

LTC-H  
LAW - November 2019

Roll No. 190764.....

Total No. of Printed Pages : 16

Total No. of Questions : 11

Maximum Marks : 100

Time allowed : 3 Hours

### IMPORTANT INSTRUCTIONS TO CANDIDATES

1. Questions in Section A are to be answered in the medium opted by the candidate. If a candidate has not opted for Hindi medium, his/her answers in Hindi, will not be evaluated.
2. Questions in Section B, are to be answered in English only, by all the candidates, including those who have opted for Hindi medium.
3. Answers to both the Sections are to be written in the same answer book.

### SECTION A — (60 Marks)

Question No. 1 is compulsory.

Answer any **FOUR** questions from the remaining **FIVE** questions.

1. (a) X found a wallet in a restaurant. He enquired of all the customers present there but the true owner could not be found. He handed over the same to the manager of the restaurant to keep till the true owner is found. After a week he went back to the restaurant to enquire about the wallet. The manager refused to return it back to X, saying that it did not belong to him.

In the light of the Indian Contract Act, 1872, can X recover it from the Manager?

(4 Marks)

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- (b) Mr. Anil formed a One Person Company (OPC) on 16<sup>th</sup> April, 2018 for manufacturing electric cars. The turnover of the OPC for the financial year ended 31<sup>st</sup> March, 2019 was about Rs. 2.25 Crores. His friend Sunil wanted to invest in his OPC, so they decided to convert it voluntarily into a private limited company. Can Anil do so?  
(4 Marks)
- (c) State the various essential elements involved in the sale of unascertained goods and its appropriation as per the Sale of Goods Act 1930.  
(4 Marks)
2. (a) Define consideration. What are the legal rules regarding consideration under the Indian Contract Act, 1872?  
(7 Marks)
- (b) Discuss the conditions under which LLP will be liable and not liable for the acts of the partner.  
(5 Marks)
3. (a) (i) When the continuing guarantee can be revoked under the Indian Partnership Act, 1932?  
(2 Marks)

OR

- (ii) What do you mean by Goodwill as per the provisions of Indian Partnership Act, 1932?  
(2 Marks)
- (b) With reference to the provisions of Indian partnership Act, 1932 explain the various effects of insolvency of a partner.  
(4 Marks)
- (c) Mr. Sonumal a wealthy individual provided a loan of Rs. 80,000 to Mr. Datumal on 26.02.2019. The borrower Mr. Datumal asked for a further loan of Rs. 1,50,000. Mr. Sonumal agreed but provided the loan in parts at different dates. He provided Rs. 1,00,000 on 28.02.2019 and remaining Rs. 50,000 on 03.03.2019.

On 10.03.2019 Mr. Datumal while paying off part Rs. 75,000 to Mr. Sonumal insisted that the lender should adjusted Rs. 50,000 towards the loan taken on 03.03.2019 and balance as against the loan on 26.02.2019.

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Mr. Sonumal objected to this arrangement and asked the borrower to adjust in the order of data of borrowal of funds.

Now you decide:

- (i) Whether the contention of Mr. Datumal correct or otherwise as per the provisions of the Indian Contract Act 1872?
- (ii) What would be the answer in case the borrower does not insist on such order of adjustment of repayment?
- (iii) What would the mode of adjustment/appropriation of such part payment in case neither Mr. Sonumal nor Mr. Datumal insist any order of adjustment on their part? (6 Marks)

4. (a) What are the rights of an unpaid seller against goods under the Sale of Goods Act, 1930? (6 Marks)
- (b) Master X was introduced to the benefits of partnership of M/s ABC & Co. with the consent of all partners. After attaining majority, more than six months elapsed and he failed to give a public notice as to whether he elected to become or not to become a partner in the firm. Later on, Mr. L, a supplier of material to M/s ABC & Co., filed a suit against M/s ABC & Co. for recovery of the debt due.

