

AP-261

M.B.A. (Semester—III) Examination

BUSINESS LAW

Paper—MBA/301

Time—Three Hours]

[Maximum Marks—70

Note :—(1) Attempt **ALL** questions.

(2) Figures to the right indicate marks.

SECTION—A

1. (a) Explain breach of contract and remedies available to the breach of contract. 14

OR

- (b) Define contract. Explain essential elements of a valid contract. 14

SECTION—B

2. (a) Discuss the essential characteristics of a contract of sale of goods. 7
- (b) X sells to Y a horse which is to be delivered to Y the next week. Y is to pay the price on delivery. X asks his servant to keep the horse separate from other horses. The horse was kept separate with the knowledge and consent of the buyer. The horse, however dies before it is delivered and paid for. Who shall bear the loss ? Why ? 7

OR

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I.

(Contd.)

- (c) Discuss the rights of unpaid seller against the buyer and the goods. 7
- (d) A, an unpaid seller, sends goods to B by railway. B become insolvent and A sends a telegram to Railway authorities not to deliver the goods to B. B goes to the parcel office of Railway yard and by presenting Railway receipt takes delivery of the goods and starts putting them in the cart. Mean while the station master comes running with the telegram in hand and takes possession of the goods from B. Discuss the rights of A and B to the goods in possession of Railway authorities. 7
3. (a) Explain the concept of dishonor and discharge of negotiable instrument. 7
- (b) A owes money to B. A makes a promissory note for the amount in favour of B. For safety of transmission, he cuts the note in two halves and post one half to B. Before posting the other half, he changes his mind and wires to B demanding the half he had sent. Is A justified in his demand ? Discuss with the help of characteristics of promissory note. 7

OR

SECTION—C

5. A child of tender year was taken to a private hospital in Delhi by his parents as he was running temperature. The doctor-in-charge diagnosed that it was a case of typhoid. The nurse in charge gave a written prescription for an injection which was purchased by the father. The nurse without testing whether there will be any reaction, administered the injection and within minutes the child started collapsing in the lap of his mother. The patient was later on taken to the All India Institute of Medical Science which expressed that the child even if survives would lie only in a vegetative state as irreparable damage had been done to his brain.
- (a) Can the redressal agencies under the Consumer Protection Act 1986 grant relief to the patient ? 7
- (b) Can the parents of the child be considered consumers ? In which conditions ? 7

- (c) "The memorandum is the fundamental law or a Charter defining the objects and limiting the power of company." Comment. 7
- (d) A shareholder approached a director and sold him shares in the company and the director had known at the time of the contract that negotiations were on foot for the purchase by an outsiders of all the shares of the company at a higher figure. The shareholder sued to repudiate the contract. Give your decision. 7
4. (a) Explain consumers rights and duties available to the consumer under Consumer Protection Act, 1986. 7
- (b) Shri Anand wrote a play entitled 'Hum Hindustani' in 1983. The play was enacted in the next few years in Delhi and Mumbai. It got good reviews in newspapers the play was based on the theme of provincialism and its baneful and divisive effects on the society. A film maker, Mr. Mohan become interested in making a film based on the play. He heard the play from Shri Anand in his office. Shri Mohan did not receive further communication from Mr. Mohan. There after, Mr. Mohan announced the production of a film 'New Delhi'.

The picture was released in September 1986. From comments in the press Shir Anand felt that the film was very much like his play, 'Hum Hindustani'. Thereafter, Shri Anand himself saw the picture and felt that the film was entirely based on his play. Therefore he moved to the court. Give proper advice to Mr. Anand with the help of the provision of the copyright law.

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OR

- (c) Discuss security issues involved in e-commerce.

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- (d) You want to purchase a new mobile handset from the internet. For this you have visited various websites and you got a particular site where the product is available with all its details. You log in for purchasing it and pay for it through your account. But when you got the parcel it was found that it was not similar to the same wished to purchase. If it is found used mobile handset instead of new one ? What will you do ? It is a part of e-commerce.

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