



Q.P. Code :03434

[Time: Three Hours]

[Total Marks:100]

Please check whether you have got the right question paper.

- N.B:
1. All questions are compulsory.
 2. Figure to the right indicate full marks.

Q.1 Answer the following (not more than two sentences)

Marks 20

- a) What is 'promise' as defined under Indian Contract Act?
- b) Who is competent to enter into contract?
- c) What is free consent?
- d) What is the effect of mutual mistake of fact under Indian Contract Act?
- e) What is the effect of an agreement, the meaning of which is not certain?
- f) When two or more persons make a joint promise, whom can the promisee compel to perform the promise?
- g) What is the effect of negligence of promisee to afford promisor reasonable facilities for the performance?
- h) What is 'settlements' as defined under Specific Relief Act?
- i) What is mandatory injunction?
- j) When can an instrument be rectified?

Q.2 Write short notes(any four)

Marks 20

- a) Doctrine of fundamental breach of contract under Standard form of Contracts.
- b) Agreement in restraint of trade
- c) Undue influence
- d) Appropriation of payment
- e) Recovery of possession of immovable property
- f) Discretion as to decreeing specific performance

Q.3 Answer the following with reasons (Any two)

Marks 12

- a) A purchased a steamer ticket. On the back of the ticket a condition has been printed that the company will not be liable for loss or injury to the passenger or his luggage. On the face of the ticket there was no indication that some conditions have been printed on the back of the ticket. The luggage of A is lost due to negligence of the crew member.
 - i) What is 'reasonable notice of terms' in case of standard form of agreements?
 - ii) Can the company be held liable for the loss?
- b) A accepts a Vakalatnama from B to represent B in a certain suit. Later on B promises that if the suit is decided in his favor then he will give RS.50,000/- extra as a reward over and above the fees already fixed. The suit is decided in favor of B, but B refused to pay the amount of reward to A.
 - i) What is 'consideration' as defined under Indian Contract Act?
 - ii) Is B bound to pay the amount of reward to A?
- c) A and B contract to become partners in a specific business. The duration of partnership is not specified in that contract.
 - i) What is specific performance of contract?
 - ii) Can above contract of partnership be specifically enforced?

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Q.4 Answer the following(any four)

Marks 48

- a) Define void agreement. State and explain briefly the agreements which are expressly declared void under Indian Contract Act.
- b) Discuss the law relating to wagering agreements.
- c) What is a contingent contract? Discuss the law relating to enforcements of contingent contracts.
- d) What is breach of contract? Discuss the principles on which the court awards damages for the breach of contract.
- e) What is rescission of a contract? When can rescission be adjudged or refused?
- f) Under what circumstances can a court order for cancellation of an instrument? How is cancellation of an instrument different from rectification of an instrument?

TURN OVER

Contract

L0111 & L0615 / L0111 CONTRACT I

Contract - I
Sem - V

Sem (V) (Type),

[3 Hours]

QP Code : 26949 2017-18

[Total Marks : 100]

- N.B :** 1. All questions are **compulsory**.
2. Figures to the right indicates full marks.

1. Answer the following (**not more than two sentences**) 20
- What is an 'Agreement' as defined under Indian Contract Act ?
 - What is 'Coercion' as defined under Indian Contract Act ?
 - What is a 'Voidable agreement' ?
 - Under what circumstances does 'silence' amounts to fraud ?
 - What are the various ways of revocation of proposal ?
 - What is the obligation of a person who has received any advantages under a contract, which becomes void ?
 - What are the obligations of a person enjoying the benefit of non-gratuitous act ?
gratuitous
 - What is discretionary power of the Court under Section 20 of Specific Relief Act ?
 - What is 'mandatory injunction' ?
 - What is the limitation period for filing suit under Section 6 of Specific Relief Act ?
2. Write short notes on (any four) 20
- Government Contracts
 - Past Consideration
 - Agreement by way of wager
 - Clayton's Rules
 - Declaratory decree
 - Personal bars to relief under Specific Relief Act
3. Answer the following giving reasons (**any two**) 12
- A agreed to purchase a horse from B and further agreed to pay 1,000 rupees over and above the agreed price to B if the horse proves to be lucky to him. Thereafter A refused to buy the horse and B filed suit against A for breach of contract.
 - Will B succeed in the above case ?
 - What is the effect of an agreement, the meaning of which is not certain ?
 - A was directed by the court to furnish the surety of Rs. 15,000/- under Criminal Procedure Code. A gave the said amount to B and persuaded to him to become surety. After expiry of the period of surety the amount was reimbursed to B. A asked B to return the said amount, however B refused to do so
 - What is a lawful consideration ?
 - Will A succeed in the above case ?

[TURN OVER

- (c) A sells a field to **B**. There is right of passage over the field of which **A** has direct personal knowledge but he conceals this fact from **B** when asked.
- (i) What is rescission of contract ?
 - (ii) Can **B** get the contract rescinded ?

4. Answer the following (**any four**)

48

- (a) What is consideration to a contract ? What is the effect on the validity of a contract, where the consideration is absent, inadequate and partly unlawful ?
 - (b) What is 'Contingent' contract ? Discuss the law relating to enforcement of contingent contracts.
 - (c) Discuss the doctrine of frustration of contract with the help of decided cases.
 - (d) What is breach of contract ? Discuss the principles on which the Court awards damages for the breach of contract.
 - (e) Discuss the law relating to cancellation of instruments under Specific Relief Act?
 - (f) What are the different types of injunctions under Specific Relief Act ? When can perpetual injunction be granted ?
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