

EXAMINATION OF ARTICLE CLERK

PAPER III

CONVEYANCING

FRIDAY, 31st day October 2014

[TIME 1.00 P.M. to 4.00 P.M.]

(TOTAL MARKS 100)

Note :—

1. Keep answers to the point. The length is immaterial. Give precise and brief answers with reasoning and avoid unnecessary elaboration.
 2. Answers will be evaluated for analytical approach, practical experience, reasoning and clarity of thoughts and not only for its accuracy.
 3. Do not reproduce the question.
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1. Write Short Notes on the following :— **15**
 - (a) The Recitals
 - (b) Covenant Running with the Land
 - (c) Reversionary Right
 - (d) Determination of Lease
 - (e) "Declaration" under Maharashtra Apartment Ownership Act, 1970.
 2. Draft the following :— **24**
 - (a) The receipt clause in the Deed of Conveyance for a sum of Rs. 75,00,000/- (Rupees seventy five lacs only)
 - (b) Covenant for the Grant of Right of Way
 - (c) Attestation Clause in a Will
 - (d) Describing the Partnership Firm as a Vendor in the Agreement for Sale
 - (e) The consideration clause in the Agreement for Sale of Immovable Property
 - (f) Public Notice for investigating the title of the Owners to an Immovable Property.
 3. Distinguish between **any Four** of the followings :— **16**
 - (a) Gift and Release
 - (b) Legal heir and Nominee
 - (c) Attestation and Witness
 - (d) Sale and Assignment
 - (e) Part Performance and Specific Performance.
 4. Discuss the following :— **12**
 - (a) Enquiry and procedure to be conducted by Registering Officer before registering the document.
 - (b) Would you consider the Sub-Registrar, before whom the Testatrix signed the Will whilst registering it, as an "attesting witness"?
 - (c) Procedure to be followed by the Registering Officer for registration or acceptance of the document at private residence.

5. Discuss "PROMOTER" and the concept of "FLAT" under The Maharashtra Ownership Flats Act, 1963. 8
6. (a) What is the effect of not stamping a document, under The Bombay Stamp Act, 1958? Is that effect different from not registering a stamped document under The Registration Act, 1908 ? 4
- (b) What is the penalty under The Bombay Stamp Act, 1958 for evading paying duty payable on a document ? 2
7. Discuss **any three** :— 9
- (a) Void bequests;
- (b) Unprivileged wills;
- (c) Ademption of legacies;
- (d) Rule against perpetuity.
8. Discuss **any four** from the followings :— 10
- (a) The properties which cannot be transferred
- (b) A has acquired his Title under a registered Deed of Gift. Gift Deed is produced for your inspection when you find that the signature of the Donor has not been attested by two witnesses. What will you now advise your client who wants to buy at any cost the property referred to in the Gift Deed.
- (c) What are the additional precautions that you as a Solicitor will take whilst advising your client who is purchasing a flat in a Co-operative Housing Society from
- (i) A Private Limited Company
- (ii) A Public Charitable Trust registered under Bombay Public Trust Act, 1950;
- (iii) A Partnership Firm.
- (d) Transfer by an unauthorized person, who subsequently acquires interest in the property transferred.
- (e) Gift and Release under the Transfer of Property Act, 1882 and The Maharashtra Stamp Act, 1958.
