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**EASTERN UNIVERSITY, SRI LANKA**

**PART- I EXAMINATION IN BUSINESS ADMINISTRATION / COMMERCE**  
**(REPEAT) – 2000/2001 (OCT' 2001)**

**BBA/COM 205 – Commercial Law**

**Time : 03 hours**

**Answer any five questions.**

**All questions carry equal marks.**

01. Mr 'A' was a Technical Officer in "Uthayam Ltd.," Main Street, Batticaloa from 01.01.1990. He was interdicted from his employment w. e. from 01.11.2000 for the reasons that on 25.10.2000 he, when he was under influence of liquor driving the Toyota Van which is belongs to the Company met with an accident and the vehicle was damaged valued at R.200,000/=.

Mr 'A' was drawing a monthly salary of Rs.12,000/= at the time of his interdiction.

No domestic inquiry was held up to now.

Mr 'A' is coming to you, an Attorney-at-Law for your advice relating to his employment and interdiction.

- (a) Advise Mr 'A'.
- (b) Can you institute legal proceedings in the Labour Tribunal on behalf of Mr 'A' ?  
Draft an application to the Labour Tribunal on behalf of Mr 'A'.

The General Manager of the above said Company Mr 'B' is coming to you with a copy of the application filed by the Attorney at-Law on behalf of the Applicant employee Mr 'A' along with the summon sent by the Labour Tribunal.

- (c) Advise Mr 'B'.
- (c) Can you draft an answer to the application filed by the applicant employee through his Attorney-at-Law ?  
Draft an answer on behalf of the Respondent employee.

02. (a) What are the modes of settling Industrial disputes ?
- (b) What are the powers and duties of the Industrial Courts ?
03. Consider and discuss whether a contract has been made in the following situations.
- (a) 'A' sees in a shop window a Jacket marked sale price Rs.100/-. He tries on the Jacket and agrees to buy it; but he is then told by the shop assistant that there has been a mistake and the Jacket is priced at Rs. 1000/=
- (b) 'A' offer to sell his Motorcycle to 'B' for Rs. 30,000/=. 'B' replies "I will give you Rs. 28000/=
- 'A' says he will not agree less than Rs.30,000/=. Later in the day 'B' telephoned 'A' and says he will accept 'A's offer to sell the Motorcycle for Rs.30,000/=.
- (c) Mrs Kandasamy enters a super market picks up a Basket provided and fills it with groceries from the shelves. She then remembers that she has left her money and begins to replace the goods on the shelves. The Manager of the super market stops her and says that Mrs Kandasamy has bought the goods and must pay for them.
04. Write short notes on the followings.
- (a) Insurance Policy
- (b) Registrar of Company
- (c) Agency by necessity
- (d) Superior Courts
- (e) Prevention of fraud ordinance
- (f) Commercial Bank
05. Differentiate the following.
- (a) Partner of a partnership and a share holder of a Company.
- (b) Sale and Agreement to sell.
- (c) Offer and Counter Offer
- (d) Public Company and Private Company.
06. Write a full note on Commissioner of Workmen Compensation.
07. What do you understand by
- (a) A valid contract.
- (b) Termination of a contract.

Your answer should be supported by decided cases.

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