

	SGT UNIVERSITY, GURGAON FACULTY OF LAW		
	PROGRAMME	SEMESTER	COURSE NAME
LL.B. (Hons)	Sem-II	Business Laws (The Sale of Goods Act and Indian Partnership Act.)	08040201

Business Laws (The Sale of Goods Act and Indian Partnership Act.)

Course Objective:

The law recognizes various Special Contracts, which includes the contract of Partnership and Sale of Goods. The present course is aimed at a study of the Indian Partnership Act, 1932, and Sale of Goods Act, 1930 in the light of judicial pronouncements.

Module 1 – General: Formation of Contracts of Sale

- 1.1 Concept of ‘Goods’
- 1.2 ‘Sale’ and ‘Agreement to sell’
- 1.3 Statutory Transactions
- 1.4 Contract for ‘Works’/ ‘Labour’
- 1.5 Hire-Purchase Agreement

Module2: Conditions and Warranties

- 2.1. Stipulation as to time
- 2.2. Implied Conditions and Warranties – as to title, quality, fitness
- 2.3. Doctrine of Caveat Emptor
- 2.4. Sale by Description and by Sample
- 2.5. Treating Conditions as Warranties

Module 3: Effects of the Contract

- 3.1. Transfer of property
- 3.2. Doctrine of *Nemodat quod non habet* – sale by a person other than the owner.

- 3.3. Sale by joint owner
- 3.4. Sale by mercantile agent
- 3.5. Sale under voidable contract
- 3.6. Sale by seller or buyer in possession after sale
- 3.7. Sale in Market Overt

Module4: Rights of Unpaid Seller

- 4.1. Who is an un-paid seller?
- 4.2. Un-paid Seller's Rights – Right of lien, Right of stoppage in transit
- 4.3. Transfer of goods by buyer and seller

INDIAN PARTNERSHIP ACT, 1932

Module5: Nature of Partnership

- 5.1. Definition of Partnership, Partner, Firm, and firm name (sec -4)
- 5.2. Partnership not created by status (sec -5)
- 5.3. Mode of determining existence of partnership (sec-6)
- 5.4. Partnership at will (sec- 7)
- 5.5. Particular Partnership (sec-8)

Module 6: Rights and Duties of Partners

- 6.1. Duties of Partners (sec- 9)
- 6.2. Duty to indemnify for loss caused by fraud (sec-10)
- 6.3. Determination of rights and duties of partners by contract (sec – 11)
- 6.4. Conduct of business (sec – 12)
- 6.5. Mutual rights and liabilities (sec – 13)
- 6.6. Property of the firm (sec – 14)
- 6.7. Application of the property of the firm (sec – 15)
- 6.8. Personal Profits earned by partners (sec – 16)
- 6.9. Rights & Duties of Partner (sec - 17)

Module7: Relation of Partners to Third Parties

- 7.1. Partners to be agent of firm (sec -18)
- 7.2. Implied Authority of partner as agent of firm (sec – 19)
- 7.3. Extension and restriction of partners implied authority (sec -20)
- 7.4. Liability of Partner for acts of firm (sec – 25)

- 7.5. Liability of firm for wrongful acts of a partner (sec – 26)
- 7.6. Holding out (sec- 28)
- 7.7. Minor as partner (sec – 30)

Module 8: Incoming & Outgoing Partners (Rights & Liabilities)

- 8.1 Introduction of New Partner (sec -31)
- 8.2 Retirement of partner (sec – 32)
- 8.3 Expulsion of partner (sec – 33)
- 8.4 Right of outgoing partner to carry competing business (sec – 36)

Module 9: Dissolution of a Firm

- 9.1 Dissolution by Agreement (sec – 40)
- 9.2 Compulsory Dissolution (sec – 41)
- 9.3 Dissolution on happening of certain contingencies (sec 42)
- 9.4 Dissolution by notice of partnership at will (sec – 43)
- 9.5 Dissolution by the Court (sec – 44)
- 9.6 Sale of Goodwill after dissolution (sec -55)
- 9.7 Effect of non-registration (sec – 69)

Course Outcome- After the due completion of the course the students will be able to:

1. Have due knowledge of fundamental principles underlying these special forms of contract.
2. Understand concepts relating to establishing partnership firms and the underlying rights and duties of partners.
3. Develop understand of the growing importance of Sale of Goods and have a foundational understanding of the new forms of special contracts.
4. Enhance their understanding of the effects of breach of legal provisions in this area.

Books Recommended

- Pollock &Mulla, The Sale of Goods Act, 8th Ed. By Satish J. Shah, 2011, Lexis Nexis
- Law of Sale of Goods by Avtar Singh(latest edition)
- V.Krishnamachari and Surinder K. Gogia, T.S. Venkatesalyer’s Sale of Goods Act.
- Benjamin, Sale of Goods (8thed) 2010
- Atiyah, Adams &MacQueen, Sale of Goods(12thed 2010)
- Sir DinshawFardunjiMulla, The Sale of Goods and the Indian Partnership Act, Lexis Nexis, 2012
- Pollock &Mulla, G.C. Bharuka (ed.), Indian partnership Act (Lexis Nexis 2007)
- S.C. Mitra& Pradeep Kacker, Law of Partnership in India, Orient, 2014
- Avtar Singh, law of partnership (latest edition)
- V.P. Verma (Rev) SD Singh and JP Gupta, Law of Partnership in India

- Harpreet Kaur, Business and Corporate Laws, Lexis Nexis, 2013