In the light of the Indian Partnership Act, 1932, explain:

- (i) To what extent X will be liable if he failed to give public notice after attaining majority?
- (ii) Can Mr. L recover his debt from X? (6 Marks)

5. (a) Mrs. Geeta went to the local rice and wheat wholesale shop and asked for 100 kgs of Basmati rice. The Shopkeeper quoted the price of the same as Rs. 125 per kg to which she agreed. Mrs. Geeta insisted that she would like to see the sample of what will be provided to her by the shopkeeper before she agreed upon such purchase.

The shopkeeper showed her a bowl of rice as sample. The sample exactly corresponded to the entire lot.



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The buyer examined the sample casually without noticing the fact that even though the sample was that of Basmati Rice but it contained a mix of long and short grains.

The cook on opening the bags complained that the dish if prepared with the rice would not taste the same as the quality of rice was not as per requirement of the dish.

Now Mrs. Geeta wants to file a suit of fraud against the seller alleging him of selling mix of good and cheap quality rice. Will she be successful?

Explain the basic law on sale by sample under Sale of Goods Act 1930?

Decide the fate of the case and options open to the buyer for grievance redressal as per the provisions of Sale of Goods Act 1930?

What would be your answer in case Mrs. Geeta specified her exact requirement as to length of rice? (6 Marks)

- (b) "The Memorandum of Association is a charter of a company". Discuss. Also explain in brief the contents of Memorandum of Association. (6 Marks)

6. (a) Explain the term 'Coercion' and what are the effects of coercion under Indian Contract Act, 1872. (5 Marks)
- (b) "Dissolution of a firm is different from dissolution of Partnership". Discuss. (4 Marks)
- (c) A, an assessee, had large income in the form of dividend and interest. In order to reduce his tax liability, he formed four private limited company and transferred his investments to them in exchange of their shares. The income earned by the companies was taken back by him as pretended loan. Can A be regarded as separate from the private limited company he formed? (3 Marks)



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(HINDI VERSION)

**IMPORTANT INSTRUCTIONS TO CANDIDATES**

1. भाग 'अ' के प्रश्नों का उत्तर परीक्षार्थी ने जो माध्यम चुना है, उसमें ही देना है। वह परीक्षार्थी जिसने हिन्दी माध्यम नहीं चुना है, यदि हिन्दी में उत्तर देता है, तो उसके हिन्दी में दिये गये उत्तरों का मूल्यांकन नहीं होगा।
2. सभी परीक्षार्थियों (हिन्दी माध्यम के परीक्षार्थियों को सम्मिलित करके) को भाग 'ब', के प्रश्नों का उत्तर अंग्रेजी में ही लिखना है।
3. इसी उत्तर पुस्तिका में दोनों भागों का उत्तर देना है।

**भाग अ – (60 Marks)**

प्रश्न संख्या 1 अनिवार्य है।

शेष पाँच प्रश्नों में से किन्हीं चार प्रश्नों के उत्तर दीजिए।

1. (a) X को एक रेस्तराँ में एक पर्स मिला। उसने वहाँ उपस्थित सभी ग्राहकों से उस पर्स के सबन्ध में पूछताछ की, किन्तु उस पर्स का असली स्वामी नहीं मिल सका, उसने वह पर्स रेस्तराँ के प्रबन्धक को सौंप दिया और कहा कि वह इस पर्स को तब तक अपने पास रखे जब तक कि इसका असली स्वामी नहीं मिल जाता। एक सप्ताह बाद वह वापिस उस रेस्तराँ में गया और प्रबन्धक से उस पर्स के बारे में पूछताछ की। प्रबन्ध ने वह पर्स X को लौटाने से यह कहते हुए मना कर दिया कि यह पर्स X का नहीं है।  
भारतीय अनुबन्ध अधिनियम 1872 के प्रावधानों के सर्दभ में बताएँ कि क्या X यह पर्स प्रबन्धक से वापिस ले सकता है?  
(4 अँक)
- (b) श्री मान् अनिल ने 16 अप्रैल, 2018 को बिजलीयुक्त कारो के निर्माण के लिए एकल व्यक्ति कम्पनी की स्थापना की। 31 मार्च 2019 को समाप्त होनेवाले वित्तीय वर्ष में इस कम्पनी की आर्वत 2.25 करोड़ रुपए थी। उस का मित्र सुनील इस एकल व्यक्ति कम्पनी में विनियोग करना चाहता था, अतः उन्होंने स्वेच्छा पूर्वक इस कम्पनी को निजि दायित्व वाली कम्पनी में परिवर्तीत करने का निर्णय लिया। क्या अनिल ऐसा कर सकता है?  
(4 अँक)
- (c) वस्तु विक्रय अधिनियम 1930 के अनुसार अनिर्धारित माल ँव इसकी उपयुक्तता में सम्मिलित विभन्न आवश्यक तत्वों का उल्लेख करें।  
(4 अँक)

