

XWC

Roll No. ....

Total No. of Printed Pages : 12

Total No. of Questions : 11

Maximum Marks : 100

Time allowed : 3 Hours

### IMPORTANT INSTRUCTIONS TO CANDIDATES

1. Questions in Section A are to be answered in the medium opted by the candidate. If a candidate has not opted for Hindi medium, his/her answers in Hindi, will not be evaluated.
2. Questions in Section B, are to be answered in English only, by all the candidates, including those who have opted for Hindi medium.
3. Answers to both the Sections are to be written in the same answer book.

### SECTION A — (60 Marks)

Question No. 1 is compulsory.

Answer any **FOUR** questions from the remaining **FIVE** questions. **Marks**

- ①
1. ✓(a) X agrees to pay Y ₹ 1,00,000/-, if Y kills Z. To pay Y, X borrows ₹ 1,00,000/- from W, who is also aware of the purpose of the loan. Y kills Z but X refuses to pay. X also refuses to repay the loan to W. Explain the validity of the contract.

(i) Between X and Y.

(ii) Between X and W

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(2)

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Marks

②  
(b)

Mr. R, a manufacturer of toys approached MNO Private Limited for supply of raw material worth ₹ 1,50,000/-. Mr. R was offered a credit period of one month. Mr. R went to the company prior to the due date and met Mr. C, an employee at the billing counter, who convinced the former that the payment can be made to him as the billing-cashier is on leave.

Mr. R paid the money and was issued a signed and sealed receipt by Mr. C. After the lapse of due date, Mr. R received a recovery notice from the company for the payment of ₹ 1,50,000/-.

Mr. R informed the company that he has already paid the above amount and being an outsider had genuine reasons to trust Mr. C who claimed to be an employee and had issued him a receipt.

The Company filed a suit against Mr. R for non-payment of dues. Discuss the fate of the suit and the liability of Mr. R towards company as on current date in consonance with the provision of The Companies Act 2013? Would your answer be different if a receipt under the company seal was not issued by Mr. C after receiving payment?

4

③  
(c)

Discuss the essential elements regarding the sale of unascertained goods and its appropriation as per the Sales of Goods Act, 1930.

4

④  
(a)

Explain the following statements in the light of provisions of Indian Contract Act, 1872:

- (i) "Agreements made out of love and affection are valid agreements."
- (ii) "Promise to pay a time barred debt cannot be enforced."

7

⑤  
(b)

"A LLP (Limited Liability Partnership) is a type of partnership in which participants' liability is fixed to the amount of money they invest whereas a LLC (Limited Liability Private/Public Company) is a tightly held business entity that incorporates the qualities of a corporation and a partnership".

In line of above statement clearly elaborate the difference between LLP and LLC.

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3. (a) (6) Can a partner be expelled? If so, how? Which factors should be kept in mind prior to expelling a partner from the firm by the other partners according to the provision of Indian Partnership Act, 1932? 6

(b) (7) Mr. Y aged 21 years, lost his mental balance after the death of his parents in an accident. He was left with his grandmother aged 85 years, incapable of walking and dependent upon him. Mr. M their neighbour, out of pity, started supplying food and other necessaries to both of them. Mr. Y and his grandmother used to live in the house built by his parents. Mr. M also provided grandmother some financial assistance for her emergency medical treatment. After supplying necessaries to Mr. Y for four years, Mr. M approached the former asking him to payback ₹ 15 Lakhs inclusive of ₹ 7 Lakhs incurred for the medical treatment of the lady (grandmother). Mr. Y pleaded that he has got his parent's jewellery to sell to a maximum value of ₹ 4 Lakhs, which may be adjusted against the dues. Mr. M refused and threatened Mr. Y of legal suit to be brought against for recovering the money.

