

ශ්‍රී ලංකා විවෘත විශ්වවිද්‍යාලය

මානව ශාස්ත්‍ර සහ සමාජ විද්‍යා පීඨය

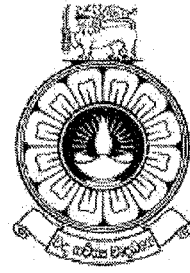
නීති අධ්‍යයන දෙපාර්තමේන්තුව

නීතිවේදී උපාධි පාඨමාලාව - 03 වන මට්ටම

අවසාන පරීක්ෂණය - 2022/2023

සාධාරණත්වයේ මූලධර්ම - LLU 3502/ LWU1202

කාලය - පැය තුන (03) යි.



දිනය :- 2024 මාර්තු 26

වේලාව :- ප.ව. 1.30 - ප.ව. 04.30

මුළු ප්‍රශ්න ගණන - 08

I කොටසින් ප්‍රශ්න එකක් හා II කොටසින් ප්‍රශ්න හතරක්ද ඇතුළුව ප්‍රශ්න පහකට (05) පමණක් පිළිතුරු සපයන්න.

විභාග අපේක්ෂකයන්ගේ අපැහැදිලි අත්අකුරු සඳහා ලකුණු අඩුකරනු ලැබේ.

I කොටස - සාධාරණත්වයේ මූලධර්ම

මෙම කොටසින් එක් ප්‍රශ්නයකට (01) පමණක් පිළිතුරු සපයන්න.

1. සාධාරණත්වයේ මූලධර්මයන්හි මූලික ඓතිහාසික වර්ධනයන් සහ එහි වර්තමාන යෙදීම ඉස්මතු කරමින්, ඉංග්‍රීසි නීතිය තුළ සාධාරණත්ව මූලධර්මයන්හි විකාශනය සාකච්ඡා කරන්න. (ලකුණු 20)
2. ඉංග්‍රීසි නීතිය තුළ සාධාරණත්ව ආප්තයන්ගේ වැදගත්කම සහ නූතන අධිකරණ ක්‍රියාදාමය තුළ ඒවායේ භාවිතය පහත ආප්තයන් අනුසාරයෙන් සාකච්ඡා කරන්න. ඔබේ පිළිතුර අදාළ අධිකාරීන් මගින් තහවුරු කළ යුතුය.
 - I. සාධාරණත්වය පතන්නා පිරිසිදු දැනින් පැමිණිය යුතුය.
 - II. සාධාරණත්වය තුළ සෑම හානියකටම ප්‍රතිකර්ම පවතී. (ලකුණු 20)

THE OPEN UNIVERSITY OF SRI LANKA

FACULTY OF HUMANITIES AND SOCIAL SCIENCES

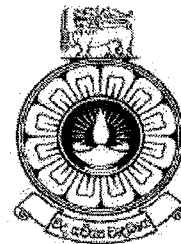
DEPARTMENT OF LEGAL STUDIES

LL.B DEGREE PROGRAMME – LEVEL 03

FINAL EXAMINATION 2022/2023

PRINCIPLES OF EQUITY-LLU3502/LWU1202

DURATION – 03 HOURS



Date: 26.03.2024

Time: 1.30 p.m. – 04.30 p.m.

Total number of questions – 08

Answer FIVE (5) questions selecting ONE question from Part I and FOUR questions from Part II.

Candidates will be penalized for illegible handwriting.

PART I – Principles of Equity

Answer only ONE (01) question from this part

1. Discuss the evolution of principles of equity in English Law, highlighting the key historical developments and its current application. (20 Marks)
2. In light of the following maxims, explain the significance of 'Maxims of Equity' in English Law and their usage in the modern juridical process. Your answer should be supported with relevant authorities.
 - (I) He who comes to equity must come with clean hands
 - (II) Equity will not suffer a wrong to be without a remedy (20 Marks)

II කොටස - භාර නීතිය

මෙම කොටසින් ප්‍රශ්න හතරකට (04) පමණක් පිළිතුරු සපයන්න.

