

Test Series: May, 2020

MOCK TEST PAPER - 1**FOUNDATION COURSE****PAPER 2: BUSINESS LAWS AND BUSINESS CORRESPONDENCE & REPORTING****PAPER 2A: BUSINESS LAWS***Question No. 1 is compulsory.**Answer any four questions from the remaining five questions.***QUESTIONS**

1. (i) Mr. Sooraj sold 10 acres of his agricultural land to Mr. Murli on 25th September 2019 for Rs. 25 Lakhs. The Property papers mentioned a condition, amongst other details, that whosoever purchases the land is free to use 9 acres as per his choice but the remaining 1 acre has to be allowed to be used by Mr. Chander, son of the seller for carrying out farming or other activity of his choice. On 12th October, 2019, Mr. Sooraj died leaving behind his son and wife. On 15th October, 2019 Mr. Murli started construction of an auditorium on the whole 10 acres of land and denied any land to Mr. Chander.

Now Mr. Chander wants to file a case against Mr. Murli and get a suitable remedy. Discuss the above in light of provisions of Indian Contract Act, 1872 and decide upon Mr. Chander's plan of action? **(4 Marks)**

- (ii) Sunflower Fauna Limited was registered as a public company. There are 230 members in the company as noted below:

(a)	Members (including directors)	190
(b)	Employees	15
(c)	Ex-Employees (Shares were allotted when they were employees)	10
(d)	5 couples holding shares jointly in the name of husband and wife (5*2)	10
(e)	Others	5

The Board of Directors of the company proposes to convert it into a private company. Also advise whether reduction in the number of members is necessary. **(4 Marks)**

- (iii) Distinguish between a 'Condition' and a 'Warranty' in a contract of sale. When shall a 'breach of condition' be treated as 'breach of warranty' under the provisions of the Sale of Goods Act, 1930? Explain. **(4 Marks)**
2. (i) State the grounds upon which a contract may be discharged under the provisions of the Indian Contract Act, 1872. **(7 Marks)**
- (ii) Enumerate the circumstances in which LLP may be wound up by Tribunal. **(5 Marks)**
3. (a) "Though a minor cannot be a partner in a firm, he can nonetheless be admitted to the benefits of partnership."
- (i) Referring to the provisions of the Indian Partnership Act, 1932, state the rights which can be enjoyed by a minor partner.

- (ii) State the liabilities of a minor partner both:
1. Before attaining majority and
 2. After attaining majority. **(6 Marks)**
- (b) P sells by auction to Q a horse which P knows to be unsound. The horse appears to be sound but P knows about the unsoundness of the horse. Is this contract valid in the following circumstances:
- (i) If P says nothing about the unsoundness of the horse to Q.
 - (ii) If P says nothing about it to Q who is P's daughter.
 - (iii) If Q says to P "If you do not deny it, I shall assume that the horse is sound." P says nothing. **(3 Marks)**
- (c) Shyam induced Ram to buy his motorcycle saying that it was in a very good condition. After taking the motorcycle, Ram complained that there were many defects in the motorcycle. Shyam proposed to get it repaired and promised to pay 45% cost of repairs. After a few days, the motorcycle did not work at all. Now Ram wants to rescind the contract. Decide giving reasons. **(3 Marks)**
4. (a) "A non-owner can convey better title to the bonafide purchaser of goods for value." Discuss the cases when a person other than the owner can transfer title in goods as per the provisions of the Sale of Goods Act, 1930? **(6 Marks)**
- (b) A, B, and C are partners of a partnership firm ABC & Co. The firm is a dealer in office furniture. A was incharge of purchase and sale, B was incharge of maintenance of accounts of the firm and C was incharge of handling all legal matters. Recently, through an agreement among them, it was decided that A will be incharge of maintenance of accounts and B will be in charge of purchase and sale. Being ignorant about such agreement, M, a supplier supplied some furniture to A, who ultimately sold them to a third party. Referring to the provisions of the Partnership Act, 1932, advise whether M can recover money from the firm.
- What will be your advice in case M was having knowledge about the agreement? **(6 Marks)**
5. (a) M/s Woodworth & Associates, a firm dealing with the wholesale and retail buying and selling of various kinds of wooden logs, customized as per the requirement of the customers. They dealt with Rose wood, Mango wood, Teak wood, Burma wood etc.
- Mr. Das, a customer came to the shop and asked for woodenlogs measuring 4 inches broad and 8 feet long as required by the carpenter. Mr. Das specifically mentioned that he required the wood which would be best suited for the purpose of making wooden doors and window frames. The Shop owner agreed and arranged the wooden pieces cut into as per the buyers requirements.
- The carpenter visited Mr. Das's house next day, and he found that the seller has supplied Mango Tree wood which would most unsuitable for the purpose. The carpenter asked Mr. Das to return the wooden logs as it would not meet his requirements.
- The Shop owner refused to return the wooden logs on the plea that logs were cut to specific requirements of Mr. Das and hence could not be resold.
- (i) Explain the duty of the buyer as well as the seller according to the doctrine of "Caveat Emptor".
 - (ii) Whether Mr. Das would be able to get the money back or the right kind of wood as required serving his purpose? **(6 Marks)**

- (b) The persons (not being members) dealing with the company are always protected by the doctrine of indoor management. Explain. Also, explain when doctrine of Constructive Notice will apply.

