

**EXAMINATION OF ARTICLED CLERKS
PAPER IV**

CONVEYANCING

Monday, 6th November, 2023

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

TOTAL MARKS – 100

Notes:-

1. Kindly read the questions and answer to the point.
2. Please refer to the Section and case-laws in support wherever possible.
3. Please answer the sub questions in order as stated in the paper.

Question No.	Question	Marks
1.	Draft any 1 of the following: - A Codicil to a Will, deleting the name of Mr. A, the Executor, who has died before the Testator, Mr. T and substituting Mr. A by another Executor, Mr. X. Or A Deed of Reconveyance of an immoveable property which is mortgaged to Mr. X by Mr. Y.	15 Marks
2.	Draft any 2 of the following: i. Accountable Receipt; ii. Covenant for Production of Title Deeds; iii. Residuary Clause	12 Marks
3.	Answer whether True or False with reason in one bullet point. i. The 3rd party Transferee (not being a family member) of a share of a dwelling house, of an undivided family can be put in joint physical possession with the other family members. ii. Mr. A mortgaged his land to Mr. B by a registered Deed of Mortgage. The Deed of Mortgage provided that if the mortgage is not redeemed within 15 years, the land mortgaged	12 Marks

to Mr. B would stand sold to him absolutely.
Mr. B is entitled to claim ownership of the land.

- iii. Mr. X sells his immovable property to Mr. Y by an unregistered Deed of Transfer dated 4th April 1994. Subsequently, Mr. X executes a registered Deed of Transfer dated 4th May 1994 in favour of Mr. Z. The Deed of Transfer made between Mr. X and Mr. Y dated 4th April 1994, gets registered on 11th June 1994. Mr. Z is entitled to the immovable property over Y.
- iv. Mr. K transfers property to Mr. M in trust for Mr. K's minor son Master R and directs Mr. M to give possession to Master R when Master R turns 25 years. Master R is entitled to take possession of the property when he turns 18 years.

4. Answer giving reasons:

15 Marks

- i. Can a Promoter take a deposit or advance prior to entering into an Agreement for Sale under Maharashtra Real Estate (Development & Regulation) Act, 2016?
- ii. When can the Promoter transfer their majority rights and liabilities in respect of a real estate project to a third party under Maharashtra Real Estate (Development & Regulation) Act, 2016?
- iii. Can the "Open Car-parking Area" be sold under Maharashtra Real Estate (Development & Regulation) Act, 2016?
- iv. In case of delay in getting possession from the Promoter, will the buyer be entitled to get interest on the amount paid by the buyer for such delayed period under Maharashtra Real Estate (Development & Regulation) Act, 2016?
- v. Can the Promoter, utilise the sums taken as an advance or deposit (for example for the purpose of formation of co-operative society or for the outgoings) from purchasers, for other purposes like paying off interest on the Promoter's loans under the Maharashtra Ownership Flats

(Regulation of the promotion of construction, sale, management and transfer) Act, 1963

5. Answer in brief with reasons **12 Marks**
- i. Time for presenting document for registration when the Document is executed outside India;
 - ii. Would a Memorandum recording a Family Settlement require registration under Section 17?
 - iii. Would you advise your client to register their Will. Give reason for your answer.
 - iv. What is the effect of non-registration of documents required to be registered
6. Answer as directed:-
- i. Mr. A, aged 82 years, is a member of Happy Co-operative Housing Society in Mumbai and is the owner of a residential flat in the said Housing Society. He wishes to gift the residential flat to his son Mr. B. Accordingly, please respond to the following questions for the Deed of Gift to be executed in respect of the residential flat by Mr. A to his son, Mr. B:-
- a. Which article will be applicable to the Deed of Gift under the Maharashtra Stamp Act? **3 Marks**
 - b. How much stamp duty would be payable on the Deed of Gift? **3 Marks**
 - c. Draft the necessary Clause to be added to the Deed of Gift keeping in mind the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act 2007. **6 Marks**
- ii. In the absence of an agreement to the contrary, the expense of providing the proper stamp shall be borne by which person in case of:- **6 Marks**
- a. Deed of Conveyance of immoveable property;
 - b. Instrument of Exchange;
 - c. Instrument of Partition
7. Write Short Notes on any 4 of the following: **16 Marks**
- i. The last of Two Inconsistent Clauses in a Will.
 - ii. Execution of Unprivileged Wills.

- iii. Distinction between Joint Tenancy and Tenancy in Common.
- iv. Effect of gift to an attesting witness.
- v. Doctrine of Election
