West Bengal Judicial Service (Mains) 2021

Principles of Equity including Law of Trust and Specific Relief · optional paper

Time: 3 hours · Full marks: 100

Group A

1. Answer the following questions: (a) State the twelve maxims of Equity. (b) Why equitable remedies are called 'Equitable'? (c) What are the chief differences between the principles of Common Law and Equity? (d) Briefly discuss Story's classifications of Equity Jurisdiction. (e) What do you understand by the term Tacking? Explain. (4×5=20)

2. (a) Discuss the effects of the Judicature Acts of 1873 and 1875.
(b) Distinguish between Laches and Acquiescence.
(c) When delay will be fatal to a claim for equitable relief? (5+5+5=15)

3. (a) What are the rules of three certainties? Discuss.
(b) Discuss the positive and negative duties of a Trustee.
(c) Explain the doctrine of Cypres with its limitations. (5+5+5=15)

Group B

4. (a) 'Redeem up and Foreclose down' — Discuss the doctrine with reference to English and Indian Law.
(b) What does the 'Clogging the Equity' imply? Discuss with case references.
(c) Discuss the important points of difference between a legal & an equitable mortgage. (10+5+5=20)

5. (a) Discuss the principles on which the Court grants specific performance.
(b) Discuss the conditions necessary for the application of the doctrine of equitable estoppel.
(c) Distinguish between specific performance and injunction. (5+5+5=15)

6. Write notes on any three of the following: (a) Consolidation; (b) The doctrine of Notice; (c) Election; (d) Perpetual Injunction (5×3=15)