

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**
Course: Trust, Equity and Fiduciary Relationships
Semester-IV (Batch: 2014-19)



Mid Semester Test: Feb-Mar. 2016

Date: 4th March, 2016**Duration: 2 hours****Max. Marks: 30****Instructions:**

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write anything on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.

All questions are compulsory

Marks

Q.1 Read the following facts and answer the questions given below: (06)

Tripti and Raman, though never married, have been living together for 20 years. They split up just few days before the completion of 20 years of living together. They have a daughter together, aged 15 years. 20 years back, Raman bought a family home which was registered in his name. At that time, when Tripti mentioned, that the family house should be conveyed to their joint names, Raman mentioned the hassles of converting it into their joint names and also said "Why do you want a stupid piece of paper saying that? Don't you trust me?" It was Raman who gave the deposit and who paid the loan on the house. Tripti, who owned a small one bedroom apartment before moving in with Raman, subsequently sold it to furnish the new house.

Subsequently, shortly before their daughter Kajol was born, Tripti gave up her job and did not work for nearly ten years, until she got part-time work. Tripti's new job and the income was an additional benefit as Raman's business was going through a rough time. After Tripti got her part-time job, she started paying all the household bills while Raman continued with the payment of the loan.

Advise Tripti on whether she can claim a half-share in the family home and, if not, whether any other remedies may be available to her.

Q.2 Read the following and answer the question: (05)

In July 1852, Lord Gardiner, the Lord Chancellor made the following statement on behalf of himself and the other Law Lords:

"Their Lordships regard the use of precedent as an indispensable foundation upon which to decide what is the law and its application to individual cases. It provides at least some degree of certainty upon which individuals can rely in the conduct of their affairs, as well as a basis for orderly development of legal rules.

Their Lordships nevertheless recognize that too rigid adherence to precedent may lead to injustice in a particular case and also unduly restrict the proper development of the law. They propose, therefore, to modify their present practice and, while treating former

decisions of this House as normally binding, to depart from a previous decision when it appears right to do so.

In this connection they will bear in mind the danger of disturbing retrospectively the basis on which contracts, settlements of property, and fiscal arrangements have been entered into and also the special need for certainty as to the criminal law.

This announcement is not intended to affect the use of precedent elsewhere than in this House.”

Explain why it was necessary for this House to issue the above statement. Mention also the relevance of this statement being passed in 1852. Give an idea of the prevalent scenario around the time period as mentioned in the facts.

Q.3 Application of the maxim, ‘Equity looks on that as done which ought to be done.’ (05)
Emphasize also on the relevance of this maxim in India.

Q.4 Short notes on **any seven** of the following: (7x2=14)

- (a) Precatory trusts and the “three certainties” of a trust. Discuss with reference to Princess Diana’s will.
- (b) The right of a murderer to choose the burial spot of the victim.
- (c) Norfolk 4 case and its relevance to equity.
- (d) Speluncean explorers and the role of equity.
- (e) The Benami Transactions (Prohibition) Act, 1988 and its relevance to equity.
- (f) The correct understanding of Leaf v. International Galleries, 1950, KB.
- (g) Gender equality v. gender equity in the 21st century and the remedies available.
- (h) Salmond’s understanding of the word ‘maxim’.
