



MOHANLAL SUKHADIA UNIVERSITY, UDAIPUR

FACULTY OF LAW

SECOND YEAR BACHELOR OF LAWS

(Effective from Session 2020-21)

PAPER – IV (PAPER CODE - 7004)

(PAPER NAME – **LAW OF CONTRACT - II**)

(INDIAN CONTRACT ACT, INDIAN PARTNERSHIP ACT, SALE OF GOODS ACT AND SPECIFIC CONTRACTS)

COMPULSORY PAPERS

Max. Marks: 100

Min. Marks: 36

Note: A. In order to ensure that students do not leave out important portions of the Syllabus, examiners shall be free to repeat the questions set in the previous examination.

B. Leading cases prescribed under this paper may be read whenever they are relevant.

1. Contracts of Indemnity and Guarantee:

(A) Meaning, Distinction between indemnity and guarantee and kinds guarantee.

(B) Contract of indemnity

- a. Definition
- b. Rights of indemnity holder
- c. Liability of indemnifier.

(C) Contract of guarantee

- a. Definition
- b. Essential characteristics of contract of guarantee
- c. Kinds of guarantee
- d. Rights and liabilities of surety
- e. Discharge of liability of the surety

2. Contracts of Bailment and Pledge:

(A) Meaning & Kinds of Contract of Bailment – Bailment without consideration.

(B) Essentials of Bailment

(C) Rights and Duties of Bailee and Bailor.

(D) Position of the finder of the goods under law.

(E) Termination of Contract of Bailment.

(F) Contract of Pledge – Meaning and definition, Rights and duties of Pawnor and Pawnee, Pledge by Unauthorised Persons.

3. Contract of Agency:

(a) Definition, Kinds and Modes of creation of Agency.

(b) Relation between –

- (i) The Principal and the Agent
- (ii) The Principal and Third Party
- (iii) The Agent and the Third Party

(c) Rights and Duties of agent

- (d) Delegation of authority
- (e) Termination of Agency

4. Contract of Sale of Goods:

- (A) Sale – Meaning, Definition and Elements.
- (B) Agreement of Sell, Hire- Purchase, Agreement and a Contract and a Contract for work and labour- meaning and distinction from sales.
- (C) Goods – Existing, Future and Contingent.
- (D) Condition and Warranties.
- (E) Passing of Property and Risk from seller to buyer.
- (F) Sale by Unauthorised person.
- (G) Rights and duties of seller and buyer before and after sale.

- (H) Rights of unpaid seller.

5. Contract of Partnership:

- (A) Meaning, Definition, Formation & the Characteristics of Partnership.
- (B) Distinction between –
 - (i) Co-ownership & Partnership
 - (ii) Joint Hindu Family Firm and Partnership
 - (iii) Company and Partnership
- (C) Position of Minor
- (D) Relation, interest, of Partners and relation of partners with third parties.
- (E) Registration of Partnership Firm.
- (F) Dissolution of Partnership & of firm.

CASES FOR READING:

1. Amrit Lal Goverdhan Lalan v. State Bank of Travancore, A.I.R. 1960 S.C. 1432.
2. Patnaik & Col. v. State of Orrisa, A.I.R. 1965 S.C. 1955.
3. State of Gujarat v. Mamon Mohd. A.I.R. 1967 S.C. 1885
4. Gheru Lal Pareekh v. Mahadeo Das Munja, A.I.R. 1959 S.C. 781
5. Cox v. Hickman, (1860) 8 H.L.C. 268
6. State of Madras v. Gannon Dunkerley & Co. (Madras) Ltd., 1959 SCR 379
7. K.L. Johar & Co. v. Dy., C.T.O., AIR 1965 SC 1082
8. Adamson v. Jarvis, [1827] 4 BING 66
9. Punjab National Bank Limited vs Bikram Cotton Mills & Anr, AIR 1970 SC 1973
10. Harshad J. Shah & Anr v. L.I.C. of India & Ors., 1997 (5) SCC 64

SUGGESTED READINGS :

1. Atiyah, P.S. : An Introduction to the Law of Contract.
2. Pollock & Mulla : Indian Contract and Specific Relief Act.
3. V.G. Ramchandra : The Law of Contract in India, Law of Agency.
4. Desai, S.T. : The Law of Partnership in India and Pakistan

5. Agarwal ,D.P. : The Indian Partnership Act, 1932.
6. Pollock and Mulla : Sale of Goods and Partnership Acts.
7. Kapoor, N.D. : Merchantile Law
8. Avtar Singh : Law of Partnership; Principle of the Law of Sale of Goods.
9. Avtar Singh : संविदा विधि
10. I.C. Saxena, : संविदा विधि
11. Kapoor, S.K. : संविदा विधि
12. R.L. Bhatt : वाणिज्यक विधि
13. Kailash Rai : संविदा विधि
14. Dr. Y.S. Sharma : संविदा विधि
15. यमुना शंकर शर्मा : भागीदारी विधि