Now, you are to decide upon based on the provisions of The Indian Contract Act, 1872:

- (i) Will Mr. M succeed in filing the suit to recover money? Elaborate the related provisions?
- (ii) What is the maximum amount of money that can be recovered by Mr. M?
- (iii) Shall the provisions of the above act also apply to the medical treatment given to the grandmother? 6

4. (a) (6) What are the rights of unpaid seller in context to re-sale the goods under Sale of Goods Act, 1930? 6

(b) (9) "Indian Partnership Act does not make the registration of firm's compulsory nor does it impose any penalty for non-registration." In light of the given statement, discuss the consequences of non-registration of the partnership firms in India. Also, explain the rights unaffected due to non-registration of firms. 6

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5. (17) (a) Mr. K visited M/S Makrana Marbles for the purchase of marble and tiles for his newly built house. He asked the owner of the above shop Mr. J to visit his house prior to supply so that he can clearly ascertain the correct mix and measurements of marble and tiles. Mr. J agreed and visited the house on the next day. He inspected the rooms in the first floor and the car parking space. Mr. K insisted him to visit the second floor as well because the construction pattern was different. Mr. J ignored the above suggestion. Mr. J. supplied 146 blocks of marble as per the size for the rooms and 16 boxes of tiles with a word of caution that the tiles can bear only a reasonable weight. Marble and Tiles were successfully laid except on second floor due to different sizes of the marble. The tiles fitted in the parking space also got damaged due to the weight of the vehicle came for unloading cement bags. Mr. K asked Mr J for the replacement of marble and tiles to which Mr. J refused, taking the plea that the marble were as per the measurement and it was unsafe to fit tiles at the parking area as it cannot take heavy load. Discuss in the light of provisions of Sales of Goods Act 1930:
- (i) Can Mr. J refuse to replace the marble with reference to the doctrine of Caveat Emptor? Enlist the duties of both Mr.K. and Mr. J.
- (ii) Whether the replacement of damaged tiles be imposed on M/S Makrana Marbles? Explain. 6
- (b) (i) Mr. Anil formed a One Person Company (OPC) on 16 April, 2018 for manufacturing electric cars. The turnover of the OPC for the financial year ended 31 March, 2019 was about ₹ 2.25 crores. His friend Sunil wanted to invest in his One Person Company (OPC), so they decided to convert it voluntarily into a private limited company. Can Anil do so, as per the provisions of The Companies Act, 2013? 4
- (ii) Explain listed company and unlisted company as per the provisions of The Companies Act, 2013. 2
6. (12) (a) Differentiate between Novation and Alteration as per The Indian Contract Act, 1872. 5
- (b) (13) What is the difference between partnership and co-ownership as per The Indian Partnership Act, 1932? 4
- (c) (14) Mike LLC incorporated in Singapore having an office in Pune, India. Analyse whether Mike LLC would be called as a foreign company as per the provisions of The Companies Act, 2013? Also explain the meaning of foreign company. 3

(5)

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SECTION B — (40 Marks)

Question No.7 is compulsory.

Answer any **THREE** questions from the remaining **FOUR** questions.

7. ✓ (a) Read the passage given below and answer the questions that follows :

To make our life meaningful, we need to mind our thoughts, for our thoughts are the foundation, the inspiration, and the motivating power of our deeds. We create our entire world the way we think. Thoughts are the causes and the conditions are the effects.

Our circumstances and conditions are not dictated by the world outside; it is the world inside us that creates the outside. Self – awareness comes from the mind, which means soul. Mind is the sum total of the states of consciousness we have the power to choose and think. Krishna says: "No man resteth a movement inactive." Even when inactive on the bodily plane, we are all the time acting on the thoughts plane. Therefore, if we observe ourselves, we can easily mould our thoughts. If our thoughts are pure and noble, our actions will naturally follow the same pattern. If our thoughts are filled with jealousy, hatred and greed, our actions will reflect the same attributes.

Karmically, however, a thought or intent is more responsible and dynamic than an act. One may perform a charitable act, but if one does not think charitably and is doing the act just for the sake of gain and glory, it is one's thoughts that will determine the result. Theosophy teaches us that every thought, no matter how fleeting, leaves a seed in the mind of thinker. These small seed together go to make up a large thought seed and determine one's general character. Our thoughts affect our whole body. Each thought once generated and sent out becomes independent of the brain and mind, and we live upon its own energy depending upon its intensity.

