

**JSM – 18/6**

**Law of Contract**

*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
  
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

3. Explain the following : 25

- (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.

### 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

5. (a) Critically examine : 10

(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. 15

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

**Section – C**

7. (a) Discuss that the Partnership arises out of contract and not status. 15  
(b) Can a Minor be a Partner ? Give reasons for your answer. 10
8. (a) What are the rights of a Partner who rescinds the contracts of Partnership as the ground of fraud ? 15  
(b) What are the rights and liabilities of outgoing Partners ? 10
9. (a) Explain the necessity for the registration of firms in India. What are the effects of non-registration firms ? 15  
(b) Write notes on the following : 10  
(i) Implied authority of a partner  
(ii) Mode of determining the existence of partnership

### Section – D

10. What do you mean by the term indorsement of a negotiable instrument ? Enumerate different kinds of indorsement. 25
11. (a) Write about the legal consequences of bouncing of cheque. 10
- (b) Define Bill of Exchange. State the policy on which it is used. 15
12. (a) Write notes on the following: 15
- (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. 10