3. (අ). බුයන් මහතාගේ අන්තිම කැමති පත්‍රය මගින් සිදු කරන පහත දේපළ පැවරීම් තුළින් වලංගු භාරයක් නිර්මාණය වන්නේදැයි සාකච්ඡා කරන්න.

I. දැනට චීනයේ අධ්‍යාපන කටයුතු වල නිරතව සිටින මාගේ මිණිබිරියගේ ප්‍රතිලාභය සඳහා යෙදවීම පිණිස මාගේ ඉතුරුම් ගිණුමෙන් රුපියල් මිලියන 01 ක් මාගේ දියණිය වන ඇන් වෙත.

II. මාගේ ළඟම ඥාතීන්ගේ සහ මිතුරන්ගේ ප්‍රතිලාභය පිණිස යෙදවීමට මාගේ තේ වත්ත සහ තේ කර්මාන්ත ශාලාව මාගේ පුත්‍රයා වන මිචල් වෙත.

(5 x 2 = ලකුණු 10)

(ආ). "භාරයක් හා සම්බන්ධිත ත්‍රිවිධ පාර්ශවයන් විසින් ගිවිසුමක එකඟතාවයකට එළඹීමේ තෛතික ශක්තිතාවය නිමිකර ගෙන තිබිය යුතුය."

ඔබ ඉහත ප්‍රකාශය සමඟ එකඟ වන්නේද? භාර ආඥා පනතේ ප්‍රතිපාදන සහ විනිශ්චිත නඩු තීරණ කෙරෙහි විශේෂ අවධානය යොමු කරමින් ඔබේ පිළිතුර පැහැදිලි කරන්න.

(ලකුණු 10)

4. (අ). සුරේෂ්, ඔහුගේ පවුල සමඟ අවුරුදු 10 ක් තිස්සේ කැනඩාවේ ජීවත් විය. ඔහුගේ වැඩිමහල් පුත්‍රයා වන අකේත් පාසල් අධ්‍යාපන කටයුතු සම්පූර්ණ කළ බැවින්, 2023 දී නැවත ශ්‍රී ලංකාවට පැමිණීමට සුරේෂ් තීරණය කරන ලදී. එම නිසා ඔහුට ගල්කිස්සෙන් නව මහල් නිවසක් මිලට ගැනීමට අවශ්‍ය වූ අතර, නිවස මිලට ගැනීමට රුපියල් මිලියන 20 ක් ඔහුගේ මිතුරෙකු වන රුවන් වෙත එවන ලදී. රුවන් එම මුදලින් ඔහුගේ නමට මහල් නිවස මිලට ගත් අතර, සුරේෂ් ශ්‍රී ලංකාවට පැමිණි වහාම ඔහුට මහල් නිවස නැවත පවරා දෙන බවට පොරොන්දු විය. 2024 ජනවාරියේදී, සුරේෂ් සිය පවුල සමඟ ශ්‍රී ලංකාවට නැවත පැමිණි අතර මහල් නිවසෙහි නිමිකාරීත්වය නැවත පවරා දෙන ලෙස ඉල්ලා සිටින ලදී. දැන් රුවන් විසින් එය නැවත පැවරීම ප්‍රතික්ෂේප කරයි.

සුරේෂ්ට උපදෙස් දෙන්න.

(ලකුණු 10)

PART II- Law of Trusts

Answer FOUR (04) questions from this part

3. (a) Discuss whether the following bequeaths of Mr. Brian's last will create a valid trust
- (I) Rs. 01 Million from my saving account to my daughter Ann to be used for the benefit of my grand-daughter who is currently studying in China.
 - (II) My tea estate and the tea factory to my son Michal to be used for the benefit of my close relations and friends. (5x2= 10 Marks)

(b) "All the three parties involving in the trust must possess the legal capacity to enter into a contractual agreement."

