



0202/0621

**II Semester 3 Year LL.B./VI Semester 5 Year B.B.A. LL.B./B.A. LL.B.
Examination, December 2014
COMPANY LAW**

Duration : 3 Hours

Max. Marks : 100

Instructions:

1. Answer Q. No. 9 and any five of the remaining questions.
2. Q. No. 9 carries 20 marks and the remaining questions carry 16 marks each.
3. Answers should be written either in English or in Kannada completely.

మూడసెగళు:

1. ప్రశ్న నం. 9 మత్తు ఇతర యాపుడే 5 ప్రశ్నగళిగే ఉత్తరిసి.
2. ప్రశ్న నం. 9క్క 20 అంకగళు మత్తు ఉండ ప్రశ్నగే 16 అంకగళు.
3. ఉత్తరపన్న సంపూర్ణవాగి కస్తడదల్లి అధవాంగిష్టసల్లి బరయిరి.

Q. No. 1. Discuss the advantages of incorporation of a company.

కంపనీయ నిగమికరణద అనుకూలతెగళన్న చెబిసిరి.

Q. No. 2. What is incorporation and what are the different stages of incorporation.

నిగమికరణగొళిసువికి ఎందరేను ? మత్తు నిగమికరణద వివిధ హంతగళు యాపువు ?

Q. No. 3. What is memorandum of association of a company ? Explain the fundamental clauses of memorandum of association.

కంపనీయ సంస్థాపనా పత్ర ఎందరేను ? సంస్థాపనా పత్రదలీన మూలభూత ఖండగళన్న వివరిసిరి.

Q. No. 4. Who is a promoter ? What are his powers and liabilities ?

ప్రమాదకేసిందరే యారు ? అవన ఆధికార మత్తు హోణగారికెగళాపువు ?

Q. No. 5. What is prospectus ? What are the remedies that are available for misrepresentation in the prospectus ?

పరిజయపత్ర ఎందరేను ? పరిజయపత్రదలీన సంగతియ తప్ప నిరూపణంగ ఇరువ పరికారోపాయగళాపువు ?

P.T.O.



Q. No. 6. Describe the general principles and statutory restrictions for allotment of shares.

ಶೇರುಗಳ ಹಂಚಿಕೆಯ ಸಾಮಾನ್ಯ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ದ ನಿರ್ಬಂಧಗಳನ್ನು ವಿವರಿಸಿ.

Q. No. 7. Discuss briefly the conditions of relief for oppression and mismanagement in the company.

ಕಂಪನಿಯಲ್ಲಿ ದಬ್ಬಾಳಿಕೆಗೆ ಮತ್ತು ದುರ್ಘಟವಹಾರದ ಪರಿಹಾರದ ನಿರ್ಬಂಧಗಳನ್ನು ಚರ್ಚಿಸಿ.

Q. No. 8. Write short note on **any two** of the following :

(a) Holding and subsidiary company.

ನಿಯಂತ್ರಕ ಮತ್ತು ನಿಯಂತ್ರಿತ ಕಂಪನಿಗಳು

(b) Different kinds of share capital of a company

ಕಂಪನಿಯ ಶೇರು ಬಂಡವಾಳದ ವಿವಿಧ ಪ್ರಕಾರಗಳು

(c) Compulsory winding up of a company.

ಕಂಪನಿಯ ಕಡ್ಡಾಯ ಸಮಾಪನೆ.

Q. No. 9. Solve **any two** of the following problems :

(a) The articles of association of X company contained a clause to the effect that B (an outsider) should be a director and should not be removed for 5 years. However he was removed earlier and he brought an action to restrain company from excluding him will be succeed ?