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2. (a) प्रतिफल को परिभाषित करें। भारतीय अनुबन्ध अधिनियम, 1872 के अर्न्तगत प्रतिफल से सबन्धित नियम कौन-कौन से हैं? (7 अंक)

(b) उन दशाओं की व्याख्या करें जिनके अर्न्तगत सीमित दायित्व साँझेदारी, साँझेदारों द्वारा किए गए कार्यों के लिए उत्तरदायी होती है और उत्तरदायी नहीं होती हैं। (5 अंक)

3. (a) (i) भारतीय साँझेदारी अधिनियम, 1932 के अर्न्तगत सतत् गारण्टी को कब खंडित किया जा सकता है? (2 अंक)

अथवा

(ii) भारतीय साँझेदारी अधिनियम, 1932 के प्रावधानों के अनुसार ख्याति से आप क्या समझते हैं? (2 अंक)

(b) भारतीय साँझेदारी अधिनियम, 1932 के प्रावधानों के सर्दभ में एक साँझेदार के दिवालिया होने पर विभिन्न प्रभावों का वर्णन करें। (4 अंक)

(c) एक धनी व्यक्ति सोनूमल ने दातूमल को दिनांक 26-02-2019 को 80,000 ₹. का ऋण दिया। ऋणी दातूमल ने 1,50,000 ₹. का अतिरिक्त ऋण देने के लिए कहा। सोनूमल ने ऋण की राशि विभिन्न तिथियों पर भागों में देनी स्वीकार कर ली। उसने 100000 ₹. 28-02-2019 तथा शेष 50000 ₹. 03-03-2019 को दिए।

10-03-19 को जब दातूमल ने सोनूमल को 75000 ₹. वापिस किए तो उसने ऋणदाता पर दबाव डाला कि ऋणदाता 50000 ₹. दिनांक 03-03-19 को लिए गए ऋण तथा शेष राशि को 26-02-2019 को लिए गए ऋण में समायोजित करें।

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सोनूमल ने इस व्यवस्था पर आपत्ति जताई और ऋणी से कहा कि ऋण की राशी ऋण ली गई तिथियों के क्रम में समायोजित की जाएगी। अब आप निश्चित करें :-

- (i) क्या दातूमल का मतव्यं ठीक है या भारतीय अनुबंध अधिनियम 1872 के प्रावधानों के विपरीत है?
- (ii) यदि ऋणी भुगतान करते समय वापसी के क्रम के लिए दबाव नहीं देता, तो आपका उत्तर क्या होगा?
- (iii) आंशिक भुगतान के समायोजन का क्या तरीका होगा, यदि न तो सोनूमल और न ही दातूमल समायोजन के किसी क्रम के लिए दबाव डालते हैं? (6 अंक)

