

ANSWER USING IRAC (ISSUES ,RULES, LAW, APPLICATION AND CONCLUSION)

QUESTION: Siti Selamah, a singer, wished to stage a solo performance. She entered into an agreement with Tuan Karim, the owner of a theatre, to hire it for one day, at a cost of RM2,000. She paid the full amount in advance. However, a day before the performance was due to be held, the theatre was destroyed by fire after being struck by lightning. Siti Selamah wishes to sue Tuan Karim for a refund of the amount of RM2000.

Answer:

1. For issue(s) advisable to begin with the word "WHETHER"

The main issues in this case are:

- 1) Whether the contract between Siti Selamah and Tuan Karim has been discharged by frustration?
- 2) Whether Siti Selamah can sue Tuan Karim for breach of contract?
- 3) Whether Siti Selamah can claim for a refund of the amount of RM2,000 from Tuan Karim?

2. After identified the issues you may start your answer by explaining the overview/ relevant gen principle

Example:

This question concerns the issue of discharge of contract. Generally discharge means terminated. Once contract is discharged, the contracting parties free from further obligation under the contract. There are four ways how contract could be discharged namely; discharge by performance, discharge by agreement, discharge by impossibility/ frustration and discharge by breach.

3. Then... proceed with the details explanation on the most relevant area of law

EXAMPLE:

The scenario between Siti Selamah and Tuan Karim relates to the discharge by impossibility/frustration because it is no longer possible for the parties to perform their obligations under the contracts. Basically, a contract is terminated if the things that the parties agreed to do is impossible to perform. It can either be at the time the contract was made or when the obligation became impossible to perform after the conclusion of the contract.

Section 57(1) of Contract Act 1950

(CA) provides that an agreement to do an act impossible in itself is void. Section 57(2) of CA further provides that a contract to do an act which after the contract is made becomes impossible, or by reason of some event, which a promisor could not prevent, unlawful, becomes void when the act becomes impossible or unlawful. Cases law have established several situations where contracts may be discharged by frustration. The followings are the example of the situations:

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Mike Jess

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Table of Contents Contract Law Sample Question And Answer Irac

1. Understanding the eBook Contract Law Sample Question And Answer Irac
 - The Rise of Digital Reading Contract Law Sample Question And Answer Irac
 - Advantages of eBooks Over Traditional Books
2. Identifying Contract Law Sample Question And Answer Irac
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Contract Law Sample Question And Answer Irac
 - User-Friendly Interface
4. Exploring eBook Recommendations from Contract Law Sample Question And Answer Irac
 - Personalized Recommendations
 - Contract Law Sample Question And Answer Irac User Reviews and Ratings

- Contract Law Sample Question And Answer Irac and Bestseller Lists
- 5. Accessing Contract Law Sample Question And Answer Irac Free and Paid eBooks
 - Contract Law Sample Question And Answer Irac Public Domain eBooks
 - Contract Law Sample Question And Answer Irac eBook Subscription Services
 - Contract Law Sample Question And Answer Irac Budget-Friendly Options
- 6. Navigating Contract Law Sample Question And Answer Irac eBook Formats
 - ePUB, PDF, MOBI, and More
 - Contract Law Sample Question And Answer Irac Compatibility with Devices
 - Contract Law Sample Question And Answer Irac Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Contract Law Sample Question And Answer Irac
 - Highlighting and Note-Taking Contract Law Sample Question And Answer Irac
 - Interactive Elements Contract Law Sample Question And Answer Irac
- 8. Staying Engaged with Contract Law Sample Question And Answer Irac
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Contract Law Sample Question And Answer Irac
- 9. Balancing eBooks and Physical Books Contract Law Sample Question And Answer Irac
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Contract Law Sample Question And Answer Irac
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Contract Law Sample Question And Answer Irac
 - Setting Reading Goals Contract Law Sample Question And Answer Irac
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Contract Law Sample Question And Answer Irac
 - Fact-Checking eBook Content of Contract Law Sample Question And Answer Irac
 - Distinguishing Credible Sources

13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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