

EXAMINATION OF ARTICLED CLERKS

Paper VI

GENERAL ACTS

Monday, 11th April, 2022

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

Total Marks: 100

General Instructions:

- (1) *Please answer all questions to the point.*
- (2) *Answers should be reasoned and if possible supported by case law.*
- (3) *Cite provisions of law and relevant case law where applicable*

Maharashtra Rent Control Act, 1999

1. Can an Appellate Court examine the legality of a finding recorded against a party in absence of cross objection? **3 Marks**
2. Is the consent of a tenant required before a Landlord can make any increase in the rent? **3 Marks**
3. What are the circumstances under which a tenant has the right to recover possession in a new building? Is it necessary that the new tenement should be of the same size? **5 Marks**

OR

When can a landlord recover possession on the ground of arrears of rent?

Maharashtra Co-operative Societies Act, 1960

4. Write short notes on any **three** of the following: **12 Marks**
 - i. Persons entitled to become members of a Co-operative Housing Society?
 - ii. Expulsion of a member..
 - iii. Power of the Co-operative Court to settle disputes.
 - iv. Winding-up of a Co-operative Society.

Maharashtra Public Trusts Act, 1950

5. Write short notes on any **three** of the following: **12 Marks**
 - i. Ascertainment of charitable purpose.

- ii. Registration of a Public Trust.
- iii. Change Report.
- iv. Powers of a Trustee.
- v. Appeal from findings of the Charity Commissioner

Indian Trusts Act, 1882

6. Write short notes on any **three** of the following: **12 Marks**
- i. Objectives of a Trust.
 - ii. Duties of a Trustee.
 - iii. Liability for breach of Trust.
 - iv. Powers to apply property of a minor for his maintenance.
 - v. Rights of a beneficiary.

Arbitration and Conciliation Act, 1996

7. ABC Ltd. institutes a suit against your client for breach of contract despite there being an arbitration clause in the contract. What advice would you give your client? **3 Marks**
8. Write a brief note on any **two** of the following: **8 Marks**
- i. Will an application for appointment of an arbitrator under section 11 (6) of the Act be maintainable when a special act provides for a specific mode of such appointment?
 - ii. Can evidence be lead under Section 34 proceedings?
 - iii. Can serious fraud allegations be dealt in an arbitration proceeding?

Limitation Act, 1963

9. Answer any **one** of the following: **6 Marks**

When once time has begun to run, no subsequent disability to institute a Suit can stop it. Discuss

OR

Discuss the Applicability of section 14 of the Act when a second suit is filed after withdrawal of the first suit with liberty.

10. Differentiate between the doctrines of limitation and prescription. **4 Marks**

Maharashtra Apartment Ownership Act, 1970

11. Write short notes on any three of the following: **12 Marks**
- Common areas and facilities.
 - Declaration
 - Encumbrances against apartments.
 - Contents of Deed of Apartments

Prevention of Money Laundering Act, 2002

12. What is money laundering? **4 Marks**
13. Write short notes on any **two** of the following: **6 Marks**
- Scheduled offence.
 - Powers of the investigating officer.
 - Rights of persons being searched.

Rules Of Etiquette And Professional Conduct

14. During a court hearing, you realise that your client gave evidence that was different to what he had previously told you. You think your client may have given false evidence. What should you do? **4 Marks**
15. You have difficulty communicating with your client who speaks Tamil with a smattering of broken English. Do you have any special responsibilities towards that client? **3 Marks**
16. You have received a letter from the opposing party's lawyer. The letter is addressed to his client and it seems that it was accidentally sent to you. What should you do? **3 Marks**
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