iii) e-banking (b) What are the Privileges of holder-in-due course under the Negotiable Instrument Act. [15 marks] [10 marks]