

(GCF-12, GCF-13, GCF-15, GCF-16, GCF-17, SCF-3, VDCF-2 & VCF-3)**DATE: 24.10.2019****MAXIMUM MARKS: 100****TIMING: 3 Hours****BUSINESS LAW & BUSINESS CORRESPONDENCE & REPORTING****Question No. 1 is Compulsory. Answer any four question from the remaining five questions.****Wherever necessary, suitable assumptions should be made and****disclosed by way of note forming part of the answer.****Working Notes should form part of the answer.****Question 1:**

- (a) Father promised to pay his son a sum of Rs. one lakh if the son passed C.A. examination in the first attempt. The son passed the examination in the first attempt, but father failed to pay the amount as promised. Son files a suit for recovery of the amount. State along with reasons whether son can recover the amount under the Indian Contract Act, 1872.

(4 Marks)

- (b) The Memorandum of Association of a company was presented to the Registrar of Companies for registration and the Registrar issued the certificate of incorporation. After complying with all the legal formalities a company started a business according to the object clause, which was clearly an illegal business. The company contends that the nature of the business cannot be gone into as the certificate of incorporation is conclusive. Answer the question whether company's contention is correct or not.

(4 Marks)

- (c) When condition to be treated as warranty?

(4 Marks)**Question 2:**

- (a) Enumerate the circumstances in which LLP may be wound up by Tribunal.

(6 Marks)

- (b) For the purpose of making uniform for the employees, Mr. Yadav bought dark blue coloured cloth from Vivek, but did not disclose to the seller the purpose of said purchase. When uniforms were prepared and used by the employees, the cloth was found unfit. However, there was evidence that the cloth was fit for caps, boots and carriage lining. Advise Mr. Yadav whether he is entitled to have any remedy under the sale of Goods Act, 1930?

(2 Marks)

- (c) Distinguish between right of lien and stoppage in transit?

(4 Marks)**Question 3:**

- (a) A & Co. is registered as a partnership firm in 2015 with A, B and C partners. In 2016, A dies. In 2017, B and C sue X in the name and on behalf of A & Co., without fresh registration. Now the first question for our consideration is whether the suit is maintainable. Now, in the above example, what difference would it make, if in 2017 B and C had taken a new partner, D, and then filed a suit against X without fresh registration?

(6 Marks)

- (b) Ram, Mohan and Gopal were partners in a firm. During the course of partnership, the firm ordered Sunrise Ltd. to supply a machine to the firm. Before the machine was delivered, Ram expired. The machine, however, was later delivered to the firm. Thereafter, the remaining partners became insolvent and the firm failed to pay the price of machine to Sunrise Ltd.

Explain with reasons:

- (i) Whether Ram's private estate is liable for the price of the machine purchased by the firm?
(ii) Against whom can the creditor obtain a decree for the recovery of the price?

(6 Marks)

Question 4:

- (a) Give doctrine of privity of contract and give exceptions also?

(6 Marks)

- (b) "Though a minor is not competent to contract, nothing in the Contract Act prevents him from making the other party bound to the minor". Discuss.

(3 Marks)

- (c) "An agreement, the meaning of which is not certain, is void". Discuss.

(3 Marks)

Question 5:

- (a) Explain the concept of 'misrepresentation' in matters of contract. Sohan induced Suraj to buy his motorcycle saying that it was in a very good condition. After taking the motorcycle, Suraj complained that there were many defects in the motorcycle. Sohan proposed to get it repaired and promised to pay 40% cost of repairs. After a few days, the motorcycle did not work at all. Now Suraj wants to rescind the contract. Decide giving reasons.

(5 Marks)

- (b) Mr. Seth an industrialist has been fighting a long drawn litigation with Mr. Raman another industrialist. To support his legal campaign Mr. Seth enlists the services of Mr. X a legal expert stating that an amount of Rs. 5 lakhs would be paid, if Mr. X does not take up the brief of Mr. Raman.

Mr. X agrees, but at the end of the litigation Mr. Seth refuses to pay. Decide whether Mr. X can recover the amount promised by Mr. Seth under the provisions of the Indian Contract Act, 1872.

