



**RAMA
UNIVERSITY**

www.ramauniversity.ac.in

FACULTY OF JURIDICAL SCIENCES

COURSE: B.A.LL.B. 1st Semester

SUBJECT: ADVANCE LEGAL WRITING SKILL-I

SUBJECT CODE: BAL 108

LECTURE:10

NAME OF FACULTY: Ms. Anjali Dixit

Lecture-10



VOIDABLE

Meaning of voidable contract -

A voidable contract is something different and peculiar. One of the parties to the contract alone will have an option to challenge/repudiate or cancel the contract. If it is challenged it may be declared void. If it is not challenged it may be allowed to continue as valid.

Definition of voidable contract -

Section 2(i) of the Indian Contract Act 1872 defines a voidable contract. According to Section 2(i) of the Indian Contract Act 1872, "voidable contract is an agreement, which is enforceable by law at the option of one or more parties thereto, but not at the option of the other or others, the contract is said to be voidable

Example:

When consent to an agreement is caused by coercion, fraud, misrepresentation the agreement is voidable at the option of the party whose consent was so caused.

In contracts, voidable is a term typically used with respect to a contract that is valid and binding unless avoided or declared void by a party to the contract who is legitimately exercising a power to avoid the contractual obligations.

A contract may be voidable on the grounds of Fraud, mistake, Misrepresentation, lack of capacity, duress, Undue

Influence, or abuse of a fiduciary relationship. A contract that is based on one of th

ese grounds is not automatically void but is voidable at the option of the party entitled to avoid it. For example, a person who was induced by fraud to enter into a contract may disclaim the contract by taking some positive action to disaffirm the contract. Or the victim of the fraud may ratify the contract by his or her conduct or by an express affirmation after acquiring full knowledge of the facts. Likewise, a contract between a minor and another party is generally viewed as voidable by the minor. The minor may legally decide to ratify the contract or disaffirm the contract.

A voidable marriage is a marriage that is valid when entered into and remains completely valid until a party obtains a court order nullifying the relationship. The parties may ratify a voidable marriage upon removal of the impediment preventing a lawful marriage, thus making the union valid. Living together as Husband and Wife following the removal of the impediment typically constitutes a ratification.

MCQ

1) A, B and C enter into an agreement for the division among them of gains acquired or to be acquired by them by Fraud :

- A) The agreement is Void, as it's object is Unlawful
- B) The agreement is Voidable
- C) Irregular
- D) None of these

2) A promises, for no consideration, to give to B Rs. 1,000 it is a

- A) Void agreement
- B) Valid agreement
- C) Irregular agreement
- D) None of these

3) A owes B Rs. 1,000 but the debt is barred by the Limitation Act. A signs written promise to pay B Rs. 500 on account of debt. It is a

- A) Void contract
- B) Valid contract
- C) Voidable contract
- D) None of these

4) A agrees to sell a horse worth Rs. 1,000 for none. A denies that his consent to the agreement was freely given. This is a

- A) Void agreement
- B) Valid Contract
- C) Voidable Contract
- D) Void Contract

5) A agrees to sell a horse worth Rs. 1000 for Rs. 10 A's consent to the agreement was freely given. Agreement is a

- A) The agreement is Void for uncertainty
- B) The Contract is Void for uncertainty
- C) The agreement is Voidable