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**63/9 (SEM-2) LLB/LLBCC2055**

**2025**

**LAW**

Paper : LLBCC2055

**(Property Law)**

Full Marks : 70

Pass Marks : 32

Time : Three hours

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

1. Choose the correct answer :  $1 \times 6 = 6$

(i) According to Transfer of Property Act, 1882, instrument means \_\_\_\_\_.

- (a) a non-testamentary instrument
- (b) testamentary instrument
- (c) both testamentary and non-testamentary instrument
- (d) will deed

(ii) The transfer by ostensible owner is provided in \_\_\_\_\_ of the Transfer of Property Act, 1882.

(a) section 38

(b) section 39

(c) section 40

(d) section 41

(iii) The 'Sale' in the Transfer of Property Act, 1882 is defined in section \_\_\_\_\_.

(a) 53

(b) 54

(c) 55

(d) 56

(iv) When the mortgagor's right to redeem accrues, the mortgagee has a right to enforce \_\_\_\_\_.

(a) his security

(b) his interest

(c) Only (b)

(d) Both (a) and (b)

(v) In case of gift, if the donee dies before acceptance, then \_\_\_\_\_.

- (a) gift is valid
- (b) gift is void
- (c) gift is reduced
- (d) court has to decide

(vi) Easement cannot be created by \_\_\_\_\_.

- (a) law
- (b) grant
- (c) necessity
- (d) prescription

2. Write short notes on the following : **(any five)**  
**2×5=10**

- (i) Attested
- (ii) Actionable claim
- (iii) Rule against perpetuity
- (iv) Doctrine of part-performance
- (v) Define contract of sale
- (vi) Gift
- (vii) Differences between easement and license

3. Answer the following questions : **(any six)**  
**5×6=30**

- (i) Write the concept and meaning of property.

- (ii) Distinction between vested and contingent interest.
- (iii) Define transfer to unborn person.
- (iv) Define rule against perpetuity.
- (v) Rights and liabilities of seller and buyer before and after sale.
- (vi) Define lease. Write how lease is made.
- (vii) Define assignment of actionable claims.
- (viii) Define easements. Write the nature and characteristics of easements.
- (ix) Write the acquisition or creation of easements.

4. Answer the following questions : **(any two)**

$12 \times 2 = 24$

- (i) What is meant by Transfer of Property ?  
Who is competent to transfer ?  $6 + 6 = 12$
- (ii) Discuss the doctrine of election with its scope. When is election necessary ?  
 $6 + 6 = 12$
- (iii) Define Mortgage. Write different kinds of Mortgage.  $2 + 10 = 12$
- (iv) Discuss the rights and duties of Lessor and Lessee. How can a Lease be determined ?  $8 + 4 = 12$

2026

LAW

Paper : LLBCC1095

( Property Law )

Full Marks: 70

Pass Marks: 32

Time: 3 Hours

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

1. Choose the correct answer: 1x6=6

(i) Which of the following is regarded as immovable property?

- (a) Standing Timber
- (b) Growing Crop
- (c) Trees
- (d) Grass

(ii) As per Transfer of Property Act, living person means:

- (a) Limited Company
- (b) Human being
- (c) Partnership Firm
- (d) All mentioned above

(iii) Which interest cannot be transferred?

- (a) Surrender of Lease
- (b) Mortgage
- (c) Gift
- (d) Sell

(iv) The "Doctrine of Election" is founded on the principle of equity that a person cannot-

- (a) Transfer property to an unborn person.
- (b) Be a witness to their own deed.
- (c) Approbate and reprobate at the same time.
- (d) Give a property to minor.

(v) In which section provision of gift may be suspended or revoked?

- (a) Section 122
- (b) Section 126
- (c) Section 124
- (d) Section 128

(vi) What is the maximum duration of "Mortgage by conditional Sale" under the Transfer of Property Act, 1882?

- (a) 5 years
- (b) 10 years
- (c) 20 years
- (d) No time limit specified

**2. Answer the following questions (any five):**

**2X5=10**

- (a) Explain the term "Attached to the earth" used in the Transfer of Property Act.
- (b) What does "Attested" mean?
- (c) Define "Actionable Claim".
- (d) Universal Donee.
- (e) Define Vested interest and Contingent interest.
- (f) Concept and type of notice under the Transfer of Property Act.
- (g) Distinction between Possession and Ownership.

**3. Answer the following questions (any six):**

**5x6=30**

- (a) Define Lease. Distinguish between lease and license.
- (b) What do you mean by 'Attestation'? What are the requisites of valid attestation? Point out the legal effect of attestation.
- (c) Explain the provision relating to transfer of property to an 'Unborn Person'.
- (d) What do you mean by "Transfer of Property"? State what properties are capable of transfer and which cannot be transferred under the Transfer of Property Act?
- (e) Explain the essentials elements of valid lease and how a lease differs from license.

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- (f) Define "Immovable Property" and distinguish it from Movable property, particularly what constitutes attached to earth.
- (g) Define Easement and characteristics of easement.
- (h) Explain the Doctrine of Lis Pendens, including its objects, essentials and effect on transfer of property during litigation.
- (i) Explain the right and liabilities of Seller and Buyer before and after sale.

**4. Answer the following questions (any two): 12x2=24**

- (a) State briefly the history of Transfer of Property Act, 1882. What changes were brought by amending Act of 1929? What are the objects of the Act? 4+4+4=12
- (b) 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
- (c) Define 'Gift' and discuss the essentials for a valid gift transfer and its revocation. 8+4=12
- (d) Define Mortgage. Explain the different kinds of mortgage. What is the clog on redemption? Is it valid in India? 4+6+2=12