4. (a) वस्तु बिक्री अधिनियम 1930 के अर्न्तगत एक अदत विक्रेता को वस्तुओं के विरुद्ध कौन-कौन से अधिकार दिए गए हैं? (6 अंक)
- (b) X एक अव्यस्क को M/s ABC and Co. में लाभ लेने के लिए सभी साँझेदारों की राय से साँझेदार बनाया गया। व्यस्क होने पर, छः मास से अधिक बीत गए किन्तु X यह सार्वजनिक सूचना देने से चूक गया कि वह फर्म में साँझेदार बनना चाहता है अथवा नहीं चाहता है। बाद में, L जो कि M/s ABC and Co. को साम्रगी की पूर्ति करता है, ने M/s ABC and Co. के विरुद्ध देय ऋण की पूर्ति के लिए वाद प्रस्तुत किया।

भारतीय साँझेदारी अधिनियम 1932 के सर्दभ में व्याख्या करें :-

- (i) X किस सीमा तक उतरदायी होगा यदि वह व्यस्क होने के बाद सार्वजनिक सूचना देने में असफल रहा?
- (ii) क्या L, X से ऋण की पूर्ति कर सकता है? (6 अंक)

5. (a) श्रीमति गीता चावल और गेहूँ की थोक दुकान पर गई और 100 किलो ग्राम बासमती चावल देने के लिए कहा। दुकानदार ने जो चावल गीता ने पसन्द किए थे, उसका मूल्य 125 ₹ प्रति किलो ग्राम बताया। श्रीमति गीता ने दुकानदार से कहा कि वह उन चावलों का नमूना देखना पसन्द करेगी जिन चावलों की दुकानदार ने पूर्ति करनी है, तभी वो चावल खरीदेगी।

दुकानदार ने उसे चावलों का एक कटोरा नमूने के तौर पर दिखाया। चावलों का वह नमूना चावलों के समूचे ढेर से मिलता जुलता था।



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क्रेता ने नमूने का निरीक्षण बिना यह तथ्य जाने लापरवाही से किया कि यद्यपि यह नमूना उसी बासमती चावल का था परन्तु इसमें चावलों के लम्बे और छोटे दाने मिश्रित थे।

बावर्ची ने चावलों का थैला खोला और शिकायत की कि अगर व्यंजन को इन चावलों से बनाया गया तो व्यंजन का स्वाद ठीक नहीं होगा क्योंकि चावलों की गुणवत्ता व्यंजन की अपेक्षा अनुसार उचित नहीं है।

अब श्रीमति गीता विक्रेता के विरुद्ध कपटपूर्ण व्यवहार के लिए वाद प्रस्तुत करना चाहती है क्योंकि विक्रेता ने उसे अच्छे और खराब चावल मिला कर बेच दिए। क्या वह सफल हो पाएगी?

वस्तु बिक्री अधिनियम 1930 के अनुसार नमूने के आधार पर बिक्री के मुख्य प्रावधानों का वर्णन करें।

इस मुकदमे की नियति क्या होगी तथा क्रेता के पास वस्तु बिक्री अधिनियम, 1930 के प्रावधानों के अनुसार उपचार के कौन-से विकल्प खुले हैं?

यदि श्रीमति गीता द्वारा चावलों की लम्बाई के बारे में सही माँग का ब्यौरा दिया गया होता तो आपका उत्तर क्या होगा?

(6 अंक)

(b) “पार्षद सीमा-पत्र कम्पनी का चार्टर होता है” विवेचना किजिए। पार्षद सीमा पत्र की विषय वस्तु का संक्षेप में वर्णन भी करें।

(6 अंक)

6. (a) उत्पीड़न का वर्णन करें तथा भारतीय अनुबन्ध अधिनियम, 1872 के अर्न्तगत उत्पीड़न के क्या प्रभाव हैं? (5 अंक)

(b) “फर्म का समापन साँझेदारी के समापन के भिन्न होता है” वर्णन करें। (4 अंक)

(c) A, एक कर दाता, को लाँभाश और ब्याज के रूप में बहुत अधिक आय प्राप्त हुई। अपनी कर देयता को घटाने के लिए उसने चार निजी दायित्व वाली कम्पनी बनाई और अपने निवेश उन कम्पनीयों के अंशों के बदले हस्तांतरित कर दिए। कम्पनीयों के द्वारा अर्जित की गई आय को उसने बनावटी ऋण के रूप में वापिस ले लिया। क्या A को उसके द्वारा बनाई गई कम्पनीयों से पृथक माना जा सकता है? (3 अंक)



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## SECTION B — (40 Marks)

Question No.7 is compulsory.

