

Total number of printed pages-4

21 (10) EQTR 10.4

2023

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 literal meaning of Equity is 'right' as founded on the law of (nature, fairness and justice/equity, truth and justice).
 - (b) The Chancery Courts dealt with both Civil and Criminal matters.
(True/ False)
 - (c) 'Equity follows the law' indicates the discipline which the Chancery Courts observed while administering justice according to _____.
(science/ conscience)

Contd.

(d) There are (ten/twelve) maxims of Equity.

(e) Prior to the passing of the Judicature Act of 1873-1875. there were two distinct systems of law being administered in England.

(True/False)

(f) Rights of a married women to hold property were very (unlimited/limited) under the Common Law.

(g) Equity aids the vigilant and not the (indecent/indolent).

(h) Which Trust is a personal obligation binding the individual donee?

(Secret Trust/Precatory Trust)

(i) A trustee is usually the (legal/illegal) owner of the trust property.

Who remarked "we cannot have a duty without corresponding right or a right without corresponding duties."

(Patton/Strahan)

(j) General powers of a trustee have been described under (Section 36/Section 44) of the Indian Trust Act.

2. Write notes on :

2×5=10

(i) The King's Bench

(ii) *Ubi jus ibi remedium*

(iii) Waqf

(iv) "He who comes to Equity must come with clean hands"

(v) *Cestui que trust*

3. Define 'Equity'. Describe the nature and scope of Equity.

6+6=12

OR

Give an account of the historical development of equity. How did the concept of equity develop under the Indian legal system?

4. Explain the maxim 'Equity follows the law.' What are its limitations and how is it applied in India?

12

OR

"Equity will not suffer a wrong to be without a remedy." Explain exhaustively.

5. Illustrate the maxim where the equities are equal the first in time shall prevail. Explain the application of the maxim in India.

6+6=12

OR

Describe the maxim "equity looks to the intent rather to the form illustrate on the application of the maxim.

6. "Trust is the most powerful instrument of social experiment". Explain. What is the concept of Trust under Hindu and Mohammedan Law? 6+6=12

OR

What is the difference between ?

- (a) Simple Trust and Special Trust
(b) Private Trust and Public Trust

7. What is Doctrine of Cypress ? Explain the essential conditions for the application of cypress doctrine. 12

OR

Explain the disabilities of trustees as explained under Sections 46 and 54 of the Indian Trust Act, 1882.