

**THE OPEN UNIVERSITY OF SRI LANKA**  
**FACULTY OF HUMANITIES AND SOCIAL SCIENCES**  
**DEPARTMENT OF LEGAL STUDIES**  
**LLB DEGREE PROGRAMME- LEVEL 6**  
**CONTINUOUS ASSESSMENT TEST II - 2022/2023**  
**LLU6716/ LWU4324 – COMMERCIAL LAW**  
**DURATION- 1 HOUR**



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**DATE: 4<sup>th</sup> December 2023**

**TIME : 1.30 p.m. – 2.30 p.m.**

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**Candidates will be penalized for Illegible handwriting.**

**Total number of questions 02**

**Answer ONE (01) question only.**

1. Dilhara, a housewife, noticed that one of the walls of her house which was also the boundary of her property was always damp because her neighbour had a vegetable garden right next to it. She went to 'Rohana's Paint Shop', explained the problem she was facing and asked Rohana's advice on which paint she should use to stop the dampness. Dilhara painted her wall with the recommended paint, but the dampness did not stop, and she discovered that the paint was not a damp-proof paint but only a normal interior paint.
  - a. Discuss the legal consequences arising from the above sale, supporting your answer with provisions of the Sale of Goods Ordinance No 11 of 1896 and case law.

**(8 marks)**
  - b. Would your answer in (a) above be different in the following instances:
    - i. Dilhara did not mention the reason she wanted the paint.

**(6 marks)**
    - ii. Rohana had obtained the paint sold to Dilhara from Gamini by pretending to be the owner of a large paint shop called 'Rohan's Paint Shop' situated in the same street.

**(6 marks)**
2. "A comparison of the rights of the hirer and the owner under a hire purchase agreement shows that such contracts are more beneficial to owners than hirers." Do you agree with the above statement?

Support your answer with statutory provisions of the Consumer Credit Act No 29 of 1982 and case law.

**(20 marks)**

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