

EXAMINATION OF ARTICLED CLERKS

PAPER IV

CONVEYANCING

Monday, 24th April, 2023

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

TOTAL MARKS – 100

Notes:

- (i) Quote sections and case law in support of your answers where possible.
(ii) Please answer in order of the sub-questions.

1. Draft any one of the following: 15 Marks
i. Deed of Partnership of LLP.
OR
ii. Surrender of Lease.
2. Draft any four of the following: 16 Marks
i. Covenant running with the land.
ii. Operative clause in Revocation of a Will
iii. Habendum clause.
iv. Recitals in Deed of Re-conveyance of Mortgaged Property.
v. Parties clause in an Agreement for sale between a Joint Hindu Family and a Trust.
3. Please answer whether the following statements are true or false. 12 Marks
Give one bullet point reason for your answer.
i. Under the Transfer of Property Act, 1882, vested interest is defeated by the death of the transferor.
ii. The term 'actionable claims' includes debt secured by mortgage on a residential house.
iii. In case a lease is made for a certain period mentioning that it is terminable before its expiration, without mentioning at whose option, only the lessor will have the option of termination.
iv. The doctrine of lis pendens is applicable on both specified and unspecified properties.

v. The forfeiture under section 111(g) of the Transfer of Property Act, 1882 can be waived off by accepting of rent becoming due after forfeiture, in case lessor is not aware that forfeiture has incurred.

vi. Transfer of Spes Succession is voidable.

4. i. State the documents of which registration is optional under the Registration Act, 1908. 5 Marks
- ii. A executed a gift deed in his lifetime in favour of B. The gift deed was not registered during the lifetime of A. B, after the death of A, presented the gift deed before the Registrar for its registration. C, brother of A, raised an objection to the registration of the gift deed on the ground that the signature of A was fake. Both the witnesses to the gift deed contended that the signatures were made in their presence by A at the time of execution of the gift deed. Will the gift deed be treated as valid for registration under the Registration Act, 1908? 3 Marks
- iii. A executed a document on 2nd October 2022 in favour of B. Thereafter, A executed another document on 21st December 2022 in favour of C in respect of the same property. The document between A and B was registered on 15th February, 2023 whereas the document between A and C was registered on 15th January, 2023. Which document gets priority and why? 3 Marks
5. Answer in not more than two bullet points: 10 Marks
- i. Who is liable to pay stamp duty?
- ii. What happens if the instrument is executed on stamps which do not bear the name of one of the executors?
- iii. Is Stamp Duty payable on the Instrument or the Transaction?
- iv. What is the validity of the stamps for its usage?
- v. What is meant by impounding of instruments?
6. Answer in not more than two bullet points: 10 Marks
- i. Does the definition of 'promoter' under RERA include all promoters in case of joint development?
- ii. Which projects are exempt from the ambit of RERA.
- iii. Can the period of registration granted to a real estate project by the Regulatory Authority be extended?
- iv. Who is the 'allottee' as per RERA.

- v. Can the registration of a real estate project be revoked?
7. Distinguish between: Completion Certificate & Occupancy Certificate. 6 Marks
8. Write short notes on any two of the following: 8 Marks
- i. Definition of 'Flat' under MOFA.
 - ii. Promoter under MOFA.
 - iii. Liabilities of the Promoter.
9. Write short notes on any three of the following: 12 Marks
- i. What is a privileged Will? How is it made and how can it be revoked?
 - ii. What are the rules of construction where a Will purports to make 2 bequests to the same person?
 - iii. Conditional bequests.
 - iv. Election.
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