

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 Selmah can claim for a refund of the amount of RM2,000 from Tuan Karim?

2. After identified the issues you may start you 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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Marco Cascella



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Monthly Catalogue, United States Public Documents, 1974

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