

EXAMINATION OF ARTICLED CLERKS

PAPER II

CONVEYANCING

Friday, 20th April, 2018

Time: 3 Hours (1:00 PM to 4:00 PM)

TOTAL MARKS – 100

General Instructions:

- (1) Please answer all questions to the point.**
- (2) Answers should be reasoned and if possible supported by case law.**

1. Explain the following:

[15Marks]

- (i) Transfer of Property
- (ii) Sale, Sale how made and Contract for sale.
- (iii) Charges.
- (iv) Fraudulent Transfer.
- (v) Rights and Liabilities of Lessor and Lessee.

2. Distinguish between the following:

[15 Marks]

- (i) Lease and License.
- (ii) Legal heir and Nominee.
- (iii) Part Performance and Specific Performance.
- (iv) Sale and Assignment.
- (v) Joint Tenancy and Tenancy in common.

3. Time for presenting the following documents for Registration:

[15 Marks]

- (i) Decree.
- (ii) Wills.
- (iii) Re-registration of document.
- (iv) Documents executed by several persons at different times.
- (v) Documents executed outside India.

4. Please highlight the liabilities and responsibilities of a Promoter under the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963.

[10 Marks]

5. Please explain the Adjudication and Impounding of Documents under the Maharashtra Stamp Act. **[5 Marks]**
6. Please advise on the following: **[10 Marks]**
- (i) A person dies intestate leaving behind immovable property. What testamentary proceedings would you advise the beneficiaries to adopt?
 - (ii) A person dies leaving behind a Will, but no executor was appointed under the Will. What testamentary proceedings would you advise the beneficiaries to adopt?
 - (iii) A person dies intestate leaving moveable property(ies). What testamentary proceedings would you advise the beneficiaries to adopt?
 - (iv) A sole executor refuses to act as the executor of the Will.
 - (v) Can an attesting witness to a Will also be beneficiary under the same Will.
7. Please enumerate in detail the steps involved for investigation of title of a residential flat in a co-operative society. **[5 Marks]**
8. Please draft the following: **[25 Marks]**
- (i) Mutual Wills.
 - (ii) Public Notice by Intending Purchaser of a Flat in a Society.
 - (iii) Deed of Gift
 - (iv) Deed of Assignment of Lease.
 - (v) Power of Attorney to admit execution before the Sub Registrar of Assurances.