

2024

LAW

Paper: LLB 403

(Property Law)

Full Marks: 80

Pass Marks: 36

Time: Three hours

The figures in the margin indicate full marks for the questions

1. Choose the correct answer: **1x10=10**

- (a) A person is said to have _____ of a fact when he actually knows that fact or when but for wilful abstention from an enquiry or search which he ought to have made.
- (i) notice
 - (ii) knowledge
 - (iii) information
 - (iv) presumption
- (b) Agreement to transfer a property entered between two living persons for future date _____.
- (i) valid
 - (ii) invalid
 - (iii) void
 - (iv) none of the above
- (c) A refers to the right of re-entry which a lessor reserves to himself after having parted with the leasehold for breach of a condition subsequent.
- (i) right of presumption
 - (ii) easementary right
 - (iii) mere right of re-entry
 - (iv) right to future maintenance

- (d) The condition restraining alienation is provided in _____ of the Transfer of Property Act, 1882.
- (i) Sec 9
 - (ii) Sec 10
 - (iii) Sec 11
 - (iv) Sec 12
- (e) Every transfer of immovable property made without consideration with intent to defraud a transferee shall be _____ at the option of such transferee.
- (i) void
 - (ii) voidable
 - (iii) revocable
 - (iv) irrevocable
- (f) When two persons mutually transfer the ownership of one thing for the ownership of another, neither thing nor both things being money only, the transaction is called _____.
- (i) sale
 - (ii) exchange
 - (iii) gift
 - (iv) mortgage
- (g) The Benami Transactions Act that came into force on 19th May, 1988 has _____ effect and is also applicable to those cases where appeal is pending.
- (i) prospective
 - (ii) retrospective
 - (iii) retroactive
 - (iv) none of the above
- (h) A sale of immovable property of which value is less than Rs. 100/-, such sale may be effected by _____.
- (i) writing
 - (ii) delivery of possession
 - (iii) registration
 - (iv) all of the above

- (i) The gift is _____ if the donee dies before acceptance.
- (i) void
 - (ii) irrevocable
 - (iii) revocable
 - (iv) valid
- (j) The provision under Sec 122 of Transfer of Property Act, 1882 applies to both movable and immovable property.
- (i) gift
 - (ii) exchange
 - (iii) sale
 - (iv) lease

2. Write short notes on the following :

2x5=10

- (a) Immovable property
- (b) Oral transfer
- (c) Lis pendens
- (d) Registration of sale deed
- (e) Onerous gift

3. (a) Explain the meaning of transfer of property under Sec 5 of Transfer of Property Act, 1882. Is transfer of spes successionis under Transfer of Property Act, 1882 allowed?

6+6=12

OR

- (b) Distinguish between:

6+6=12

- (i) Vested interest and contingent interest
- (ii) Actual Notice and constructive notice

(Turn Over)

4. (a) Explain the Rule against Perpetuity. Critically analyze the provision that allows for transfer of property for the benefit of unborn person under Transfer of Property Act, 1882? 6+6=12

OR

- (b) Elucidate the doctrine of election as per Transfer of Property Act, 1882. 12

5. (a) Who is an ostensible owner? Under what grounds a transferee gets a good title over a property that is transferred by an ostensible owner? 2+10=12

OR

- (b) Analyze the doctrine of part performance. 12

6. (a) Define sale of an immovable property and its requirements to make a sale valid. Differentiate between sale and contract for sale. 8+4=12

OR

- (b) What are the rights and liabilities of seller before and after the completion of sale? 12

7. (a) Write a note on mortgagor's equitable right of redemption by highlighting the principle of 'once a mortgage always a mortgage'. 12

OR

- (b) Define lease and discuss the rights and liabilities of lessor and lessee contemplated under Sec 108 of Transfer of Property Act, 1882. 12

Total number of printed pages-7

63/9 (SEM-4) LLB/LLB403

2025

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The figures in the margin indicate full marks for the questions.

1. Choose the correct answer : $1 \times 10 = 10$

(a) The Transfer of Property Act, 1882 came in to force with effect from

(i) First day of June, 1882

(ii) First day of July, 1882

(iii) First day of September, 1882

(iv) First day of May, 1882

(b) A transfer of property may be made without writing in every case in which writing is not expressly required by law. Which are these case(s)

- (i) Gift of immovable property
- (ii) Transfer of actionable claim
- (iii) Simple mortgage irrespective of the amount secured
- (iv) Sale of immovable property of the value of less than ₹100

(c) A Charge is confined to :

- (i) Fictitious property
- (ii) Movable property
- (iii) Intellectual property
- (iv) Immovable property

(d) Transfer of actionable claim may be :

- (i) With consideration
- (ii) Without consideration
- (iii) Either with or without consideration
- (iv) None of the above

(e) A gift of future property is :

- (i) Bad
- (ii) Illegal
- (iii) Voidable
- (iv) Void

(f) Section 44 of the Transfer of Property Act, 1882 deals with :

- (i) Transfer by two co-owner
- (ii) Transfer by one co-owner
- (iii) Transfer by three co-owners
- (iv) Transfer by all co-owner

(g) Which of the following is not considered as immovable property under the Transfer of Property Act ?