Answer any **THREE** questions from the remaining **FOUR** questions.

7. (a) Read the passage carefully and answer the questions given below :

Being the daughter of a physics professor, Marie who was born in 1867 in Warsaw, Poland, was greatly influenced by the wonders of Science and technology. Since an early age, she displayed a blithe personality. Her fascination for learning prompted her to continue with her studies even after school. She become disgruntled, however, when she learned that the university in Warsaw was closed for women. Determined to complete higher education, she defiantly left Poland and in 1891 entered the Sorbonne, a French university, where she completed her doctorate in physics.

Marie met Pierre Curie at the Sorbonne along with some of the other greatest scientists of her day. Marie and Pierre were married in 1895 and spent many productive years working together in the physics laboratory. A short time after they discovered radium, Pierre was killed by a horse-drawn wagon in 1906. For Marie it was an horrible misfortune and heartbreaking event. Despondently she recalled their close relationship and the joy that they had shared in scientific research. The fact that she had two young daughters to raise by herself greatly increased her distress.

Curie's feeling of desolation finally began to fade when she was asked to succeed her husband as a physics professor at the Sorbonne. She was the first woman to be given a professorship at the world-famous university. In 1911 she received the Nobel Prize in physics for isolating radium. Although Marie Curie eventually suffered a fatal illness from her long exposure to radium, she never became disillusioned about her work. Regardless of the consequences, she had dedicated herself to science and to revealing the mysteries of the physical world.

- (i) What did Marie did not like about the Warsaw University? (1 Mark)
- (ii) What was first step that Marie took towards her becoming a scientist? (1 Mark)
- (iii) How did Marie deal with the desolation caused by her husband's death? (1 Mark)
- (iv) Write a Summary of the above Passage. (2 Marks)



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(b) Read the Passage :

(i) Make Notes, using Headings, Subheadings and abbreviations whenever necessary. (3 Marks)

(ii) Write summary (2 Marks)

People do not always do the things we want them to do. No matter how reasonable or minimal our expectations may be, there are times when we are let down. Naturally, we feel upset and hurt when our expectations are not met. We dread confrontations because they are unpleasant and can damage relationships.

Yet not confronting a person does not solve the problem because unresolved issues also affect relationships in an adverse way. Actually, the real problem lies in our style of confrontation, not in the issue.

Typically, we use character-based confrontations. They help in venting our anger and hurt, but that is the only thing they do. They lead to angry show-downs and bring all discussions to a grinding halt. It is important to remember that self-image is the most important possession of all human beings.

It is the way we view and regard ourselves in our own eyes and in the eyes of others. As self-conscious beings, we are actually aware of our image and constantly work towards protecting it from any damage.

We also seek approval from others about our own self-image. We feel distraught if we sense that there is even a slight threat to our self image, because our character is the essence of our lives. To ensure a rational dialogue over dashed expectations, we need to deploy issued based confrontations. They involve an explanation of which actions have bothered us, in what manner and what changes we would like from the other person.



**LTC-H**

8. (a) Discuss the process of communication. (2 Marks)

(b) (i) Choose the word which best expresses the meaning of the given word :

(1 Mark)

**Abundant**

(1) Plentiful

(2) Sufficient

(3) Enough

(4) Many

(ii) Select a suitable antonym for the word given under:

(1 Mark)

**Adumbrate**

(1) Elaborate

(2) Summarize

(3) Angry

(4) Happy

(iii) Change the following sentence to indirect speech:

Reena said, "Nobody can solve the problem on the earth".

(1 Mark)



## LTC-H

- (c) Write a Précis and give appropriate title to the passage given below:

DNA degrades quickly after an animal dies, so researchers once believed it impossible to find ancient genetic material. The search for primeval vestiges of DNA took off in the late 1980s after the development of a technique called polymerase chain reaction (PCR), which copies minute quantities of DNA. Armed with PCR, scientists could look for tiny fragments of DNA that might have weathered the millennia unharmed.