Do you agree with the above statement? Explain your answer with special reference to the provisions of the Trusts Ordinance and decided cases. (10 Marks)

4. (a) Suresh lived in Canada with his family for ten years. In 2023, he decided to return Sri Lanka as his elder son Aken completed his school education. Therefore, he wanted to buy a new apartment in Mount-Lavinia and he sent 20 million rupees to his friend Ruwan to purchase an apartment. From that money, Ruwan purchased an apartment in his name and promised Suresh to retransfer the apartment once he returns to Sri Lanka. In 2024 Januray, Suresh returned to Sri Lanka with his family and requested to retransfer the ownership of the apartment. Now Ruwan refuses to retransfer it. Advise Suresh. (10 Marks)

(b) Namal, Minuda and Ramith are partners of a mobile accessories importing business. Namal and Minuda come to know that without their knowledge Ramith has entered into a contract with Sumith to supply some mobile accessories at a lower price. Ramith has earned a huge commission from the above deal. Advise Namal and Minuda. (10 Marks)

(ආ). නාමල්, මිනුද සහ රමිත් දුරකථන උපාංග ආනයනය කිරීමේ ව්‍යාපාරයක හවුල්කරුවෝ වෙති. නාමල් සහ මිනුදට දැනගැනීමට ලැබුණේ, ඔවුන්ගේ අනුදැනුමකින් තොරව රමිත් විසින් අඩු මිලට සමහර දුරකථන උපාංග සැපයීම සඳහා වන ගිවිසුමකට සුමිත් සමඟ එළඹී ඇති බවයි. රමිත් විසින් ඉහත ගණුදෙනුවෙන් විශාල කොමිස් මුදලක්ද උපයා ගෙන ඇත.

නාමල්ට සහ මිනුදට උපදෙස් දෙන්න.

(ලකුණු 10)

5. " පුණ්‍ය භාරයක වලංගුභාවය රඳා පවතින්නේ, එය පුණ්‍ය යන්නෙහි නෛතික අර්ථකතය සමඟ සමපාත වුවද, පොදු යහපත පිළිබඳ නිර්ණායකය සපුරාලීමේ හැකියාව මතය."

ඉහත ප්‍රකාශයට අදාළ ශ්‍රී ලංකාවේ නෛතික රාමුව වෙතත් අධිකරණ බල ප්‍රදේශයක නීතීන් සමඟ සංසන්දනය කරමින් සාකච්ඡා කරන්න. ඔබේ පිළිතුර උචිත අධිකාරීන් තුළින් තහවුරු කළ යුතුය.

(ලකුණු 20)

6. මාලන් සහ මහේෂ්, අක්කර 50 ක තේ වත්තක, රුපියල් මිලියන 10 ක් වටිනා පෞරාණික කාර් රථ එකතුවක් සහ සන්නිවේදන ගාමට් ප්‍රයිවට් ලිමිටඩ් (Sunshine Garment Pvt. Ltd) හි 50% ක කොටස් පෙරේරා මහත්මියගේ සහ ඇගේ දියණියන් දෙදෙනා වන මිනු සහ වීනුගේ ප්‍රතිලාභය උදෙසා දරා සිටින භාරකරුවෝ වෙති. මිනුට වයස අවුරුදු 18 ක් වන අතර ඇගේ උසස් අධ්‍යාපනය ඇමරිකා එක්සත් ජනපදයේදී හැදැරීමට ඇයට අවශ්‍යව ඇත. එම නිසා අක්කර 50 ක තේ වත්ත විකුණා ඇය හිමිකම් කියනු ලබන ඇගේ කොටස ලබා දෙන මෙන් ඇය මාලන් සහ මහේෂ්ගෙන් ඉල්ලා සිටින ලදී. ඒ අනුව මාලන් සහ මහේෂ් තේ වත්ත විකුණා ඇගේ කොටස ලබා දෙන ලදී. කෙසේ නමුත්, මාලන් ඉතිරි මුදල් ප්‍රමාණය මාස 08 ක් පමණ ඔහුගේ අනෙහි රඳවාගෙන සිටියේය. මේ අතරතුර, මාලන්ගේ දැනුමකින් තොරව, මහේෂ් විසින් සන්නිවේදන ගාමට් ප්‍රයිවට් ලිමිටඩ් (Sunshine Garment Pvt. Ltd) හි කොටස් වලින් 20% ක කොටස් විකුණා ඔහුගේ සහෝදරයාට අයත් ඒබීසී ප්‍රයිවට් ලිමිටඩ් (ABC Pvt. Ltd) හි එම මුදල ආයෝජනය කරන ලදී. මාස කිහිපයකට පසු ඒබීසී ප්‍රයිවට් ලිමිටඩ් (ABC Pvt. Ltd) එහි බුන්වත්භාවය ප්‍රකාශයට පත් කළේය. දුර්වල නඩත්තුව හේතුවෙන්, පෞරාණික කාර් රථ එකතුවෙහි වූ කාර් රථ දෙකක් භාවිතා කළ නොහැකි තත්ත්වයට පත්ව ඇත.

