

EXAMINATION OF ARTICLED CLERKS

PAPER VI

GENERAL ACTS

Friday, 10th November, 2017

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.

SECTION – I – THE MAHARASHTRA RENT CONTROL ACT, 1999

1. Explain when certain sub tenants become tenants on determination of tenancy. [5 Marks]
2. Explain the rights of a tenant to essential supply or services and remedies available to the tenant in the event the same are cut off by the landlord. [5 Marks]
3. What is the time limit for disposal of suits, proceedings and appeal under the Maharashtra Rent Control Act, 1999. [5 Marks]

SECTION – II – THE MAHARASHTRA CO-OPERATIVE SOCIETIES ACT, 1960

1. Mr A acquired a flat in September 2017 and has now decided to sell the said flat to your client. Please advise your client with acquisition of the said flat. [5 Marks]
2. Please explain the rights of a nominee and heirs of a deceased with respect to the rights to a flat in a co-operative society on the death of a member. Please cite relevant case laws. [5 Marks]
3. Please explain the law relating to expulsion of a member. [5 Marks]

SECTION – III – MAHARASHTRA PUBLIC TRUSTS ACT, 1950

1. Explain the Doctrine of Cy pres under Section 55 of the Maharashtra Public Trusts Act, 1950. [5 Marks]
2. Explain alienation of immoveable property under Section 36 of the Maharashtra Public Trusts Act, 1950. [5 Marks]
3. Explain a bequest under a will for benefit of public trust under Section 53 of the Maharashtra Public Trusts Act, 1950. [5 Marks]

SECTION – IV – THE INDIAN TRUSTS ACT, 1882

1. Explain the following: [7 Marks]
 - (i) Trust
 - (ii) Author of the Trust
 - (iii) Trustee
 - (iv) Beneficiary
 - (v) Trust Property
 - (vi) Beneficial Interest
 - (vii) Instrument of Trust
2. Short notes: [8 Marks]
 - (i) Lawful Purpose
 - (ii) Trust of immovable and movable property
 - (iii) Creation of Trust
 - (iv) Who may create trusts?

SECTION – V – THE ARBITRATION AND CONCILIATION ACT, 1996

1. Short Notes: [8 Marks]
 - (i) Time limit for arbitral award
 - (ii) Fast track procedure
 - (iii) Form and contents of arbitral award
 - (iv) Regime for costs
2. Draft an Arbitration Agreement to refer disputes arising between the parties to arbitration. [7 Marks]

SECTION – VI – THE LIMITATION ACT, 1963

1. When does the period of limitation to file an appeal commence, from the date of pronouncement of judgment or from the date of signing of the judgment by the judge or from the date of receipt of a copy of the judgment? **[5 Marks]**
2. Explain the effect of acknowledgement in writing. Whether an acknowledgement in writing by a manager of a company can be relied upon against the company? **[5 Marks]**
3. Explain the exclusion of time in legal proceedings under Section 12 of the Limitation Act, 1963? **[5 Marks]**

SECTION – VII – RULES OF ETIQUETTE AND PROFESSIONAL CONDUCT

1. A Solicitor has been appointed as an Escrow Agent in a transaction for sale of immoveable property and monies have been deposited with the Solicitor pursuant to an Escrow Agreement. What are the duties of Solicitor as an Escrow Agent? **[4 Marks]**
2. What are the general norms of courtesy between Solicitors at the time of completion of sale? **[3 Marks]**
3. If you take up a position as a law officer in a company. What steps would you take viz-a-viz your sanad? **[3 Marks]**