

Roll No.

This question paper contains 4 printed pages]

0(KCS-J)9

Paper : III

Optional Paper

Time Allowed : 3 hours]

[Maximum Marks : 100

Notⁿ: Attempt any *five* questions. Question No. 1 is *compulsory*. Attempt at least *two* questions each from Part – I and Part – II. All questions carry equal marks. Use of Bare Acts is not allowed. The answer to each question or part thereof should begin on a fresh page.

1. Attempt the following :

- (a) Equity follows the law
- (b) Doctrine of Cypres
- (c) Grounds for issue of interlocutory injunction
- (d) Rights of beneficiaries under the Trust Act

PART – I

2. (a) What is summary and speedy remedy provided by Specific Relief Act for a party dispossessed of immovable property to recover possession ? What

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are limitations in respect of this remedy ?
Distinguish between such suit under Specific Relief Act and an ordinary suit for possession of land based on title.

- (b) With a view to establishing shelters for pilgrims the Government acquired certain plots of land belonging to private persons. There after the Government rescinded the scheme and returned all the plots to the respective owners. However under the orders of the Government, the Commissioner dipossessed A, one of the owners, of his land for use of his plot as police check post. Can A recover the possession of his land under specific Relief Act ? Give reason for your answer.

3. (a) What do you understand by the term 'specific performance' ? In what type of cases specific performance of a contract may not be enforced ? Refer to statutory provisions and fortify your answer with suitable illustrations.

- (b) State with reasons which, if any, of the following contracts will or will not be specifically enforced by the courts :

- (i) An agreement to sell land
- (ii) A contract to marry
- (iii) A and B contract to become partners in a certain business, the contract did not specify the duration of partnership
- (iv) In a lease it was stipulated that if lessees wanted more land for the purpose of lease the lessors shall lease such land at a proper rate.

4. (a) What is a declaratory decree ? State the general principle as provided in the Specific Relief Act on which a court grant a declaratory decree.
- (b) What do you understand by 'consequential relief' in relation to a suit for declaration of right ? What is the effect of a plaintiff's omission to claim such relief in a declaratory suit ?

On the death of a Hindu widow who had held life interest in a certain house, plaintiff, the next reversioner files a suit against a transferee in possession from the widow for declaration that transfer made by widow not being for necessity, is not binding upon him. Is the plaintiff entitled to any relief ? Give reasons for your answer.

PART - II

5. (a) Discuss the rights and powers of a trustee under The Trust Act.
- (b) What are the rights of a trustee to reimburse himself for any expenses incurred by him in the management of the trust property. Can he claim fees paid to counsel in defending the cases and also travelling expenses when the instrument creating trust is silent regarding such expenses ? Give reasons.
6. What is extinction of a trust ? Under what circumstances the author of the trust may revoke the trust.

"A" conveys a house to "B" in trust for use by old and handicapped persons "B" afterward obtains charity

from general public and furnishes the house ready for use. "A" revokes the trust. Is revocation valid? Refer to relevant law.

7. Discuss different methods under the Trust Act in which an obligation in the nature of a trust is created. Give suitable examples.