5. "The validity of a charitable trust hinges on its ability to fulfill the criterion of public benefits, even if it aligns with the legal definition of charity."

Discuss the legal framework in Sri Lanka relevant to the aforementioned statement and Contrast it with laws in another jurisdiction. Your answer should be supported with relevant authorities. (20 Marks)

6. Malan and Mahesh are trustees of 50 acre tea estate, Rs. 10 million worth antique car collection, and 50 percent of shares in Sunshine Garment Pvt. Ltd for the benefit of Mrs. Perera and her two daughters Meenu and Veenu. Meenu is 18 years old and she wants to follow her higher studies in USA. Therefore she asks Malan and Mahesh to sell the 50 acre tea estate and give her the portion she would become entitles. Malan and Mahesh accordingly sold the tea estate and gave her portion. However, Malan retained the remaining amount of money in his hand for 8 months. Meanwhile, without the knowledge of Malan, Mahesh has sold 20 percent of shares in Sunshine Garment Pvt. Ltd and invest that money in ABC Pvt. Ltd which belongs to his brother Kasun. A few months later ABC Pvt. Ltd announced bankruptcy. Due to poor maintenance, two cars of the antique car collection have become disuse.

Discuss the rights and liabilities of parties. Your answer should be supported with the relevant provisions of the Trusts Ordinance and case law. (20 Marks)

7. (a) Explain the rights of a beneficiary with reference to the following provisions on the Trusts Ordinance No.09 of 1917.

I. Section 58

II. Section 65

(12 Marks)

(b) Describe the distinctions in liabilities between a succeeding trustee and their predecessor within the realm of trust administration and management. (08 Marks)

පාර්ශවයන්ගේ අයිතීන් සහ වගකීම් සාකච්ඡා කරන්න. ඔබේ පිළිතුර භාර ආඥාපනතේ උචිත ප්‍රතිපාදන සහ නඩු තීරණ මගින් තහවුරු කළ යුතුය.

(ලකුණු 20)

7. (අ). 1917 අංක 9 දරණ භාර ආඥා පනතේ පහත ප්‍රතිපාදනයන් ආශ්‍රයෙන් අර්ථලාභීන්ගේ අයිතීන් පැහැදිලි කරන්න.

I. 58 වගන්තිය.

II. 65 වගන්තිය.

(ලකුණු 12)

(ආ). භාර පරිපාලනය සහ කළමනාකරණ විෂය පථය තුළ අනුප්‍රාප්තික භාරකරුවෙකුගේ සහ ඔවුන්ගේ පූර්වගාමියාගේ වගකීම් අතර වෙනස්කම් විස්තර කරන්න.

(ලකුණු 08)

8. පහත සඳහන් ඕනෑම මාතෘකා **දෙකක් (02)** පිළිබඳව කෙටි සටහන් ලියන්න.

(අ). වැඩිදියුණු කිරීමේ පූර්වනිගමනය

(ආ). සදාකාලිකත්වයට එරෙහි රීතිය

(ඇ). භාරයක ත්‍රිවිධ නිශ්චිතතා

(ඈ). සිප්‍රේ මූලධර්මය

(2 x 10 = ලකුණු 20)

-----නිමිකම් ඇවිරිණි-----

8. Write short notes on any **TWO (02)** of the following topics.

- (a) Presumption of advancement
- (b) The rule against perpetuities
- (c) The three certainties of a trust
- (d) Cy-Press doctrine.

