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Universiti Tun Hussein Onn Malaysia

**UNIVERSITI TUN HUSSEIN ONN MALAYSIA**

**FINAL EXAMINATION  
SEMESTER I  
SESSION 2019/2020**

COURSE NAME : BUSINESS LAW  
COURSE CODE : BPB 22903  
PROGRAMME CODE : BPP  
EXAMINATION DATE : DECEMBER 2019 / JANUARY 2020  
DURATION : 3 HOURS  
INSTRUCTION : ANSWER ALL QUESTIONS

THIS QUESTION PAPER CONSISTS OF **THREE (3) PAGES**

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- Q1** (a) Mr. Ammar and Mr. Opie are partners of Baby Shark Do Do Enterprise, running a hardware shop. Mr. Ammar's friend, Amy went to the shop to complain about a knife she bought from the shop a week ago. Mr. Ammar became angry and stabbed Amy with a knife. Amy reported to the police station and a public prosecutor brought a charge against Mr. Ammar for causing grievous hurt under the criminal offences. Mr. Opie worried that he would also be charged for causing grievous hurt since he is Mr. Ammar's partner. Mr. Opie approached you to seek your legal advice.  
Prepare a legal opinion to Mr. Opie on his rights before the relevant law.  
(15 marks)
- (b) Adam retired from being a partner to ABC Firm one year ago. Last month ABC Firm entered into a contract to supply computer equipment to ZZ Sdn. Bhd. The computer equipment supplied was not of quality as promised by ABC Firm. Last week ZZ Sdn. Bhd. filed a suit to ABC Firm and Adam was named as one of the partners in ABC Firm in that legal proceeding. After investigation, Adam discover that his name has been used by ABC Firm as one of the partner in ABC Firm in the ABC Firm's letterhead when dealing with ZZ Sdn. Bhd.  
Analyze the above said case.  
(15 marks)
- Q2** (a) Explain on the following concept under the sale of goods law.
- |       |  |           |
|-------|--|-----------|
| (i)   | Implied condition and warranty.              | (5 marks) |
| (ii)  | The goods must be of a merchantable quality. | (5 marks) |
| (iii) | <i>Nemo dat quod non habet.</i>              | (5 marks) |
| (iv)  | <i>Caveat Emptor.</i>                        | (5 marks) |
- (20 marks)
- (b) Ali, a businessman wanted to sell his car and advertised it as a "HONDA CIVIC 2015". Ahmad read the advertisement and immediately went to view the car. After seeing the car, he agreed to buy it. Later, it was discovered that while the rear half of the car was part of a "HONDA CIVIC 2015", the front half was part of an earlier model, a "HONDA CIVIC 2005".  
Apply your legal understanding and interpretation to solve Ahmad's problem based on the provisions in the Sale of Goods Act 1957 and decided cases.  
(15 marks)
- Q3** (a) Batu Bata Sdn. Bhd. (hereinafter referred as the developer) is developing a new industrial land in Parit Raja into factory lots for sale. The project is adjacent to a piece of land owned by Datuk Karim (hereinafter referred as the complainant). In

order for the project to run within its schedule, the developer then constructed a stretch of road right across the complainant's land to enable a free access of traffic. However, the complainant is not satisfied with the developer's action on the ground that it will soon damage his land. The developer counterclaims that since the complainant's land is in between of the development zones, there is nothing they can do except to access his land and moreover there is no evidence of actual damage found in the said land.

Propose a legal advice for Datuk Karim on his legal rights against the developer.

(15 marks)

- (b) Outline the decision and the principle laid down in the case of Salomon v. Salomon & Co. [1897]

(5 marks)

- (c) Once a company is incorporated, the law treats the company and its members as a separate legal entity.

Explain **FIVE (5)** effects of treating the company as a separate legal entity.

(15 marks)

- END OF QUESTIONS -

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