

MERCANTILE LAW

the letters. A mistake is made in the typing and the name of another tenderer, Badam Gul & Co. is replaced for Inam Bakhsa & Co. The letter is signed and delivered to Badam Gul & Co. The next day when the M.D of Badam Gul & Co phoned Mr. Chatha to discuss some details of the work to be done Mr. Chatha realized that there had been a mistake. Is there a binding contract between NAFE and Badam Gul & Co?

6. On 1 September Baber contracted for the purchase of 50 computers from Sardar. The contract stated that the computers were to be delivered on 5 September. Despite the fact that Baber persistently pressed Sardar for delivery, the computers had still not been delivered by the end of the month while Sardar had repeatedly assured Baber that the computers would be delivered by the First of October at the latest. Baber then told Sardar that if the computers were not delivered by the 5 October, the contract would be terminated. Sardar did not attempt to deliver until 10 October. Having bought other computers on the 6 October, Baber refused to take delivery. Was he justified in refusing the delivery? Discuss.
7. Mr. Brown agreed to sell his computer of a specified mark and model to Mr. Green for Rs. 30,000/-. When Mr. Green went to him to pay him the price and pick up the computer he found that Brown had already sold such computer to someone else. He threaten to sue Brown for the Breach of Contract but later on the same day he bought a computer of the same mark, model and specification for a Rs. 20,000/-. Should he sue Brown for the Breach of Contract? Is there any benefit for him in bringing such action against Brown?

COMPULSORY QUESTION

8. In each of the following clauses of this question only one statement is correct. Write down in your answer book only the correct statement of the following clauses. DO NOT WRITE THE WHOLE CLAUSE.
- (1). Portage Ltd wishes to alter its memorandum to state that all of the company's shareholders must hold a minimum of 200 shares. Can Brian, who currently owns 100 shares, be bound by this alteration?
- A. Yes, if the alteration is done by special resolution.
 - B. Yes, if the alteration is done by ordinary resolution.
 - C. Yes, but only if he gives his written consent.
 - D. None of these.
- (2). Gama offers to sell his Car to Maja for Rs. 550,000/- . Maja accepts the offer but states that he would buy it for Rs.500, 000/- . The statement of Maja is:
- A. A conditional acceptance;
 - B. A counter offer;
 - C. Rejection to the offer.
 - D. None of these.
- (3). Kala Khan agreed to supply onion to Sodagar Khan six months after the date of contract and Kala Khan agreed to pay for such supply. Two months after the conclusion of the contract Kala Khan refused to supply. In such case which of the following facts is correct?
- A. Sodagar Khan cannot sue Kala Khan until the expiry of six months after the date of the contract;
 - B. Sodagar Khan cannot sue Kala Khan because he has not yet paid him for the onions;
 - C. Sodagar Khan can validly sue Kala Khan any time after he refused to supply onions.
 - D. None of these.

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