

EXAMINATION OF ARTICLED CLERKS

Paper III

CONVEYANCING

Friday, 22nd April 2016

Time : 3 Hours (1-00 p.m. to 4-00 p.m.)

(Total Marks—100)

- Notes.*—(1) Answers should be legible, precise and to the point.
 (2) Answers to every question should be on a fresh sheet of paper.
 (3) Do not reproduce the question.
 (4) Please write in neat and clear handwriting.
 (5) Figures to the right indicate *full* marks.

	Marks
1. Attempt any (<i>five</i>) of the following :—	20
(a) Operative clause in respect of Irrevocable Power of Attorney.	
(b) Attestation clause in a Will.	
(c) Covenant for Grant of Right of Way.	
(d) Covenant for production of Title Document.	
(e) Execution clause in case of a Private/ Public Limited Company.	
(f) Specimen of Letter of Attornment to the Tenants in respect of sale of residential premises.	
(g) Clause for Force Majeure.	
(h) Kindly elaborate norms of courtesy between Solicitors.	
2. Write Short Notes on any (<i>four</i>) of the following :—	20
(a) Part performance under Transfer of Property Act, 1882.	
(b) Effect of Holding Over.	
(c) When Gift may be suspended or revoked.	
(d) Transfer of Actionable Claim.	
(e) Rights of Mortgagee in possession.	
(f) Fraudulent Transfer.	
3. (a) Kindly give a list of documents of which registration is optional.	5
(b) Kindly elaborate the names of the books and Index's maintained by the Registrar in the office of Registrar.	5
(c) Kindly give the list of Documents of which registration is compulsory.	5
4. Kindly write short notes on any (<i>three</i>) :—	15
(a) Effect of gift to attesting witness.	
(b) In what cases legacy lapses ?	
(c) Power of Executor or Administrator to dispose off the properties ?	
(d) Persons to whom probate cannot be granted ?	

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Marks

5. Answer the following :— 6
- (a) Property is bequeathed to A for life and after his death to B and C with a direction that, in case either of them die during the lifetime of A, the whole shall go to the survivor. B dies in the lifetime of A. Afterwards, C dies in the lifetime to A. Who shall be entitled to the property ?
 - (b) A legacy is bequeathed to A on condition that he shall marry with the consent of B, C and D. A obtains the unconditional assent of B, C and D to marry E. Afterwards, B, C and D capriciously retract their consent. Will A be deemed to have fulfilled the condition ?
 - (c) A, an adult of Mumbai Indian Inhabitant dies having declared his last Will and Testament in favour of B. However, no executors in the Will are named. What nature of Succession Certificate should B apply to prove the Will ?
6. What will be the stamp duty payable on an instrument of Gift not being a settlement, Will or Transfer : 9
- (a) A commercial premises is gifted to a family member being the brother or sister of the Donor.
 - (b) A residential property gifted to husband, wife, son or daughter.
 - (c) An agricultural property gifted by son to the father or mother.
7. (a) Is it mandatory for the Promoter, before accepting advance payment or deposit, to enter into an agreement and register the same ? 5
- (b) What would such agreement contain ? 5
- (c) Copies of which documents should be annexed to such agreement ? 5