

Total number of printed pages—4

19 (VI) EQTR 6-5 (OP)

2019

EQUITY AND TRUST

Paper : 6-5 (OP₆)

Full Marks : 80

Time : Three hours

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

1. Answer the following with appropriate answers given in the brackets :

1×10=10

- (a) Dr. Halsbury divides the history of Equity in England in how many periods : (two periods/ three periods) ?
- (b) The Common Law recognized the dictum “where there is no writ there is no remedy”. (True/ False)
- (c) Which is the cause which necessitated the introduction of Equity in England : (Rigidity and strict observance/ flexibility and rule of law) ?

Contd.

- (d) "Trust is the very centre and kernel of Equity". (Maitland/Hanbury)
- (e) Equity follows the law means equity is not a body of jurisprudence acting contrary to law, but a (contract/supplement) to law.
- (f) Equity is founded on the principles of: (natural justice/social justice).
- (g) The courts of common law recognized and enforced only (legal rights/equitable rights).
- (h) Charitable trusts are normally (temporary/permanent).
- (i) A secret trust is a personal obligation binding the individual donee. If he dies, in the lifetime of the donor, the trust (can/cannot) operate.
- (j) Equity aids the vigilant and not the (indecent/indolent).

2. Write notes on : 2×5=10

- (a) Common law and equity
- (b) *Cestui que* trust

- (c) Trust and bailment
- (d) Resulting trust
- (e) The doctrine of Cy-près.

3. Blackstone defines Equity as the "soul and spirit of all law; positive law is construed and natural law is made by it. In this way Equity is synonymous with justice and that it is the true and sound interpretation of the rule." In this context, explain the nature and scope of Equity. 12

OR

Define Equity. Describe the historical development of Equity. 12

4. Explain the maxim "Equity will not suffer a wrong to be without a remedy" with suitable case laws. What are the limitations to this maxim? 8+4=12

OR

Explain the maxim "He who seeks Equity must do Equity". 12

5. Explain the maxim with its limitations - "Equity acts in personam". 12

OR

Write notes on :

6+6=12

- (a) Where the Equities are equal the first in time shall prevail.
- (b) Where there is equal Equity, the law shall prevail.

6. Define Trust. Explain Trust under Mohammedan and Hindu Law.

6+6=12

OR

Distinguish between :

6+6=12

- (a) Trust and Contract
- (b) Trust and Bailment.

7. What are the different kinds of Trust? Classify elaborately according to their nature of duties and objects.

6+6=12

OR

What are the rights, duties and liabilities of Trustees? Mention the statutory powers of Trustee.

10+2=12