West Bengal Judicial Service (Mains) 2021

Law of Contracts and Torts · compulsory paper

Time: 3 hours · Full marks: 100

Answer all questions. Group A

1. (a) What is meant by 'Supervening impossibility'? What is its effect on contract?
(b) Is there any difference between 'Supervening impossibility' and 'Law of Frustration'? (5+5=10)

2. (a) How an Agency is created? Is any consideration necessary to create an Agency? Can a minor be appointed as an agent so as to bind the Principal?
(b) Write notes on: (i) Agency by estoppel; (ii) Agency by holding out. (5+5=10)

3. (a) What is meant by 'Law of Competency' under the Indian Contract Act, 1872?
(b) Whether every person is competent to Contract? Answer with necessary illustration. (5+5=10)

4. (a) What is meant by the Contract of Guarantee? Discuss with necessary illustration the consideration for Guarantee.
(b) Define: (i) Proposal; (ii) Promise; (iii) Promisee; (iv) Reciprocal Promise; (v) Voidable Contract (5+5=10)

5. (a) State the Law of Performance of Contract under the Indian Contract Act, 1872.
(b) Discuss the effect of failure or refusal to perform the contract within the specified time. (5+5=10)

Group B

6. "Tort is an infringement of private common right in vein." — Discuss with necessary illustrations. (10)

7. What is meant by 'Damnum sine injuria and injuria sine Damno'? Whether any of the two gives rise to any tortious liability? Discuss with necessary illustration. (10)

8. What is conversion? Distinguish between conversion and trespass to goods with necessary examples. (10)

9. 'A fair comment in the matter which is for Public Interest or submitted to Public Criticism is not actionable.' — Discuss with specific illustration. (10)

10. What is 'Doctrine of Necessity'? To what extent it can be cited as a defence to an action for intentional interference with security of another person's property. — Discuss with specific case law. (10)