(2x10= 20 Marks)

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இலங்கை திறந்த பல்கலைக்கழகம்

மானுடவியல் மற்றும் சமூகவிஞ்ஞானங்கள் பீடம்

சட்டக்கற்கைகள் திணைக்களம்

சட்டமாணி பட்டப்படிப்பு நிகழ்ச்சித் திட்டம் - மட்டம் 03

LLU3502/LWU1202 - ஒப்புரவுக் கோட்பாடுகள்

இறுதிப் பரீட்சை 2022 / 2023

காலம் : மூன்று (03) மணித்தியாலங்கள்



திகதி : 26 மார்ச் 2024

நேரம்: பி.ப.01.30 - பி.ப.04.30

மொத்த வினாக்கள் 08.

பகுதி I இலிருந்து ஒரு வினாவையும் பகுதி II இலிருந்து நான்கு வினாக்களையும் தெரிவு செய்து, ஐந்து (05) வினாக்களிற்கு விடையளிக்குக.

தெளிவற்ற கையெழுத்திற்கு புள்ளிகள் குறைக்கப்படும்.

பகுதி I - ஒப்புரவுக் கோட்பாடுகள்

இப்பகுதியிலிருந்து ஒரு (01) வினாவிற்கு மாத்திரம் பதிலளிக்கவும்.

01. ஆங்கிலச் சட்டத்தில் ஒப்புரவிற்கான கோட்பாடுகளின் விருத்தியை முக்கியமான வரலாற்று அபிவிருத்திகளையும், அவற்றின் நடைமுறை பிரயோகத்தையும் சிறப்புற எடுத்துக்காட்டி ஆராய்க.
(20 புள்ளிகள்)

02. கீழ்தரப்பட்டுள்ள மூதுரைகளின் அடிப்படையில், ஆங்கிலச்சட்டத்தில் “ஒப்புரவிற்கான மூதுரைகளின்” முக்கியத்துவத்தையும், சமகால நீதியியல் செயன்முறையில் அவற்றின் பயன்பாட்டையும் விளக்குக. உமது விடை பொருத்தமான சட்ட எடுத்துக்காட்டுக்களால் ஆதாரப்படுத்தப்பட வேண்டும்.

(i) ஒப்புரவை நாடி வருபவர் தூய கரங்களுடன் இருத்தல் வேண்டும்.

(ii) ஒப்புரவு ஆனது தவறொன்றிற்கு பரிகாரம் ஒன்று இன்றி இருக்க அனுமதிக்காது.

(20 புள்ளிகள்)

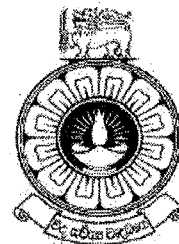
பகுதி II - நம்பிக்கைச் சட்டம்

இப்பகுதியிலிருந்து நான்கு (04) வினாக்களிற்கு விடையளிக்குக.

03. (அ) திரு. பிரையன் என்பவரது இறுதி விருப்பாவணத்தில் பின்வருமாறு வழங்கப்பட்டுள்ளவை வலிதான நம்பிக்கை ஒன்றை ஆக்குமா என விளக்குக.

(i) சீனாவில் தற்போது கல்வி கற்கும் எனது பேத்தியின் நலனிற்கு பயன்படுத்துவதற்காக எனது மகள் ஆன் இற்கு என்னுடைய சேமிப்பு கணக்கிலிருந்து ரூ 01 மில்லியன்.

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
LL.B DEGREE PROGRAMME – LEVEL 03
FINAL EXAMINATION 2022/2023
PRINCIPLES OF EQUITY-LLU3502/LWU1202
DURATION – 03 HOURS



Date: 26.03.2024

Time: 1.30 p.m. – 04.30 p.m.

Total number of questions – 08

Answer FIVE (5) questions selecting ONE question from Part I and FOUR questions from Part II.

Candidates will be penalized for illegible handwriting.