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P.T.O.

Trying to keep a thought from our mind can produce the very state we are trying to avoid. We can alter our environment to create the mood. When, for instance, we are depressed, if we sit by ourselves trying to think cheerful thoughts, we often do not succeed. But if we mix with people who are cheerful we can bring about a change in our mood and thoughts. Every thought we think, every act we perform, creates in us an impression, like everything else, and is subject to cyclic law and becomes repetitive in our mind. So, we alone have the choice to create our thoughts and develop the kind of impression that makes our action more positive.

Let us choose the thought seeds of right ideas, noble and courageous aspirations that will be received by minds of the same nature. Right introspection will be required of us to determine what we easily deserve to effect. Everything in the universe is inter-related and inter-dependent, that we live in one another and by accepting the grand principle of universal brotherhood, we shall be in a position to appreciate what a heavy responsibility is ever ours to think right. Let us reflect and send loving and helpful thoughts and lighten the load of the world's suffering.

Questions :

- |   |   |
|---|---|
| (i) How do our thoughts affect our action?  | 2 |
| (ii) How can we change our mood when we are depressed?                                | 2 |
| (iii) Find word in the passage which has a meaning similar to the words given below : |   |

To look into one's thoughts and feelings

1

(b) Read the passage :

In nature, the ability to change colour can be a key to survival. Vision is a very important sense in much of the animal kingdom, and many animals have come up with unique ways to use this sense to enhance their own survival. They may use this superpower to vanish into their environments— or to boldly assert their dominance. The colour of animals is by no means a matter of chance; it depends on many considerations, but in the majority of cases tends to protect the animal from danger by rendering it less conspicuous. Perhaps it may be said that if colouring is mainly protective, there ought to be but few brightly coloured animals. There are, however, not a few cases in which vivid colours are themselves protective. The kingfisher itself, though so brightly coloured, is by no means easy to see. The blue harmonizes with the water, and the bird as it darts along the stream looks almost like a flash of sunlight.

Desert animals are generally the colour of the desert. Thus, for instance, the lion, the antelope, and the wild donkey are all sand-coloured. "Indeed," says Canon Tristram, "in the desert, where neither tree, brushwood, nor even undulation of the surface affords the slightest protection to its foes, a modification of colour assimilated to that of the surrounding country is necessary. Hence, without exception, the upper plumage of every bird, and the fur of all the smaller mammals and the skin of all the snakes and lizards, is of one uniform sand colour."

The next point is the colour of the mature caterpillars, some of which are brown. This probably makes the caterpillar even more conspicuous among the green leaves than would otherwise be the case. Let us see, then, whether the habits of the insect will throw any light upon the riddle.

What would you do if you were a big caterpillar? Why, like most other defenceless creatures, you would feed by night, and lie concealed by day. So do these caterpillars. When the morning light comes, they creep down the stem of the food plant, and lie concealed among the thick herbage and dry sticks and leaves, near the ground, and it is obvious that under such circumstances the brown colour really becomes a protection. It might indeed be argued that the caterpillars, having become brown, concealed themselves on the ground, and that we were reversing the state of things. But this is not so, because, while we may say as a rule that large caterpillars feed by night and lie concealed by day, it is by no means always the case that they are brown; some of them still retaining the green colour. We may then conclude that the habit of concealing themselves by day came first, and that the brown colour is a later adaptation.

- (i) Make Notes, using headings, Sub-headings, and abbreviations whenever necessary. 3
- (ii) Write a summary. 2
8. ✓ (a) Courteousness is the important characteristics of effective communication. Comment. 2
- ✓ (b) (i) Choose the correct meaning of given word: **PATHOS**.
- (1) Five
- (2) Emotion
- (3) Fidelity
- (4) Bitter 1
- (ii) Select the suitable antonym for the given word: **ELEGANT**
- (1) Stylish
- (2) Bombastic
- (3) Palatial 1
- (4) Gauche
- (iii) Change the following sentence into direct speech : 1
- The policeman asked the stranger who he was.



