

**NA-104**

November-2024

B.B.A., Sem.-V

**CC-301 : Mercantile Laws**

[Max. Marks : 70

Time : 2:30 Hours]

1. Write the following :
- (i) A contract is defined as "an agreement enforceable by law". Explain and discuss the essential elements of a valid contract. 7
  - (ii) Explain the term "Consideration" and state the exception to the rule "No consideration, no contract". 7

OR

1. (i) Discuss briefly the various modes in which a contract may be discharged. 7
- (ii) Write short notes on : 7
- (a) Doctrine of frustration
  - (b) Quantum Meruit

2. Write the following :
- (i) Define contract of indemnity and a contract of guarantee and point out the difference between the two. 7
  - (ii) Define the Contract of Agency. State different modes by which it is created. Explain in detail. 7

OR

2. (i) What is a pledge ? Discuss the rights of a pawnor and a pawnee in a contract of pledge. 7
- (ii) Define Agency. Discuss the circumstances of termination of an Agency. 7

3. Write the following :
- (i) Define "Contract of Sale". Discuss the points of difference between contract of sale and agreement to sell under the Sale of Goods Act. 7
  - (ii) Who is an unpaid seller of goods and what are his rights against the goods ? 7

OR

P.T.O.

3. (i) What is the meaning of implied conditions in case of sale of goods ? Discuss the implied conditions in contract of sale of goods. 7
- (ii) Write short notes on : 7
- (a) C.I.F. and F.O.B. contracts
- (b) Auction Sales

4. Write the following :
- (i) Define Negotiable instrument. Explain the essentials required for an instrument to be a negotiable instrument. 7
- (ii) Write short notes on : 7
- (a) Accommodation bills
- (b) Negotiation

OR

4. (i) Define Bill of Exchange and distinguish between Promissory note and Bill of Exchange. 7
- (ii) Define a Cheque. State its essential elements. What are the different types of cheques ? 7

Attempt any seven out of twelve : 14

(1) A contract between drug dealers to buy and sell drugs is a voidable contract. (True/ False)

(2) When the recipient of the offer is unsatisfied with the offer received and quotes an amended offer in response to it, it is known as

- (a) Specific offer (b) Cross offer
- (c) Counter offer (d) Invitation to offer

(3) Fraud by a stranger to a contract does not affect its validity. (True/ False)

(4) The bailee in the contract of pledge is known as a pawnee. (True/ False)

(5) Which one of the following agreements is not considered wagering agreements ?

- (a) Speculative Transactions
- (b) Teji Mandi transactions
- (c) Prize money on Lottery Tickets
- (d) Insurance Contracts

(6) \_\_\_\_\_ is referred to as the substitution of a new contract in place of the original one.

- (a) Waiver (b) Rescission
- (c) Remission (d) Novation

- (7) Exemplary damages are also referred to as \_\_\_\_\_.
- (a) Nominal damages                      (b) Ordinary damages  
(c) Penalty                                      (d) Punitive damages
- (8) A guarantee which extends to a series of transactions is called a \_\_\_\_\_.
- (a) Retrospective guarantee              (b) Continuing guarantee  
(c) Specific guarantee                      (d) Prospective guarantee
- (9) The Act relating to the sale of goods is called \_\_\_\_\_.
- (a) The Sale of Goods Act, 1930  
(b) The Selling of Goods Act, 1930  
(c) The Sale of Goods Act, 1830  
(d) The Goods Selling Act, 1930
- (10) Where the indorser signs his name only on the instrument, it is known as \_\_\_\_\_.
- (a) Special indorsement                      (b) Blank indorsement  
(c) Restrictive indorsement                      (d) Conditional indorsement
- (11) Which of the following is not considered as a negotiable instrument in India ?
- (a) Cheque                                      (b) Pronote  
(c) Bill of Exchange                              (d) Hundis
- (12) When a promissory note or Bill of Exchange has been dishonoured by non-acceptance or non-payment, the holder may cause such dishonour to be noted by a notary public and certified thereupon. This certificate is called
- (a) Noting                                      (b) Notice  
(c) Protest                                      (d) Discharge