PART I – Principles of Equity

Answer only ONE (01) question from this part

1. Discuss the evolution of principles of equity in English Law, highlighting the key historical developments and its current application. (20 Marks)
2. In light of the following maxims, explain the significance of 'Maxims of Equity' in English Law and their usage in the modern juridical process. Your answer should be supported with relevant authorities.
 - (I) He who comes to equity must come with clean hands
 - (II) Equity will not suffer a wrong to be without a remedy (20 Marks)

(ii) எனது நெருங்கிய உறவினர்களிற்கும் நண்பர்களிற்கும் பயனளிக்க வேண்டி, எனது மகன் மைக்கேலிற்கு எனது தேயிலைத் தோட்டமும், தேயிலை தொழிற்சாலையும்.

(05x02=10 புள்ளிகள்)

(ஆ) “நம்பிக்கையில் ஈடுபட்டுள்ள சகல மூன்று திறத்தவர்களும் ஒப்பந்த உடன்படிக்கைக்குள் உள்நுழைவதற்கு சட்டத் தகைமையைக் கொண்டிருத்தல் வேண்டும்.”

மேலுள்ள கூற்றுடன் நீர் இணங்குகிறீரா? நம்பிக்கைக் கட்டளைச் சட்டத்தின் உறுப்புகள் மற்றும் தீர்க்கப்பட்ட வழக்குகள் என்பவற்றுடன் சிறப்புற தொடர்புபடுத்தி உமது விடையை விளக்குக.

(10 புள்ளிகள்)

04. (அ) சுரேஷ் என்பவன் பத்து வருடகாலமாக தனது குடும்பத்துடன் கனடாவில் வசித்தான். 2023 இல், அவன் தனது மூத்த மகன் அகேன் அவனது பள்ளிக் கல்வியை நிறைவு செய்வதால் இலங்கைக்கு மீள்திரும்புவதற்கு தீர்மானித்தான். இதனால், அவன் மவுண்ட்லாவினியாவில் அடுக்குமாடி வீடு ஒன்றை வாங்க வேண்டி, அவனது நண்பன் ருவானிற்கு அடுக்குமாடி வீடு ஒன்றை வாங்குவதற்காக 20 மில்லியன் ரூபாவை அனுப்பினான். அப்பணத்திலிருந்து ருவான் தனது பெயருக்கு அடுக்குமாடி ஒன்றை கொள்வனவு செய்ததுடன், சுரேஷ் இலங்கைக்கு மீள்திரும்பியவுடன் அவ் அடுக்குமாடி வீட்டை சுரேஷிற்கு மீள் அளிப்பதற்கு வாக்குறுதி அளித்தான். 2024 இன் ஜனவரியில், சுரேஷ் தனது குடும்பத்தினருடன் இலங்கைக்கு மீள்திரும்பியதுடன், அடுக்குமாடி வீட்டின் சொத்துவத்தை தனக்கு கைமாற்றுமாறு வேண்டினான். தற்போது ருவான் அதனை கைமாற்றுவதற்கு மறுக்கின்றான் சுரேஷிற்கு அறிவுறுத்தாக.

(10 புள்ளிகள்)

(ஆ) நாமல், மினுடா மற்றும் ரமித் ஆகியோர் கையடக்கத் தொலைபேசியின் பாகங்களை இறக்குமதி செய்யும் வியாபாரத்தின் பங்காளர்கள் ஆவர். நாமல் மற்றும் மினுடா ஆகியோர் ரமித் அவர்கள் அறியாமல், சுமித் என்பவனுடன் குறைந்த விலைக்கு சில கையடக்கத் தொலைபேசி பாகங்களை விநியோகிப்பதற்கு ஒப்பந்தமொன்றை மேற்கொண்டிருந்தது குறித்து அறிந்தனர். ரமித் மேலுள்ள கைமாற்றலுக்கு பெருந்தொகையான தரகுக்கட்டணத்தை பெற்றுள்ளான்.

நாமல் மற்றும் மினுடா ஆகியோருக்கு அறிவுறுத்தாக.