X ಎಂಬ ಕಂಪನಿಯ ಲಿಖಿತ ಕಟ್ಟಳೆಯ ಒಂದು ವಿಂಡದ ಪ್ರಕಾರ B (ಹೊರಗಿನ ವ್ಯಕ್ತಿ) ಎಂಬುವವನನ್ನು ಕಂಪನಿಯ ನಿರ್ದೇಶಕನನ್ನಾಗಿ ನೇಮಿಸುವುದು ಮತ್ತು 5 ವರ್ಷಗಳವರೆಗೆ ಅವನನ್ನು ಆಸ್ಥಾನದಿಂದ ತೆಗೆದುಹಾಕುವಂತಿಲ್ಲ ಎಂದು ಇತ್ತು ಆದರೆ ಅವನನ್ನು ಮುಂಬಿತವಾಗಿಯೇ ತೆಗೆದುಹಾಕಲಾಯಿತು. ಆದರೆ ವಿರುದ್ಧ ಅವನು ಕಂಪನಿಯ ಮೇಲೆ ದಾವೆಯನ್ನು ಹಾಡುತ್ತಾನೆ. ಅವನು ಜಯಗಳಿಸುವನೇ ?



(b) The director of a company borrowed a sum of money from the plaintiff bank. The company's articles provided that the director might borrow on bonds such sums as may from time to time be authorised by a resolution passed at general meeting of the company. Share holders claimed that there had been resolution authorising the loan and therefore it was taken without their authority. Is the company liable to the plaintiff bank ?

ಒಂದು ಕಂಪನಿಯ ನಿರ್ದೇಶಕನು ವಾದಿ ಬ್ಯಾಂಕಿನಿಂದ ಸಾಲವನ್ನು ಪಡೆಯುತ್ತಾನೆ. ಆ ಕಂಪನಿಯ ಲಿಖಿತ ಕಟ್ಟಳೆಯ ಪ್ರಕಾರ ನಿರ್ದೇಶಕರು ಸಾಲ ತೆಗೆದುಕೊಳ್ಳುವ ಮುನ್ನ ವಾರ್ಷಿಕ ಸಾಮಾನ್ಯ ಸಭೆಯಲ್ಲಿ ನಿಯಮಾವಳಿಯನ್ನು ಪಾಸು ಮಾಡಿ ಶೇರುದಾರರ ಅನುಮತಿಯನ್ನು ಪಡೆದುಕೊಳ್ಳಬೇಕು ಹಾಗೂ ಅವರು ಎಷ್ಟು ಮೊತ್ತಕ್ಕೆ ಅನುಮತಿ ಕೊಟ್ಟಿರುತ್ತಾರೋ ಅಥವ್ಯೇ ಮೊತ್ತವನ್ನು ಸಾಲ ಪಡೆಯಬೇಕು ಎಂಬುದಾಗಿತ್ತು. ಆದರೆ ಈ ಪ್ರಕರಣದಲ್ಲಿ ನಿರ್ದೇಶಕರು ಯಾವುದೇ ನಿಯಮಾವಳಿಯನ್ನು ಪಾಸು ಮಾಡಿರಲಿಲ್ಲ ಮತ್ತು ಶೇರುದಾರರ ಅನುಮತಿ ಇಲ್ಲದೆ ಸಾಲ ಪಡೆಯಲಾಗಿತ್ತು. ಕಂಪನಿಯ ವಾದಿ ಬ್ಯಾಂಕಿಗೆ ಬಾಧ್ಯಸ್ಥ/ ಹೊಣೆಗಾರವಾಗುತ್ತದೆಯೇ ?

(c) 'X' a minor was registered as a share holder. After attaining majority he received dividend from the company. Subsequently company went into liquidation X denies his liability. Decide.

'X' ಎಂಬ ಅಪ್ಪಾಪ್ತಿ ವಯಸ್ಸನು ಒಂದು ಕಂಪನಿಯ ಸದಸ್ಯನಾಗಿ ನೋಂದಾಯಿಸಲ್ಪಟ್ಟನು. ಅವನು ಪ್ರಾಪ್ತ ವಯಸ್ಸನಾದ ಬಳಿಕ ಕಂಪನಿಯಿಂದ ಲಾಭಾಂಶವನ್ನು ಸ್ವೀಕರಿಸುತ್ತಾನೆ. ತದನಂತರ ಕಂಪನಿ ಸಮಾಪನೆಯಾಗುತ್ತದೆ. X ನು ತನ್ನ ಹೊಣೆಗಾರಿಕೆಯನ್ನು ಅಲ್ಲಗಳಿಯುತ್ತಾನೆ. ತೀಮ್ಮಾನನಿಸಿ.