In recent years, researchers have isolated DNA from 20-million-year-old magnolia leaves and extracted DNA from a 135-million-year-old weevil found in amber. Recently, a team extracts DNA from bone dating back millions of years for the first time. In the frenzied hunt for ancient DNA, microbiologist Scott R. Woodward may have bagged the biggest quarry. Drawing on lessons learned while growing up among the fossil-rich rocks of eastern Utah, Woodward and his team became the first people to find genetic material belonging to a dinosaur.

Woodward, whose grandfather was a coal miner, knew that mines in the area often contained dinosaur traces. After six months of looking Woodward pulled two bone fragments from a Cretaceous siltstone layer directly atop a coal seam. Impeded by an unstable mine roof, Woodward's team could not recover any more bone samples. The siltstone apparently inhibited fossilization and preserved much of the original cell structure in the bone. Researchers isolated strands of DNA from both fragments and used PCR to copy a segment that codes for a protein called cytochrome b. Once they had made many copies, they could determine the DNA sequence.

Throughout their work, the biologists took precautions to avoid contaminating the samples with modern DNA or ancient material found within the coal. According to Woodward, circumstantial evidence indicates that the bone fragments belong to one or two species of dinosaurs. Dinosaur tracks are abundant in this coal formation, and the bones visible in the mine were larger than those of a crocodile – the biggest non-dinosaur known in these rocks.

(5 Marks)



**LTC-H**

9. (a) (i) Discuss the term "Visual Communication" in communication. (2 Marks)

**OR**

- (ii) What do you mean by an "Attitude Barrier"? (2 Marks)

- (b) (i) Choose the word which best expresses the meaning of the given word: (1 Mark)

**Relevant**

- (1) Related
- (2) Important
- (3) Pertinent
- (4) Common

- (ii) Choose the word which best expresses the meaning of the given word: (1 Mark)

**Unabashed**

- (1) Not fast
- (2) Not Finding
- (3) Not Embarrassed
- (4) Not Angry

- (iii) Change the following sentence to indirect speech: (1 Mark)

He said, "Will you all come for the meeting?"

- (c) Draft Newspaper Report on "Flood situation grim in southern, western states" to be published in a National newspaper. (5 Marks)



**LTC-H**

10. (a) Explain how emotional awareness and control helps in communication? (2 Marks)
- (b) (i) Change the sentence from Active to Passive Voice. (1 Mark)  
The audience loudly cheered the Prime Minister's speech.
- (ii) Change the sentence from Passive to Active Voice (1 Mark)  
The Bird was killed by a cruel boy.
- (iii) Change the following sentence to indirect speech. (1 Mark)  
He said, "My Mother is writing letters".
- (c) Write an article of about 250 words on the topic, "The importance of water conservation" (5 Marks)
11. (a) Define the areas where chain network of communication is found in an organization. (2 Marks)
- (b) Select the correct meaning of Idioms/Phrases given below:
- (i) Takes Two to Tango (1 Mark)  
(1) Two people are required for dancing  
(2) Two people are required for creating mischief.  
(3) Two people required to clean floor.  
(4) Two people required to help others.
- (ii) Storm in a teacup (1 Mark)  
(1) Crave for something  
(2) Least importance  
(3) Emergency situation  
(4) Make a big issue out of a small thing.



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**LTC-H**

(iii) Change the sentence into Active Voice: (1 Mark)  
They will be given a ticket for over speeding by the police inspector.

(iv) Choose the word which best expresses the meaning of the given word. (1 Mark)

Myriad

(1) Dramatic

(2) To Fetch

(3) Many

(4) Confusion

(c) Write a letter to a bank requesting them to stop payment of a cheque which has been reported lost. (4 Marks)

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LTC-H

SPACE FOR ROUGH WORK

SEAL

LTC-H