

EXAMINATION OF ARTICLE CLERKS

PAPER III

CONVEYANCING

FRIDAY, 15TH MAY 2015

TIME : 3 HOURS (1-00 PM TO 4-00 PM)

(TOTAL MARKS -100)

NOTES :

- ILLEGIBLE HANDWRITING WILL BE PENALISED.
- PLEASE READ THE ENTIRE QUESTION CAREFULLY .
- ANSWERS SHALL BE EVALUATED FOR ANALYTICAL APPROACH , REASONING AND CLARITY OF THOUGHTS AND NOT ONLY FOR ITS ACCURACY AND ANSWERS SHOULD BE TO THE POINT
- QUOTE SECTIONS , STATUTE, CASE LAW /AUTHORITY IN SUPPORT OF YOUR ANSWER WHETHER SPECIFICALLY MENTIONED IN THE QUESTION OR NOT.
- FIGURES IN BRACKETS ALONGSIDE THE QUESTIONS INDICATE THE MARKS FOR THE CORRESPONDING QUESTIONS.

1. DRAFT THE FOLLOWING : - (24)

- i. Public Notice for lost of Original title document by the Owner
- ii. Letter of attornment
- iii. Irrevocable Power of Attorney for Purchase of a Flat
- iv. Deed of Confirmation
- v. Codicil of Will (to delete the name of one of the beneficiaries, who died during the lifetime of the Settlor)
- vi. Joint Account Clause

2. EXPLAIN ANY FIVE FROMTHE FOLLOWING : - (20)

- i. Property transferable by gift made in contemplation of death
- ii. Void Bequests
- iii. Rule Against Perpetuity
- iv. Conditional Bequests
- v. Part Performance
- vi. Allowance for spoiled stamps
- vii. Marshalling Securities
- viii. Right of Redemption

3. Explain "Documents of which registration is compulsory" under the Registration Act, 1908. (6)

OR

Explain "Securities dealt in depository not liable to stamp duty"

4. State whether the following documents are required to be compulsorily registered and /or stamped in accordance with law. If any of the following documents is required to be stamped then please indicate the quantum of such stamp duty :- (16)

- i. Gift by an uncle to his nephew for his 50% undivided right title and interest in the flat which is in a society .
- ii. deed of reconveyance
- iii. deed of redemption
- iv. English Mortgage
- v. Agreement for sale without possession for purchase of a flat in a Condominium
- vi. Decree for Partition of animmoveable property between the brothers .
- vii. Deed of release by sister in favour of her brother for release of her undivided right title and interest in the ancestral property .
- viii. Power of attorney for sale of a flat by father in favour of his wife .

5. Explain, citing relevant case law, as to who is entitled to take advantage of any additional Floor Space Index in case where the building is completed and possession handed over to various purchasers, but a Co-operative Society has not been formed and/or the land has not been conveyed to the Society under the Maharashtra Ownership Flats Act? (10)

6. Whether a certificate by Sub-Registrar of Assurances at the time of registration proves attestation of an unprivileged Will? (4)

OR

How many attesting witnesses are necessary for validity of an unprivileged Will and to prove execution of an unprivileged Will ?

7. Is the builder/developer permitted to amend the layout plan under the Maharashtra Ownership Flats Act? What is the procedure to be followed and what restrictions have been laid down by the Courts? (10)

OR

Discuss the provisions of the Transfer of Property Act, 1888 with regard to the defense applicable to the purchaser who is a purchaser in good faith for valuable consideration but without notice?

8. Discuss the rights of a co-owner of an immovable property? Can a co-owner of an immovable property, part with possession thereof without the consent of the other co-owner ? (5)
 9. Explain with supporting case law "Title passes on execution and registration of a deed or only on payment of consideration depends upon intention of parties." (5)
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