(3 Marks)

- (c) What are implied warranties in a contract of Sale?

(4 Marks)

Question 6:

- (a) The object clause of the Memorandum of Association of LSR Private Ltd, Lucknow authorized it to do trading in fruits and vegetables. The company, however, entered into a Partnership with Mr. J and traded in steel and incurred liabilities to Mr. J. The Company, subsequently, refused to admit the liability to J on the ground that the deal was 'Ultra Vires' the company. Examine the validity of the company's refusal to admit the liability to J. Give reasons in support of your answer.

(5 Marks)

- (b) Mr. X, in association with his relative formed a company to promote education for the children of poor section. A licence was issued by the Central Government allowing the said company to be registered under section 8 of the Company. Government aids and lot of funds were contributed by public for the fulfillment of the benevolent object. However, on the complaint against the company, CG came to know about the manipulation of the funds in the company and so order to revoke the licence of the company. Further, directed for the amalgamation with another company registered under this section with an object to save girl child. Examine the legal position as to the order passed by the Central government in the given situation in the light of the Companies Act, 2013.

(5 Marks)

- (c) M promised to pay N for his services at his (M) sole discretion found to be fair and reasonable. However, N dissatisfied with the payment made by M and wanted to sue him. Decide whether N can sue M under the provisions of the Indian Contract Act, 1872?

(2 Marks)

PAPER : BUSINESS CORRESPONDENCE & REPORTING

The Question Paper comprises of 5 questions of 10 marks each.

Question No. 7 is compulsory. Out of questions 8 to 11, attempt any three.

SECTION-B : BUSINESS CORRESPONDENCE & REPORTING (40 MARKS)**Question 7:**

- (a) Comprehension Passages

Read the following comprehension passages and answer the following questions
Passage 1

All languages are systematic and rule bound. Children across the world acquire their natural language in same manner. In this context, linguistics is not simply the study of foreign languages. It is the scientific, organized and systematic study of a language. Linguists examine and evaluate language on the basis of words, sentence, word order, pronunciation to discuss the internal language mechanism. Generally people understand that a linguist can speak many languages. However there is big difference between a linguist and a polyglot. India as a case in example has six distinct language families. It is estimated that approx. seventeen hundred languages are spoken in India only. Hindi is a rich language but does not still have a national language status in terms of official usage although it is official language for some states. English is official language for most other states.

Most countries have only one language besides Canada where French and English both are official languages. In the western world, countries are strongly associated with single languages and vice versa. Linguists see this due to the rise of nation states in the past few centuries where single languages attained official status in individual countries, English in the United Kingdom, French in France, Italian in Italy, etc. However beneficial the official status of one language may be for a modern country in terms of government, public discourse, higher education, etc., it is not helpful to other languages which may be found within the borders of a particular country. In many aspects language represents our identity and culture. Furthermore, even in countries where only one language is spoken, say Dutch in the Netherlands, there may well be different dialects of this language closely related to the national language. Even within Europe, and most certainly outside of it, the equation of one country with one language breaks down. Switzerland is a good example of a country

where a single national identity exists across three major and one minor speech community: Swiss German, French, Italian and Rhaeto-Romance. Beyond Europe it is more the rule than the exception for countries to have several languages within their borders. One need only think of such countries as India and China or Siberian Russia to see how many languages can be integrated into a single state. In such instances, there is of course an official language which serves the function of a lingua franca, that is, a language which is used as a means of communication among those groups who do not speak each others language.

1. A linguist is one who
 - a- Knows many languages
 - b- Make a language
 - c- Speak many languages
 - d- Master in programming language
2. India as a linguistic area has-
 - a- A single language
 - b- Six languages
 - c- Only one official language
 - d- Many languages
3. Language represents-
 - a- Population
 - b- Identity
 - c- Boundary
 - d- Civilization
4. Switzerland is famous for –
 - a- Natural diversity
 - b- Language identity
 - c- Cultural identity
 - d- National identity
5. Lingua franca means-
 - a- Any language used for speech and writing between business purpose
 - b- Language for business
 - c- Any language used for communication between groups who have no other language in common.
 - d- Any language used for communication between the particular speech community

(5 Marks)

(b) Select the suitable substitute for the word in italics in the sentences given below. Ensure that the meaning of the sentence does not change.