(6 Marks)

6. (a) "When a party to a contract has refused to perform, or disabled himself from performing his promise in its entirety, the promisee may put an end to the contract". Explain. **(5 Marks)**
- (b) "Indian Partnership Act does not make the registration of firms compulsory nor does it impose any penalty for non-registration." Explain. Discuss the various disabilities or disadvantages that a non-registered partnership firm can face in brief? **(4 Marks)**
- (c) Alfa school started imparting education on 1st April, 2010, with the sole objective of providing education to children of weaker society either free of cost or at a very nominal fee depending upon the financial condition of their parents. However, on 30th March 2018, it came to the knowledge of the Central Government that the said school was operating by violating the objects clause due to which it was granted the status of a section 8 company under the Companies Act, 2013. Describe what powers can be exercised by the Central Government against the Alfa School, in such a case?

(3 Marks)

Test Series: May, 2020

MOCK TEST PAPER 1

FOUNDATION COURSE

SECTION – B: BUSINESS CORRESPONDENCE AND REPORTING

Max marks: 40

Instructions

The Question Paper comprises 5 questions of 10 marks each. Question No. 1 is compulsory. Out of questions 2 to 5, attempt any three.

1. (a) Read the passage carefully and answer the questions that follow:

Depression is a psychological health disorder characterised by despondent mood or loss of interest in activities, causing repression in daily life. The Centres for Disease Control and Prevention (CDC) released a report according to which 8.1 percent of adult ages 20 and over had depression in any given 2-week period from 2013-2016.

The factors include a combination of biological, psychological and social distress. These factors cause change in brain functions, including altered activity of certain neural circuits in the brain. Constant feeling of sadness or loss of attentiveness characterises major depression that leads to a fluctuation in behavioural and physical health. Depression also affects sleep, appetite, energy level, concentration, and self-esteem of a person. It can also be associated with suicidal thoughts or tendencies.

There are two main types of depression: (i) **Major depressive disorder** and (ii) **Persistent depressive disorder**. Major depressive disorder is the more perilous form of depression. It is characterised by persistent feelings of sadness, hopelessness and worthless that cannot be overcome easily. Persistent depressive disorder (PDD) earlier termed as **Dysthymia**. It is a mild, but chronic form of depression.

Depression can be cured by proper medications, psychotherapy, light therapy, and exercises. These include antidepressants, antianxiety and antipsychotic medicines. Psychotherapy includes enunciating with therapists that can help to deal with negative feelings. Light therapy is a technique where exposure to white light helps to regulate one's mood and improve symptoms of depression. 30 minutes of daily exercise increases production of endorphins, which are hormones that improve mood. Above all, family support plays a major role in quick recuperation of a patient.

- (1) Synonym of repression- (1 Mark)

- (A) Impairment
- (B) Severe
- (C) Persistent
- (D) Depressive

- (2) Light therapy improves- (1 Mark)

- (A) Mood
- (B) Endorphins production
- (C) Overpower negative feelings

(D) Symptoms

- (3) Define the two major types of depression. State their characteristics. **(1 Mark)**
- (4) What are the causes of depression? **(1 Mark)**
- (5) How can depression be treated? **(1 Mark)**

(b) Read the passage given below.

- (i) Make notes, using headings, sub-headings, and abbreviations wherever necessary. **(3 Marks)**
- (ii) Write summary. **(2 Marks)**

Are your children toxic? I don't mean 'toxic' as in the pain-in-the-neck teenager state that occurs between the ages of 12 and 16 but because they grunt instead of talk, loiter about sighing endlessly for hours on end. I mean, are your children having the kind of childhood that is damaging them in a way that will debilitate them for the rest of their lives?

All around the world, teachers are examining and discussing how the cultural and the lifestyle changes of the past 25 years are affecting the lives of children. They know that many of the changes that benefit adults are far from healthy for our children. A toxic cocktail of the side effects of cultural change is now damaging the social, emotional and cognitive development of a growing number of children. Children's authors and leading childcare experts called on the government of Britain to act to prevent childhood being killed off altogether. According to them, processed food, computer games and over competitive education are poisoning today's children and increasingly children are being forced to act and dress like mini adults.

Research backs what these childcare experts are saying. Changes in diet, child care patterns, parenting, family structures, play, bed times, family interaction, education, marketing, peer pressure, technology, electronics, and the way we communicate with our children are creating a 'toxic mix' that is damaging them. Children are becoming increasingly unhealthy and depressed, and are experiencing growing levels of behavioural and developmental problems. Not only this, the experts also point out that children lack first-hand experience of the world and regular interaction with their parents.

