

18(LL.B)H

B.A.(LL.B)H/2nd Sem/205/23

2023

LAW

Special Contracts

Paper : 205

Full Marks : 80

Time : 3 Hours

The figures in the right-hand margin indicate full marks.

Candidates are required to give answers in their own words as far as practicable.

Answer **Question No. 1** and any **five** from the rest.

1. Answer any **ten** questions: $2 \times 10 = 20$

- i) Define surety.
- ii) What is principal debtor?
- iii) Distinguish between bailment and pledge.
- iv) What are the rights of indemnity-holder?
- v) What is the test of agency?
- vi) Define lien.
- vii) Define partnership.
- viii) What are the rights of a bailee?
- ix) What do you mean by 'del credere agent'?
- x) What is hypothecation?
- xi) Explain the maxim "*nemo dat quod non habet*".
- xii) Define the concept of "*caveat emptor*".

[Turn Over]

2. Define contract of guarantee. State the distinctions between contract of guarantee and contract of indemnity. $2+10=12$
3. Explain the circumstances in which a surety can be discharged from his liability. 12
4. Define Pledge. Explain the rights and duties of Pledgee. $2+10=12$
5. Define Contract of indemnity. In what respect Indian Law differs from English law on contract of indemnity? Explain. $2+10=12$
6. Define Bailment. What are the rights and duties of Bailee? $2+10=12$
7. What is the meaning of contract of agency? Discuss in detail the various modes of creation of an agency. $3+9=12$
8. Explain the consequences of dissolution of a partnership firm. 12
9. 'A' guarantees payment to 'B' of the price of five sacks of flour to be delivered by 'B' to 'C' and to be paid for in a month. 'B' delivers five sacks of flour to 'C'. 'C' pays for them. Afterwards 'B' delivers four sacks of flour to 'C' which 'C' does not pay for it. What is the liability of 'A'? Give reason. 12