(10 புள்ளிகள்)

05. “தரும நம்பிக்கை ஒன்றின் வலிதுடைமை ஆனது, தருமம் எனும் சட்ட வரைவிலக்கணத்திற்குள் இணங்கியமையும் போதும், பொது நலன் எனும் தேவைப்பாடுகள் பூர்த்தி செய்வதற்கான அதன் இயலுமையை கோருகிறது.”

மேற்குறிப்பிட்ட கூற்றிற்கு பொருத்தமான இலங்கையின் சட்ட ஏற்பாட்டை ஆராய்ந்து, அதனை மற்றுமொரு நியாயாதிக்கத்தின் சட்டங்களுடன் வேறுபடுத்துக. பொருத்தமான சட்ட எடுத்துக்காட்டுக்களால் உமது விடை ஆதாரப்படுத்தப்பட வேண்டும்.

(20 புள்ளிகள்)

PART II- Law of Trusts

Answer FOUR (04) questions from this part

3. (a) Discuss whether the following bequeaths of Mr. Brian's last will create a valid trust
- (I) Rs. 01 Million from my saving account to my daughter Ann to be used for the benefit of my grand-daughter who is currently studying in China.
 - (II) My tea estate and the tea factory to my son Michal to be used for the benefit of my close relations and friends. (5x2= 10 Marks)

(b) "All the three parties involving in the trust must possess the legal capacity to enter into a contractual agreement."

Do you agree with the above statement? Explain your answer with special reference to the provisions of the Trusts Ordinance and decided cases. (10 Marks)

4. (a) Suresh lived in Canada with his family for ten years. In 2023, he decided to return Sri Lanka as his elder son Aken completed his school education. Therefore, he wanted to buy a new apartment in Mount-Lavinia and he sent 20 million rupees to his friend Ruwan to purchase an apartment. From that money, Ruwan purchased an apartment in his name and promised Suresh to retransfer the apartment once he returns to Sri Lanka. In 2024 Januray, Suresh returned to Sri Lanka with his family and requested to retransfer the ownership of the apartment. Now Ruwan refuses to retransfer it.

Advise Suresh. (10 Marks)

(b) Namal, Minuda and Ramith are partners of a mobile accessories importing business. Namal and Minuda come to know that without their knowledge Ramith has entered into a contract with Sumith to supply some mobile accessories at a lower price. Ramith has earned a huge commission from the above deal.

Advise Namal and Minuda. (10 Marks)

06. மாலன் மற்றும் மகேஷ் ஆகியோர் திருமதி பெரேரா மற்றும் அவரது இரு மகள்களான மீனு மற்றும் வீனு ஆகியோரின் பயனர்களிற்கான 50 ஏக்கர் தேயிலைத் தோட்டம், ரூபா 10 மில்லியன் பெறுமதியுடைய பழைய கார் வண்டிகளின் சேகரிப்பு, சன்னைஷன் காமன்ட் பிறைவட் லிமிடட் இன் 50 வீத பங்குகள் முதலானவற்றின் நம்பிக்கையாளர்கள் ஆவர். 18 வயதுடைய மீனு, ஐக்கிய அமெரிக்காவில் தனது உயர் கல்வியை மேற்கொள்வதற்கு விரும்புகிறாள். எனவே அவள் மாலனையும், மகேஷையும் 50 ஏக்கர் தேயிலைத் தோட்டத்தை விற்பனை செய்து அவளிற்கு உரித்தான பங்கை வழங்குமாறு கோருகிறாள். மாலனும், மகேஷும் இதற்கமைய தேயிலை தோட்டத்தை விற்று, அவளிற்கான பங்கை அளித்தனர். எவ்வாறாயினும், மாலன் எஞ்சியிருந்த பணத்தை எட்டு மாத காலத்திற்கு தன் வசம் வைத்திருந்தான். இதேசமயம் மாலன் அறியாமல், சன்னைஷன் காமன்ட் பிறைவட் லிமிடட்டின் பங்குகளது 20 வீதத்தை மகேஷ் விற்பதுடன், அவனது சகோதரனான கசுனிற்கு சொந்தமான எபிசி பிரைவட் லிமிட்டிடல் அப்பணத்தை முதலீடு செய்தான். சில மாதங்களின் பின்னர், ஏபிசி பிரைவட் ஆனது வங்குரோத்து அடைந்ததை அறிவித்தது. மோசமான பேணுதல் காரணமாக, பழைய கார் வாகனங்களில் இரண்டு பாவனைக்கு உகந்தனவற்றை ஆகின.

