Total number of printed pages–4

19 (Sem–6) EQTR

2021

EQUITY AND TRUST

Paper : 6·5

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Choose the correct answer : 1×10=10

   (a) The word 'Equity' has Roman/ Greek origin.

   (b) 'He who seeks equity must do equity', stated by Joseph Story/ Isaac Watts.

   (c) The Rights of Trustee is dealt with in sections 26-30/31-35 of Indian Trust Act.

   (d) The Court of Chancery has been described as Court of Conscience/ Court of Equity.

   (e) A Trustee is empowered/ not empowered to delegate his office either to a co-Trustee or stranger.

(f) In common law jurisdiction 'Equity' is/ is not synonymous with 'natural justice'.

(g) Doctrine of Equity is followed in the Specific Relief Act, 1963/ the Indian Contract Act, 1872.

(h) Injunction is considered as equitable remedy/ statutory remedy.

(i) Equity follows the law/remedy.

(j) The Chancery Court/ Supreme Court is a court of Equity.

2. Write on the following : 2×5=10

(a) Origin of Equity.

(b) Jurisdiction of Chancery Court.

(c) Kinds of Trust.

(d) Rights of beneficiary.

(e) Differences between Trust and Contract.

3. "Equity is a branch of law"—Explain the origin and growth of Equity in India.

6+6=12

Or

Distinguish between :   6+6=12

(a) Private Trust and Public Trust

(b) Implied Trust and Constructive Trust.

4. Write down the concepts :   6+6=12

(a) Delay defeats equity

(b) When equities are equal, the law will prevail.

Or

(a) Equity regards as done what ought to be done

(b) Equity imputes as intend to fulfil an obligation.

5. Write down the concepts :   6+6=12

(a) Equity looks to substance rather than form

(b) Equality is equity.

Or

(a) Equity does not require an idle gesture

(b) Equity acts in personam.

6. Discuss the nature of equity and emergence of law of Trust from equity. 12

Or

Discuss the law relating to appointment and removal of a Trustee. 6+6=12

7. What is Breach of Trust ? Discuss the various liabilities of a Trustee for Breach of Trust. 2+10=12

Or

"Equity will not suffer a wrong to be without a remedy"—Explain in details. 12

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