

**B.A. LL.B. (5 Year Degree Course) Sem-VI (CBCS - 2015 COURSE) :**

**SUMMER - 2019**

**SUBJECT: SPECIAL CONTRACT**

Day: Monday  
Date: 22/04/2019

**S-2019-1649**

Time: 10.00 AM TO 01.00 PM  
Max. Marks: 60

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**N.B:**

- 1) All questions are **COMPULSORY**.
  - 2) All questions carry **EQUAL** marks.
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**Q.1 A)** A and B form a trading partnership for five years. After two years A is convicted of travelling on the railway without a ticket. A files a suit for the dissolution of the firm on the ground of his own misconduct. Will he succeed? Will your answer be different if B files the suit on the ground of A's misconduct?

**OR**

**B)** A sells goods to B. B pays to A through a cheque. Before B could obtain the delivery of goods, his cheque has been dishonoured by the bank. A, therefore refuses to give delivery of the goods until paid. Is A's action justified? What would have been the remedy with A if the cheque would have been dishonoured after the delivery of goods to B?

**Q.2 A)** State and explain the circumstances under which a surety is discharged from his liability.

**OR**

**B)** Discuss the rule based on the maxim 'Delegatus non potest delegare.' Are there any exceptions to it?

**Q.3 A)** Write short notes on:  
i) Partnership and Company  
ii) Crossing of Cheque

**B)** Write short notes on:  
i) Liability of Indemnifier  
ii) Kinds of goods

**Q.4 A)** State the rules as to the passing of property from a seller to a buyer in a contract for the sale of specific and ascertained goods.

**OR**

**B)** Define bailment and briefly state the rights and duties of bailor and bailee.

**Q.5 A)** 'The owner of goods can always make a valid pledge.' Are there any exceptions to this rule?

**OR**

**B)** What is endorsement of negotiable instrument? Explain different kinds of endorsement.