



# SGT UNIVERSITY, GURGAON

## FACULTY OF LAW

PROGRAMME	SEMESTER	COURSE NAME	COURSE CODE
LL.B. (Hons)	II	Law of Contract - II	08040202

### Law of Contract – II (Special Contract)

#### Course Objective:

Constructing the base on the general principles studied in Law of Contract-I, this course aims at introducing students to some specific contracts wherein parties, given the circumstances, stand at a peculiar relationship with respect to one another entailing certain specific rights and obligations, for example, the contract of indemnity, guarantee, agency and partnership. The emphasis on these areas is because they play a crucial role in commercial transactions and a strong conceptual foundation in these areas is likely to be invaluable in practice.

#### Module – I Contracts of Indemnity

- 1.1 Meaning of Contract of Indemnity
- 1.2 Rights of Indemnity holder
- 1.3 Time of commencement of Indemnifier's Liability
- 1.4 Are Insurance Contracts the Contracts of Indemnity?

#### Module – II Contracts of Guarantee

- 2.1. Meaning & Features of Contract of Guarantee
- 2.2. Difference between a Contract of Indemnity & Contract of Guarantee
- 2.3. Nature & Extent of Surety's Liability
- 2.4. Meaning & Revocation of Continuing Guarantee
- 2.5. Rights of Surety against Principal Debtor,
- 2.6. Creditor & Co-Surety

#### Module – III Contracts of Bailment

- 3.1 Definition & Essentials of Contract of Bailment
- 3.2 Duties of Bailor
- 3.3 Duties of Bailee's
- 3.4 Rights of the Bailee & General & Particular Lien
- 3.5 Duties & Rights of Finder of Goods

#### Module – IV Contracts of Pledge

- 4.1 Definition of Pledge & Distinction between Bailment & Pledge
- 4.2 Rights of Pledgee
- 4.3 Pledging of goods by Non-Owners

## **Module – V Contracts of Agency**

- 5.1 Meaning & Essentials of Contract of Agency
- 5.2 Different kinds of Agents- Auctioneers, Brokers & DelCredere Agents
- 5.3 Extent of Agent’s Authority – Actual, Apparent, Authority in Emergency
- 5.4 Duties of Agent
- 5.5 Termination of Agency

## **Module – VI Specific Relief Act**

- 6.1 Recovering Possession of Property (S.5-8)
- 6.2 Specific Performance of Contracts (S.9-24)
- 6.3 Rectification of Instruments (S.26)
- 6.4 Rescission of Contracts (S.27-30)
- 6.5 Cancellation of Instruments (S.31-33)
- 6.6 Declaratory Decrees (S.34-35)
- 6.7 Preventive Relief or Injunctions (S. 36-44)

**Course Outcomes-** After the completion of the course the students will be able to:

1. Assess the application of the presumption concerning social and domestic agreements with reference to the types of agreements and exceptions to the general rule.
2. Identify and determine the application of the presumption concerning commercial agreements with reference to types of agreements and exceptions.
3. Acquaint themselves with the rules for formation of agency and rights and duties of agent thereof.
4. Advice on the various reliefs and remedies available in case of non-performance or frustration or cancellation of contracts.

### **Suggested Reading:**

1. Avtar Singh, *Law of Contract and Specific Relief*, Eastern Book Company, 2013 (11th Edn)
2. Pollock & Mulla, *Indian Contract and Specific Relief Act*, Lexis Nexis, 2013(14<sup>th</sup>Edn)
3. Anson, *Law of Contract*, Oxford University Press, 2010 (29th Edn)
4. Cheshire and Fifoot, *Law of Contract*, Lexis Nexis, 2010 (10th Edn)
5. Dutt, *Contract- The Indian Contract Act, 1872*, Eastern Law House, 11<sup>th</sup> Edition, 2013
6. MLJ, *Law of Contract and Specific Relief*, Lexis Nexis, 2009
7. Dr. S.K Kapoor, *Contract – II*, Central Law Agency, 2015

8. Dr. Akhilekshwar Pathak, Law relating to Special Contracts- Contracts of Bailment, Pledge, Hypothecation, Indemnity & Guarantee, 1<sup>st</sup> Edition, 2013