1. The army captain was awarded the Param Vir Chakra *posthumously*.
 - (a) Secretly
 - (b) Liberally
 - (c) After death
 - (d) Formally
2. Seeing the artist work with such *finesse*, the crowd cheered.
 - (a) Expertise
 - (b) Casually
 - (c) Authority
 - (d) Unwillingness

3. His parents were adamant about not sending their son for a two day trip.
- (a) Poor
 - (b) Inflexible
 - (c) Willing
 - (d) Unfavorable

(3 Marks)

- (c) Explain Star Network.

(2 Marks)

Question 8:

(a) Article Writing

Unemployment: A blot to Indian economy

(5 Marks)

- (b) Mention any 6 barriers in communication.

(3 Marks)

- (c) Fill in the blanks with the most suitable option.

1. It was quite humorous to see the_____minister talk about health and fitness issues.
- (a) Rotund
 - (b) Corrupt
 - (c) Angular
 - (d) Quarrelsome
2. The sage is leading a_____ life in the mountain peaks.
- (a) Spiritual
 - (b) Boring
 - (c) Graceful
 - (d) Ghostly

(2 Marks)

Question 9:

(a) Meetings

Your company, has witnessed a gradual decline in a consumer product over the one year. Prepare the minutes of the meeting for the same. Members in the meeting; Head of the Sales and Marketing, Product head, Product lead and concerned team members.

(5 Marks)

- (b) Mention five characteristics of effective communication and explain any two.

(3 Marks)

- (c) Rewrite the following sentences in the active voice.

- 1. The horse is being purchased by the farmer.
- 2. He will be given a ticket for over speeding by the police officer.

(2 Marks)

Question 10:**(a) Précis Writing**

Read the following passages and write a précis for the same.

The word 'gender', originally a grammatical term, has come to refer to the social roles and behavior of individuals arising from their classification as biologically male or female. In other words, Gender in general terms is imported from the social sciences for the sex or sexuality of human beings. Hence 'gender difference', of a difference in speech between men and women; language and gender, as a branch of sociolinguistics dealing with such differences. This is a huge complex embracing virtually all aspects of social behavior of which language is only one. Recently, intensive research has been carried out about the relationship of language and gender, largely by female scholars who have felt drawn to the topic because of the obvious discrimination against women that has taken place in the past and which can still be observed today. The initial impulse was the work of the American linguist Robin Lakoff, who in the early 1970s focussed her attention on certain themes with the language and gender complex above those that she rightly felt required rectification. Her work stimulated other scholars to engage in this study and soon language and gender was a burgeoning research area in universities across the western world. Various opinions emerged on this relationship with two gaining particular focus. One is the difference approach which established that male and female language is dissimilar in spoken as well as written without attributing this to the nature of the social relationship between men and women. The other is the dominance approach which saw language usage by females and males as reflecting established relationship of social control of the latter over the former. With the maturation of research on language and gender the simple 'difference – dominance' dichotomy was increasingly regarded as unsatisfactory and insufficiently nuanced. For example, to maintain that men have a competitive style of social behavior in western countries is a generalization that everyone would agree. However, there are men who are not competitive in this respect. There are common tendencies that one comes across such as men interrupt women more, women are more communicative than men, women gossip more than men, men speak more comfortably in public and are good in calculation than women.

(5 Marks)

(b) Explain informal communication.

(3 Marks)

(c) Rewrite the following sentences in passive voice.

1. I ran the obstacle course in record time.
2. We would reduce costs if we used less paper.

(2 Marks)

Question 11:**(a) Letter Writing**

Write a letter from xyz pvt ltd confirming the order placed and other details.

(5 Marks)

(b) Explain verbal communication.

(3 Marks)

(c) Change the following sentences to indirect speech.

1. She said, "I shall be taking a test."
2. The clerk asked his manager, "Shall I email this letter again, Sir?"

(2 Marks)
