


Name:			
Enrolment No:			
<b>UPES</b> <b>End Semester Examination, May 2023</b>			
<b>Course: Commercial Litigations</b> <b>Program: BBA LLB</b> <b>Course Code: CLIN 5004</b>		<b>Semester: X</b> <b>Time: 03 hrs.</b> <b>Max. Marks: 100</b>	
<b>Instructions:</b> <b>All questions are compulsory</b> <b>No internal choice in the questions</b>			
<b>SECTION A</b> <b>(5Qx2M=10Marks)</b>			
S. No.		Marks	CO
Q 1	What is/are the common defense in a breach of contract case?	2	CO1
Q 2	What is the effect of mistake of law on the enforceability of a contract?	2	CO1
Q 3	Distinguish between fraud and misrepresentation considering Indian Contract Act, 1872.	2	CO1
Q 4	What are the remedies available in case of breach of a contract?	2	CO1
Q 5	Write the relative advantage of ADR over traditional judicial process?	2	CO1
<b>SECTION B</b> <b>(4Qx5M= 20 Marks)</b>			
Q 6	Explain the objective of non-compete clause in a valid employment agreement.	5	CO2
Q 7	Short note on tax structure for: a. Private trust b. Contingent Contracts	5	CO2
Q 8	Explain the doctrine of frustration considering Indian Contract Act, 1872.	5	CO2

Q 9	What are the remedies available in case of breach of a contract as per the Indian Contract Act, 1872?	5	CO2
<b>SECTION-C</b> <b>(2Qx10M=20 Marks)</b>			
Q 10	<i>"Non-compete agreements are used to prevent workers from using their skills and knowledge to benefit themselves, and instead force them to stay in a job they may not want."</i> Explain in the light of Article 19(1)g of the Constitution and section 27 of Indian Contract Act, 1872.	10	CO3
Q 11	<i>Establishment of dedicated channel of commercial courts is a progressive step in the direction of achieving time bound resolution of commercial disputes.</i> Support this statement considering Commercial Courts Act, 2015.	10	CO3
<b>SECTION-D</b> <b>(2Qx25M=50 Marks)</b>			
Q 12	ABC Corporation, a manufacturer of high-quality electronic components, is looking to establish a supply agreement with XYZ Corporation, a distributor of electronic components. ABC Corporation wants to ensure a steady supply of components for its manufacturing operations while XYZ Corporation is looking to secure a reliable customer for its components. In the light of the facts provided write the essential elements of a supply agreement.	25	CO4
Q 13	You are a lawyer at a law firm and have been approached by a new client, John, who has just been fired from his job. John has been working at a small manufacturing company for the past five years and was let go without any warning or explanation. He is seeking your advice on what to do next and if he has any legal recourse. Deploy the process of client counselling and identify the relevant stages along with the prospects available.	25	CO4