(c) Write Précis and give appropriate title to the passage given below :

There is an enemy beneath our feet—an enemy more deadly for his complete impartiality. He recognizes no national boundaries, no political parties. Everyone in the world is threatened by him. The enemy is the Earth itself. When an earthquake strikes, the world trembles. The power of a quake is greater than anything man himself can produce.

But today scientists are directing a great deal of their effort into finding some way of combating earthquakes and, perhaps at some time shortly, mankind will have discovered a means of protecting itself from earthquakes. An earthquake strikes without warning. When it does, its power is immense. If it strikes a modern city, the damage it causes is as great as if it has struck a primitive village. Gas mains burst, explosions are caused and fires are started. Underground railways are wrecked. Buildings collapse, bridges fall, dams burst and gaping crevices appear in busy streets.

A modern city when struck is reduced to a rubble. A quake strikes plains, seas and mountains causing all round destruction. Scientists are trying to find out means to combat earthquakes, to predict the origin of the quake so that precaution can be taken to save man and property from destruction.

If the quake strikes at sea, huge tidal waves sweep inland. If it strikes in mountain regions, avalanches roar down into the valley. Consider the terrifying statistics from the past 1755: Lisbon, capital of Portugal – the city was destroyed entirely and 450 killed; 1970: Peru – 50,000 killed.

In 1968, an earthquake struck Alaska. As this is a relatively unpopulated part, only a few people were killed. But this likely was one of the most powerful quakes ever to have hit the world. Geologists estimate that during the tremors, the whole of the state moved over 80 feet farther west into the Pacific Ocean. Imagine the power of something that can move an entire subcontinent. This is the problem that scientists face. They are dealing with forces so immense that man cannot hope to resist them. All that can be done is to try to pinpoint just where the earthquake will strike and work from there. At least some precautionary measures can be taken at that time to save lives and property.

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9. (a) How attitude barriers affect communication in the organization?

OR

Explain the term Aesthetic communication.

2

- (b) (i) Choose the word which best expresses the meaning of the given word:

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**ALTER EGO**

- (1) Self-esteem
- (2) Second self
- (3) Competitor
- (4) Egocentric

- (ii) Choose the word which best expresses the meaning of the given word:

1

**AMBIVALENT**

- (1) Uncertain
- (2) Definite
- (3) Dramatic
- (4) Pensive

- (iii) Change the following sentence into indirect speech:

The Tutor rebuked Sonu saying "If you do not finish your project, I'll call your mother."

1

- (c) Hectic Schedule of academic leads to neglect of sports and co-curricular activities. It badly affects the moulding of personality of an individual and his overall development. Keeping in view the need for sports and co-curricular activities, write an article in about 200 words.

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10. ✓ (a) Explain any two types of formal communication.

2

✓ (b) (i) Change the sentence from active to passive voice:

She said to me, "It has been raining heavily and you cannot go."

1

(ii) Change the sentence from passive to active voice:

The girls who had not done their homework were punished by the teacher.

1

(iii) Change the following sentence to Indirect Speech:

Had he delivered the letter?

1

✓ (c) Write an article of about 250 words on the topic "Why is the new generation worried a lot?"

5

11. ✓ (a) What do you mean by grapevine communication?

2

✓ (b) Select the correct meaning of Idioms/Phrases given below:

(i) Grasping at Straws

(1) Totally calm.

(2) Totally desperate.

(3) Totally fake.

(4) Totally real.

1

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(ii) You've got your work cut out for you.

(1) Easy task.

(2) Settled task.

(3) Good Task.

(4) Difficult task.

1

(iii) Change the sentence into passive voice.

One should keep one's promises.

1

(iv) Choose the word which best expresses the meaning of the given word:

**Blandishment**

(1) Flattery

(2) Terrifying

(3) Funny

(4) Denial

1

✓ (e) You are Mr M, a general manager in P Mall. Write an official email to the employees of P Mall about the introduction of new dress code and office timings as part of marketing strategy with effect from 22.12.2022.

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