Odisha Judicial Service (Mains) 2021

Law of Contract · optional paper

JSM – 21/6 · 3 hours · 150 marks

The figures in the right-hand margin indicate marks. Candidates should attempt six questions, selecting two from Section A, two from Section B and one each from Section C and Section D.

Section A

1. (a) Define Consent. When is it said to be free? [10 marks]
(b) What is 'Coercion' ? What happens to the contract where the consent is caused by 'Coercion'? Distinguish between Coercion and Undue Influence. [15 marks]

2. (a) An offer has value or legal consequences only when accepted. Define acceptance. Explain the conditions for a valid acceptance. [15 marks]
(b) Explain the law relating to 'Mistake'. [10 marks]

3. (a) Define 'Indemnity'. Distinguish between 'Contract of Indemnity' and 'Contract of Guarantee'. [15 marks]
(b) What are the rights of 'indemnity-holder'? [10 marks]

Section B

4. (a) What is a contract of Sale ? Distinguish between Sale and Agreement to sell. [15 marks]
(b) Explain the implied conditions in a contract of sale of goods. [10 marks]

5. (a) Define Price. How is the price of goods ascertained? [10 marks]
(b) Differentiate between 'Condition' and 'Warranty'. [15 marks]

6. (a) Explain the maxim Nemo Dat Quod Non-Habet. State the exceptions to this, if any. [15 marks]
(b) Define 'Unpaid seller'. Comment on the following: 'The right of stoppage in transit is just an extension of the right of lien'. [10 marks]

Section C

7. (a) Define Partnership. What are the different kinds of partnership? [10 marks]
(b) Write a note on the types of partners. [15 marks]

8. (a) Differentiate between a Partnership and a Company. [10 marks]
(b) Explain the rights and duties of Partners. [15 marks]

9. (a) What do you understand by the registration of partnership firm? What are the consequences of non-registration ? [15 marks]
(b) Discuss the provisions with respect to dissolution of the firm. [10 marks]

Section D

10. (a) Differentiate between the three kinds of negotiable instruments mentioned in the Negotiable Instruments Act. [15 marks]
(b) Write a note on the crossing of cheques. [10 marks]

11. (a) Differentiate between Holder and Holder in Due Course. [10 marks]
(b) What is negotiation under the Negotiable Instruments Act. Explain the various kinds of negotiation. [15 marks]

12. Section 138 of the NI Act deals with the punishment for dishonour of cheques. Discuss, in detail, the important points of the said provision. [25 marks]

De Facto IAS