

Total number of printed pages-4

21 (Sem-10) EQTR

2021

EQUITY AND TRUST

Paper : 10·4

Full Marks : 80

Time : Three hours

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

1. Choose the correct answer : $1 \times 10 = 10$
- (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.

Contd.

- (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 : $2 \times 5 = 10$

- (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
