



**RAMA
UNIVERSITY**

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FACULTY OF JURIDICAL SCIENCES

E- CONTENT

COURSE: BALLB-Vth Sem

SUBJECT: EQUITY AND TRUST

SUBJECT CODE: BAL 506

NAME OF FACULTY: DR. ANKUR SRIVASTAVA

Lecture-40





LECTURE-40

THE INDIAN TRUST ACT, 1882

CHAPTER VIII

OF THE EXTINCTION OF TRUSTS

77. Trust how extinguished

A trust is extinguished—

(a) When its purpose is completely fulfilled; or

(b) When its purpose becomes unlawful; or

(c) when the fulfilment of its purpose becomes impossible by destruction of the trust-property or otherwise; or

(d) when the trust, being revocable, is expressly revoked.

78.Revocation or trust

A trust created by will may be revoked at the pleasure of the testator.

A trust otherwise created can be revoked only—

(a) Where all the beneficiaries are competent to contract—by their consent;

(b) where the trust has been declared by a non-testamentary instrument or by word of mouth—in exercise of a power of revocation expressly reserved to the author of the trust; or

(c) Where the trust is for the payment of the debts of the author of the trust, and has not been communicated the creditors—at the pleasure of the author of the trust

Illustrations.

A conveys property to B in trust to sell the same and pay out of the proceeds the claims of A's creditors. A reserves no power of revocation.

If no communication has been made to the creditors, A may revoke the trust, suit if the creditors are parties to the arrangement, the trust cannot be revoked without their consent

79. Revocation not to defeat what trustees have duly done

No trust can be revoked by the author of the trust so as to defeat or prejudice what the trustees may have duly done in execution of the trust.

MCQs

1. A conveys property to B in trust to sell the same and pay out of the proceeds the claims of A's creditors. A reserves no power of revocation.
 - i. True
 - ii. False
 - iii. Cannot say
 - iv. None of these
2. **No trust can be revoked by the author of the trust so as to defeat or prejudice what the trustees may have duly done in execution of the trust.**
 - i. True
 - ii. False
 - iii. Cannot say

iv. None of these

3. A trust is extinguished when its purpose becomes unlawful.

i. True

ii. False

iii. Cannot say

iv. None of these

4. A trust is extinguished when the fulfillment of its purpose becomes impossible by destruction of the trust-property or otherwise.

i. True

ii. False

iii. Cannot say

iv. None of these

5. A trust is extinguished when the trust, being revocable, is expressly revoked.

i. True

ii. False

iii. Cannot say

iv. None of these