

SARDAR PATEL UNIVERSITY
B.COM. /B.B.A., LL.B. (Hon.) (V YEARS INTEGRATED COURSE)
Seventh Semester Examinations
2017
Saturday, 11th November
02.00 p.m. to 04.00 p.m.
Course Title : Law of Carriage (BL) (Hon.II)
Course Code : UL07CBCH05

Total Marks : 50

Q.1. Answer Any Two of the following problems :

[10]

1 When perishable goods were consigned, no time for delivery being mentioned in the bill. During the transit of goods, general strike of railway workers was going on due to which the carrier was unable to forward the goods to the destination on time. The goods became deteriorated on the way and so the defendants sold them without informing the owner.

Who is liable in such type of situation and why? Explain with case laws.

2 A goods train which was left from Howrah junction was waiting at a signal at Chandanpur which was somewhat notorious for railway theft. During 20 minutes halt at that signal at midnight, one of the middle wagons was attacked by looters who removed a part of the consignment. The wagons were sealed at Howrah and the train was escorted by the railway protection police who were with the guard.

Whether the Railway authority is liable or not in the given case? Explain with case laws.

3 A flight was cancelled when the passenger had already waited for three hours after boarding. The flight could not be operated because of the absences of the pilot. No arrangement was made for an alternative pilot. The passengers were left to take care of themselves.

Discuss the legal implications.

4 Mr. Y is an owner of a fleet vessel. A consignment of 6 sets of sub-assemblies for PC 650 H.E. was entrusted by the Mr. R for carriage at Koba, Japan to Madras. The consignment contained 16 packages. But when it arrived at the Madras port, two packages were found in damaged condition.

Who shall be made liable for that damage and who will give the compensation?

Q.2. Why carriage by railway is called as a public carrier? Explain the general responsibility of carriage by rail under Carriage by Railway Act.

[15]

OR

Q.2. What is Contract of Affreightment? Explain the implied undertakings of carriage by sea with case laws.

[15]

Q.3. Explain the International conventions on carriage by air with various amendments in Carriage by Air Act, 1972.

[15]

OR

Q.3. Explain the functions of Bill of lading and exempted perils giving reference of case laws.

[15]

Q.4. Write Short Notes on any two of the following:

[10]

1. Discharge from liability.
2. What is seaworthiness and what is its effect on a contract of carriage by sea?
3. Private carrier
4. Safety of passengers