

Qno: 5) Difference between void and voidable contract

Void

* Definition: A contract that is invalid from the beginning and has no legal effect.

Voidable Contract

Definition: A contract that is valid and enforceable unless one party chooses to void it.



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Void

* Enforceability: Cannot be enforced by law under any circumstances.

* Legal Status: Considered as if it never existed.

* Reasons: A contract may be void if.

- it involves illegal activities.
- it is impossible to perform.

* parties' Rights: No party can claim rights or obligations under a void contract.

* Example: An agreement to commit a crime or a contract with a minor for something illegal.

Voidable contract

* Enforceability: Can be enforced unless the aggrieved party exercises their right to void it.

* Legal Status: Initially valid but can become void if rescinded.

* Reasons: A contract may be voidable due to

- coercion, undue influence, fraud or misrepresentation.
- one party lacking capacity (e.g., due to minority or mental incapacity).

* parties' Rights: the aggrieved party has the option to either enforce or void the contract.

* Example: A contract signed under duress or involving misrepresentation.