- (i) Land
- (ii) Machinery permanently fixed to land
- (iii) Growing crops
- (iv) A factory building

- (h) The phrase "equity of redemption" is associated with which kind of property transfer ?
- (i) Sale
 - (ii) Lease
 - (iii) Mortgage
 - (iv) Exchange
- (i) Under the provisions of Transfer of Property Act, 1882, if there is patent defects in the property :
- (i) The maxim of Caveat Emptor will apply
 - (ii) The maxim of Uberrime fidei will apply
 - (iii) Both Caveat Emptor and Uberrime fidei will apply
 - (iv) The maxim of Caveat Venditor will apply
- (j) The principle "nemo dat quod non habet" is directly applied in which situation under the Transfer of Property Act ?
- (i) Fraudulent transfer
 - (ii) Transfer by unauthorised agent
 - (iii) Transfer by ostensible owner
 - (iv) Fraudulent transfer and transfer by unauthorised agent

2. Write short notes on following : $2 \times 5 = 10$

- (a) Actionable claim
- (b) Registration
- (c) Ostensible owner
- (d) Charges
- (e) Distinction between lease and license

3. What do you mean by "transfer of property" under the Transfer of Property Act, 1882 ? "Transfer of any non-transferable property is void". Explain the statement mentioning the non-transferable properties. $4 + 8 = 12$

Or

Write notes on : $6 + 6 = 12$

- (a) Write the object and scope of the Transfer of Property Act, 1882
- (b) Whether property can be transferred to an unborn person under the Transfer of the Property Act, 1882

4. Explain the doctrine of Rule against Perpetuity enumerated in Section 14 of the Transfer of Property Act, 1882. Is there any exceptions ? $8 + 4 = 12$

Or

Write notes on :

4+4+4=12

- (a) Spes-Successions
- (b) Essential conditions of a valid transfer
- (c) Doctrine of Election

5. Explain the doctrine of *Lis pendens* with illustration and case laws. 12

Or

Write notes on :

6+6=12

- (a) Fraudulent transfer
- (b) Doctrine of Part performance

6. Define 'sale' as mentioned in Transfer of Property Act, 1882. Describe the seller's duties (liabilities) before the sale and after the sale. 6+6=12

Or

Write notes on :

4+4+4=12

- (a) Hire purchase Agreements
- (b) Distinction between sale and gift
- (c) Onerous gift

7. What are the essentials of valid gift ? When a gift may be suspended and revoked ? Support your answer with illustrations.

2+5+5=12

Or

Define Mortgage. Explain the different kinds of mortgage. What is the clog on redemption ? Is it valid in India ? 3+6+3=12

2026

LAW

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- 1x10=10**
1. Choose the correct answer:
- (a) Which of the following can be transferred?
- (i) Future wages
 - (ii) Mere right to sue
 - (iii) Easement
 - (iv) Equity of redemption
- (b) Definition of immovable property does not include _____.
- (i) Standing timber and growing grass
 - (ii) Standing timber, jewellery and crops
 - (iii) Standing timber, growing crops or grass
 - (iv) Only grass
- (c) Condition restraining alienation is provided under _____.
- | | |
|-----------------|----------------|
| (i) Section 10 | (ii) Section 9 |
| (iii) Section 8 | (iv) Section 7 |

- (d) Lease can be made for _____.
(i) 5 years (ii) 10 years
(iii) 15 years (iv) None of the above
- (e) Doctrine of election implies _____.
(i) Choosing between two rights
(ii) Choosing of one party between two
(iii) Choosing between two conditions
(iv) All of the above
- (f) Two persons mutually agree to transfer the ownership of one thing for the ownership of another is called _____.
(i) Gift (ii) Lease
(iii) Mortgage (iv) Exchange
- (g) Section 53A deals with _____.
(i) Part performance
(ii) Transfer by ostensible owner
(iii) Fraudulent transfer
(iv) Lis pendens
- (h) Which of the following is a type of 'equitable mortgage'?
(i) Mortgage by conditional sale
(ii) Mortgage by deposit of title deeds
(iii) Simple mortgage
(iv) Usufructuary mortgage
- (i) Transfer of property Act, 1882 came into force on _____.
(i) 17th February, 1882
(ii) 27th February, 1882
(iii) 17th March, 1882
(iv) 1st July, 1882

- (j) Section 9 of the Act also includes transfer by ____.
- (i) Written only
 - (ii) Oral also
 - (iii) Written only for the property of which the value is more than Rs. 100
 - (iv) Registration

2. Write short notes on the following: 2x5=10
- (a) Actual and constructive notice
 - (b) Condition precedent and condition subsequent
 - (c) Fraudulent transfer
 - (d) Hire purchase agreement
 - (e) Exchange

3. Explain the meaning of transfer of property as per section 5 of TPA. What are the essential elements to make a transfer valid? 12

Or

Write short notes on:

3x4=12

- (a) Vested interest
- (b) Contingent interest
- (c) Conditional transfer
- (d) Immovable property

4. 'Ideally all the properties are capable of being transferred'. Are there any exceptions to the rule of transferability as contemplated under Section 6 of Transfer of Property Act, 1882? 12

Or

What is rule against perpetuity? Explain transfer of property for the benefit of unborn person. 4+8=12

5. Explain the doctrine of lis pendens and its relevance in property disputes. Support your answer with relevant case laws. 12

Or

What is meant by transfer by an ostensible owner? What essential conditions are necessary for applying the provision of transfer by an ostensible owner? 4+8=12

6. Define sale of an immovable property and its requirements to make a sale valid. Differentiate between sale and contract for sale. 6+6=12

Or

What are the rights and liabilities of seller before and after the completion of sale? 12

7. What are the essentials of valid gift under the provisions of Transfer of Property Act, 1882? Under what circumstances gift may be suspended or revoked? 6+6=12

Or

Define mortgage and discuss various kinds of mortgages. 12