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**SARDAR PATEL UNIVERSITY**  
**BA, B.COM, BBA LL.B (Hon.) (V YEAR INTEGRATED LAW)**  
**Third Semester Examination**  
**2016**  
**Friday, 25<sup>th</sup> November**  
**10.00 AM to 12.00 PM**  
**UL03CBLH03: Contract- II**

**Max. Marks 50**

Q1. Solve any Two

[10]

1. Raj under a contract of sale of goods entered into contract with Ajay a seller for a specified brand of goods, along with the specified goods he also made the description of the goods of which he want. Seller took the order and delivered the goods to the buyers place. On opening of the goods, the buyer find that the goods was of the specific one but not as per the description that is provided to the seller at the time of entering into contract. Raj refuses to make the payment to Ajay. Has Raj done the right thing? Explain.
2. X drawn a cheque to Q and informed to Q by X that the same should be deposited a day after the date mentioned in the cheque. Q without taking into consideration this special instruction deposit the cheque into the bank on the same day as the cheque was received and the cheque got dishonoured. Q files a case against X. Will Q succeed in the case? Explain
3. D is the Principal Debtor for a sum of Rs. 40000/- C is the Principal Creditor who had lend the money to D and S is the Surety for repayment of Rs. 40000/-. S with the consent of C , appoints R as co-surety for a sum of Rs. 30000/-. C and D privately entered into an agreement to reduce the rate of interest from 16% to 10% PA. Decide the responsibility of each person.
4. Sarita, Arpita and Namrata are three CSs. They wish to open a partnership firm under the style of SAN Associates. The profit sharing ratio is mentioned equally and Sarita who leading the firm would be entitled to get a monthly remuneration of Rs. 30000/- beside the profit that she is entitled to get at the end of the year. Is this a valid terms under the partnership act? Justify.

Q2. Explain the circumstance under which the discharge of surety comes to an end under the indemnity and guarantee act. [15]

OR

Q2. A partner is entitle to take part in the routine course of business. In context of this statement explain the various rights and duties available to partner under the Indian Partnership Act [15]

Q3. It's the duty of the agent to carry out the work of agency with due care and skill. Explain the duties of an agent that have to be followed under the contract of Agency act. [15]

OR

Q3. The general rule under sale of goods act is that the ownership transfer as soon the goods is sold to the buyer and cannot be resell the same goods. With reference to this statement explain the various exceptions available to this general rule. [15]

Q4. Attempt any Two [10]

1. Effects of Ratification
2. Effects of termination by an agent
3. Distinguish between sale and agreement to sale
4. Liability of drawer of cheque.

X=X=X

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