Of course, we do not need experts or research to tell us that academic pressure, marketing, absent careerist parents and the rest of the modern toxic mix is damaging our children. We can see it here in the increase in childhood obesity and childhood diabetes; in the rise in the number of children with attention deficit problems and in the increase in numbers of hyperactive children. We know it from the stress and strain related to exams and study, and in the increase in study/exam related suicides.

So before you answer the question "Are your children toxic?", take a good look at them and their lifestyle. And remember parents don't usually poison their children on purpose. Adults too are susceptible to "market forces" and peer pressure. It is almost natural when all around you other people's kids are eating junk and living toxic lives, to look at your own child and think: mine must too... But it doesn't have to be that way. Luckily, for all of us there are plenty of changes we can make to detoxify our children's childhood. All it needs is a little thought and some common sense. In the process we can detoxify ourselves.

2. (a) Define communication? **(1 Mark)**
- (b) (i) Choose the word which best expresses the meaning of the given word. **(1 Mark)**
- Purgative
- a- Pertain b- Tentative c- Laxative d- Glorious

- (ii) Select a suitable antonym for the word given in question. **(1 Mark)**

Circumspect

a- Displeasing b- Accumulate c- Upstart d- Unguarded

- (iii) Change the following sentences into passive voice. **(1 Mark)**

The Principal will give Arvind an award for his extraordinary performance.

- (iv) Change the following sentences to indirect speech. **(1 Mark)**

The teacher said to the students, 'Be quiet and listen to me carefully.'

- (c) Write a précis and give appropriate title to the passage given below. **(5 Marks)**

A decade after the first successful mission to the moon with Chandrayaan-1, the Indian Space Research Organisation successfully launched its sequel, Chandrayaan-2, to further explore the earth's natural satellite. Earlier this year, China landed a robotic spacecraft on the far side of the moon, in a first-ever attempt. Now India is attempting a similar feat-to land its rover Pragyan in the moon's South Polar Region, attempted so far by none. The equatorial region has been the only one where rovers have landed and explored. The launch by itself is a huge achievement considering that it is the first operational flight of the indigenously developed Geosynchronous Satellite Launch Vehicle Mark-III (GSLV Mark-III) to send up satellites weighing up to four tonnes. The orbiter, the lander (Vikram) and the rover (Pragyan) together weigh 3.87 tonnes. Having reached the earth parking orbit, the orbit of the Chandrayaan-2 spacecraft will be raised in five steps or manoeuvres in the coming 23 days before it reaches the final orbit of 150x 1,41,000 Km. it is in this orbit that Chandrayaan-2 will attain the velocity to escape from the earth's gravitational pull and start the long journey towards the moon. A week later, on August 20, the spacecraft will come under the influence of the moon's gravitational pull, and in a series of steps the altitude of the orbit will be reduce in 13 days to reach the final circular orbit at a height of 100 km. The next crucial step will be the decoupling of the lander (Vikram) and the rover (Pragyan) from the orbiter, followed by the soft-landing of the lander-rover in the early hours of September 7. Despite the postponement of the launch from July 16 owing to a technical snag, the tweaked flight plan has ensured that the Pragyan robotic vehicle will have 14 earth days, or one moon day, to explore.

Unlike the crash-landing of the Moon Impact Probe on the Chandrayaan-1 mission in November 2008, this will be the first time that ISRO is attempting to soft-land a lander on the earth's natural satellite. A series of braking mechanisms will be needed to drastically reduce the velocity of the Vikram lander from nearly 6,000 Km and hour, to ensure that the touchdown is soft. The presence of water on the moon was first indicated by the Moon Impact Probe and NASA's Moon Mineralogy Mapper on Chandrayaan-1 a decade ago. The imaging infrared spectrometer instrument on board the orbiter will enable ISRO to look for signatures indicating the presence of water. Though the Terrain Mapping Camera on board Chandrayaan-1 had mapped the moon three-dimensionally at 5-Km resolution, Chandrayaan-2 too has such a camera to produce a 3-D map. But it will be for the first time that the vertical temperature gradient and thermal conductivity of the lunar surface, and lunar seismicity, will be studied. While ISRO gained much with the success of Chandrayaan-1 and Mangalyaan, the success of Chandrayaan-2 will go a long way in testing the technologies for deep-space missions. (The Hindu-Editorial)

3. (a) What do you understand by network in communication? **(1 Mark)**

- b. Keep one's gift
- c. Have patience
- d. High on energy

(iv) Change the following sentence into Indirect speech. **(1 Mark)**

The teacher said to Rohan, 'pay attention in the class'

(c) The marketing Head of the XYZ Logistic Company, plans to conduct a meeting to review the effectiveness of plan & policies of the previous year and strategies for the next year to increase the profit margin of the company. (Participants should be from Sales and Marketing, Operations and Regional Manager). Prepare minutes of the meeting for the same. **(5 Marks)**

OR

Prepare a cover letter and detailed résumé in the functional format for a candidate applying for the post of Junior Translator in DFG Publishing Pvt. Ltd, Darya Ganj New Delhi.

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