திறத்தவர்களின் உரிமைகளையும், பொறுப்புடைமைகளையும் ஆராய்க. உமது விடையானது நம்பிக்கைக் கட்டளைச் சட்டத்திலிருந்து பொருத்தமான உறுப்புரைகள் மற்றும் தீர்ப்புச் சட்டங்களை எடுத்துக் காட்ட வேண்டும்.

(20 புள்ளிகள்)

07. (அ) 09 ஆம் இலக்க 1917 ஆம் ஆண்டின் நம்பிக்கைக் கட்டளைச் சட்டத்துடன் தொடர்புறுத்தி பயனாளி ஒருவரின் பின்வரும் உரிமைகளை விளக்குக.

(i) பிரிவு 58

(ii) பிரிவு 65

(12 புள்ளிகள்)

(ஆ) நம்பிக்கை நிருவாகம் மற்றும் முகாமைத்துவம் என்பதன் பரப்பிற்குள் முந்தைய நம்பிக்கையாளரிற்கும் அடுத்து வரும் நம்பிக்கையாளரிற்கும் (a Succeeding trustee and their predecessor) இடையிலான பொறுப்புடைமைகளின் வேறுபாட்டை விபரிக்க.

(08 புள்ளிகள்)

08. பின்வரும் ஏதேனும் இரண்டு (02) தலைப்புகளின் மீது சிறுகுறிப்புகள் எழுதுக.

i. முன்னளித்தலிற்கான ஊடகம் (Presumption of advancement)

ii. வரையில்லா நிலைக்கு எதிரான விதி (The rule against perpetuities)

iii. நம்பிக்கை ஒன்றின் முன்று உறுதிகள் (The three certainties of a trust)

iv. சைப்பிரஸ் கோட்பாடு (Cy – Press doctrine)

(20 புள்ளிகள்)

- முழுப்பதிப்புரிமை பெற்றது -

5. "The validity of a charitable trust hinges on its ability to fulfill the criterion of public benefits, even if it aligns with the legal definition of charity."

Discuss the legal framework in Sri Lanka relevant to the aforementioned statement and Contrast it with laws in another jurisdiction. Your answer should be supported with relevant authorities. (20 Marks)

6. Malan and Mahesh are trustees of 50 acre tea estate, Rs. 10 million worth antique car collection, and 50 percent of shares in Sunshine Garment Pvt. Ltd for the benefit of Mrs. Perera and her two daughters Meenu and Veenu. Meenu is 18 years old and she wants to follow her higher studies in USA. Therefore she asks Malan and Mahesh to sell the 50 acre tea estate and give her the portion she would become entitles. Malan and Mahesh accordingly sold the tea estate and gave her portion. However, Malan retained the remaining amount of money in his hand for 8 months. Meanwhile, without the knowledge of Malan, Mahesh has sold 20 percent of shares in Sunshine Garment Pvt. Ltd and invest that money in ABC Pvt. Ltd which belongs to his brother Kasun. A few months later ABC Pvt. Ltd announced bankruptcy. Due to poor maintenance, two cars of the antique car collection have become disuse.

Discuss the rights and liabilities of parties. Your answer should be supported with the relevant provisions of the Trusts Ordinance and case law. (20 Marks)

7. (a) Explain the rights of a beneficiary with reference to the following provisions on the Trusts Ordinance No.09 of 1917.

I. Section 58

II. Section 65

(12 Marks)

(b) Describe the distinctions in liabilities between a succeeding trustee and their predecessor within the realm of trust administration and management. (08 Marks)

8. Write short notes on any **TWO (02)** of the following topics.

- (a) Presumption of advancement
- (b) The rule against perpetuities
- (c) The three certainties of a trust
- (d) Cy-Press doctrine.

(2x10= 20 Marks)

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