



**FACULTY OF JURIDICAL SCIENCES**

**COURSE NAME : LLB**

**SEMESTER : IIIrd**

**SUBJECT : FAMILY LAW II**

**SUBJECT CODE: LLB -304**

**LECTURE : 37**

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## Comparison of Gift and Will

<b>Basis of Comparison</b>	<b>Gift</b>	<b>Will</b>
<b>Quantum</b>	A man can give away his whole property during his lifetime.	Only one-third of the net estate can be bequeathed.
<b>Beneficiary</b>	A gift inter vivos can be made in favour of any person without any restriction (except during marz-ul-maut).	For bequeathing more than one-third of the property to any person, consent of heirs is mandatory.
<b>Existence of Property</b>	Property gifted must be in existence at the time of making the gift.	The property may or may not be in existence at the time of execution of the will but it must be existing at the time of the death of the legator.
<b>Transfer of Property</b>	Under gift, the immediate and absolute transfer of property takes place.	A transfer of property comes into effect only after the death of the legator.
<b>Delivery of Possession</b>	Immediate delivery of possession must take place as soon as the donor declares the gift and the donee accept the same.	Since property devolves on the legatee only after the death of the legator so no question of delivery of possession arises.
<b>Revocation</b>	Once a gift is made, a mere declaration to revoke it by the donor is not sufficient. A revocation can only take place either by the consent of the donee or by the intervention of the court.	A bequest may be revoked by the legator any time after executing it and before his death either impliedly or expressly or by a subsequent will.

## MCQ

1. Who can make a gift?  
A competent person who can make a contract  
Property owner  
Who has power to dispose property  
All of the above persons
2. Gift term is defined under the act –  
In the Transfer of property Act  
In the Hindu succession Act  
In the partnership Act  
In Indian Contract Act
3. Gift is a deposition of –  
Movable property  
Immovable property  
Movable property and immovable property  
None of these
4. Gift is a alienation of property –  
With consideration  
Without consideration  
With some consideration  
None of the above
5. The following property may validity disposed by gift –  
Impartible property  
Stridhana  
Intrest of copercenar  
all the above