

Law of Special Contracts

Time: 3 Hours

Maximum Marks: 50

**Answer ANY FIVE questions. Each question carries TEN marks.
*Cite relevant legal provisions and case law.***

(5 X 10 = 50)

- I. What is a contract of guarantee? How is it different from a contract of indemnity? Explain the nature and extent of liability of a guarantor.
- II. Explain the difference between the rights and duties of a bailor in the case of gratuitous bailment and bailment for reward. Enumerate and explain the duties of a bailee of goods.
- III. Distinguish between bailment and pledge. What are the rights and duties of a pawnee and pawnor?
- IV. Examine whether agency is a contract. What are the rights and duties of a principal? Explain the difference between agents, sub-agents and substituted agents.
- V. When does property and risk pass in a sale? What is an auction sale? What are the rights of an unpaid seller?
- VI. What is a condition and how is it different from a warranty? Explain the concept of 'innominate terms'. What are the implied conditions and warranties under the Sale of Goods Act, 1930?
- VII. Define partnership. What are the essential elements of partnership? 'The law of partnership is but an extension of the law of principal and agent.' Explain
- VIII. Explain the apparent authority of partners. Explain the position of a minor in a partnership.
- IX. Distinguish between 'negotiation' and 'assignment'. Explain the difference between a 'promissory note', a 'bill of exchange' and a 'cheque'. How is a 'holder in due course' different from the 'holder' of a negotiable instrument?
- X. Distinguish between the legal rights and liabilities of partners in partnerships created under the Limited Liability Partnerships Act, 2008 and those created under the Indian Partnership Act 1930.
