

EXAMINATION OF ARTICLED CLERKS

PAPER IV

CONVEYANCING

Monday, 4<sup>th</sup> October, 2021

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

TOTAL MARKS – 100

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**General Instructions:**

- (1) Please answer qualitatively and not quantitatively.
- (2) Answers should be reasoned and if possible supported by case law.

1. Explain any three of the following: 12 Marks
  - i. Direction for Accumulation.
  - ii. Conditional transfers.
  - iii. Right of a mortgagor to redeem.
  - iv. Determination of a lease.
  
2. Answer whether True or False. Give one bullet point reason 10 Marks for your answer.
  - i. Provisions of section 60A, i.e., the obligation to transfer to a third party instead of transfer to a mortgagor, does not apply in case of a mortgagee who is or has been in possession.
  - ii. Rule of lis pendens is applicable to suits for specific performance of contracts to transfer immovable property.
  - iii. A gift of immovable property effected by a deed of gift but brought about by undue influence of the donee, though the donor acted voluntarily in making it is valid and binding.
  - iv. In an English Mortgage on payment of certain sum by the mortgagee the property passes to him.
  - v. A lessee is bound on the lessor's request to put him in possession of the property,

3. Write short notes on any three of the following: 12 Marks
- i. Registration of Wills.
  - ii. Effect of non-registration of documents required to be registered.
  - iii. Description of property and maps or plans in non-testamentary documents.
  - iv. Re-registration of documents.
4. Write short notes on any three of the following: 12 Marks
- i. Powers of the Real Estate Regulatory Authority.
  - ii. Rights of Allottees.
  - iii. Obligations of a promoter in case of transfer of a real estate project to a third party.
  - iv. Common areas.
5. Write short notes on any three of the following: 12 Marks
- i. Adjudication of Stamps.
  - ii. Instruments not duly stamped.
  - iii. Allowance for spoiled stamps.
  - iv. Instruments chargeable with duty.
6. Write short notes on any two of the following: 8 Marks
- i. Responsibilities of a promoter under Maharashtra ownership flats (Regulation of the promotion of construction, sale, management and transfer) act, 1963.
  - ii. Failure of the Promoter to take steps for formation of co-operative society or company.
  - iii. Remedy available on noticing any defect in the building or materials used.

7. Write short notes on any three of the following: 12 Marks
- i. Void bequests.
  - ii. Conditional bequests.
  - iii. Ademption of legacies.
  - iv. Election.
8. Differentiate between a promoter under the Real Estate (Development & Regulation) Act, 2016 and Maharashtra ownership flats (Regulation of the promotion of construction, sale, management and transfer) act, 1963 10 Marks
9. Draft any three of the following: 12 Marks
- i. Covenant against encumbrances.
  - ii. Accountable receipt.
  - iii. Operative clause in a Gift Deed made out of natural love and affection.
  - iv. Recitals in a Deed of Dissolution of Partnership between two Partners one of them taking over the business.

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