

THE OPEN UNIVERSITY OF SRI LANKA
 FACULTY OF HUMANITIES AND SOCIAL SCIENCES
 DEPARTMENT OF LEGAL STUDIES
 LL.B. (HONOURS) DEGREE PROGRAMME- LEVEL 03
 CONTINUOUS ASSESSMENT TEST 02 - 2023/2024
 EQUITY AND TRUSTS LAW- LLU 3505
 DURATION: 01 HOUR



Date: 09.01.2025

Time: 09.30 a.m. – 10.30 a.m.

Total No. of Questions: 02

Answer ONE (01) question only.

Candidates will be penalized for illegible handwriting.

01. 'Equitable remedies are often acclaimed for their flexibility and ability to ensure justice, yet critics argue that their discretionary nature can lead to unpredictability and inconsistency in judicial decisions.'

In light of the above statement, evaluate whether the application of equitable remedies strikes the right balance between judicial discretion and legal certainty. Should there be stricter guidelines to govern their use, or does their inherent flexibility better serve the interests of justice?

Your answer should be supported with relevant authorities.

(20 Marks)

02. 'Siril' transfers a property to 'Piyal' through a notarial conveyance that appears absolute on its face. However, they have an oral agreement that Piyal will reconvey the property to Siril upon repayment of the purchase money on a specific date. This oral agreement is not notarially executed. When Siril repays the purchase money on the specified date, Piyal refuses to retransfer the property, asserting that the agreement to reconvey is invalid due to the lack of notarial execution. Piyal further claims that he is under no obligation to accept the repayment or to return the property, relying on the absolute terms of the transfer document.

Advise Siril based on the provisions of the Trusts Ordinance and applicable case law or relevant legal authorities.

(20 Marks)

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