

Total number of printed pages-4

19 (IV) PRLW

2019

**PROPERTY LAW**

Paper : 4-3

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks : 1×10=10
- (a) A right to sue for damages is \_\_\_\_\_  
(an actionable claim/not an actionable claim)
- (b) \_\_\_\_\_ is included in immovable property. (Grass/Growing crops/Right of easement)
- (c) *Lis Pendens* is given under section \_\_\_\_\_ of TPA. (49/50/51/52)
- (d) Section 91 of TPA 1882 provides \_\_\_\_\_ . (cessation of interest/subrogation/person who may sue for redemption)

*Contd.*



(e) \_\_\_\_\_ is not a type of mortgage.  
(Simple/Mortgage by conditional sale/  
Mortgage by absolute sale)

(f) Kinds of subrogation are \_\_\_\_\_.  
(Legal subrogation and conventional  
subrogation/Moral and Immoral  
subrogation)

(g) \_\_\_\_\_ is included in attached to  
earth. (Doors/Shutters/Windows/All of  
these)

(h) A sells his house to B with a condition  
that B cannot transfer his house to  
any one except C, the condition is  
\_\_\_\_\_. (Voidable/Valid/Void/Illegal)

(i) \_\_\_\_\_ is not competent to transfer  
the property? (A minor/Pardanashin  
lady/Unsound mind person/All of  
these)

(j) In case of gift, the donee dies before  
acceptance then \_\_\_\_\_. (Gift is valid/  
Gift is void/Court has to decide)

2. Write short notes on : 2×5=10

(a) Partial Restraint on alienation

(b) Champerty

(c) Instrument

(d) Constructive notice

(e) Attached to earth.

3. Discuss the doctrine of election with its  
scope. When election is necessary?

8+4=12

Or

Write notes on :

6+6=12

(a) Fraudulent transfer

(b) Doctrine of part performance.

4. How sale is defined under TP Act, 1882?  
Discuss the modes of transfer by way of  
sale. Narrate to right and liabilities of parties  
before completion of sale.

4+4+4=12

Or

What are the essentials of a valid sale under  
TP Act, 1882? Write the difference between  
Nominal and Real sale.

8+4=12

5. Distinguish between :

6+6=12

(a) English Mortgage and Simple Mortgage

(b) Mortgage and Charge.



**Or**

Write notes on :

6+6=12

- (a) Clog on redemption
- (b) Right of foreclosure.

6. Distinguish between :

6+6=12

- (a) Lease and License
- (b) Joint Tenant and Tenants-in-common.

**Or**

Discuss the rights and duties of Lessor and Lessee. How a Lease can be determined ?

8+4=12

7. Define Exchange. Distinguish between sale and exchange. What are the essentials of a valid exchange ?

4+4+4=12

**Or**

How a gift can be suspended ? Describe the types and essentials of gift.

4+8=12

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19 (IV) PRLW 4.3

2018

**PROPERTY LAW**

Paper : 4.3

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks : 1×10=10
- (a) Absolute Restraint on alienation of Property is \_\_\_\_\_.  
(valid/voidable/void)
- (b) A transfer of property may be made without writing in every case in which a writing is not expressly required by law is regarded as \_\_\_\_\_.  
(voluntary transfer/oral transfer)
- (c) The concept of pending completion is given under section \_\_\_\_\_ of Transfer of Property Act, 1882.  
[55 1(e)/55 1(f)/55 1(g)/55 (2)]

Contd.

- (d) Seller has right of change under section \_\_\_\_\_ of Transfer of Property Act, 1882. [55(4)(b)/55(4)(c)/55(4)(d)]
- (e) Transfer of Property is defined under section \_\_\_\_\_ of Transfer of Property Act, 1882. (3/5/4)
- (f) *Spes successionis* means \_\_\_\_\_. (Change of succession/Desire of succession)
- (g) Champerty is a species of \_\_\_\_\_. (Maintenance/Succession)
- (h) Direction for accumulation is given under section \_\_\_\_\_ of Transfer of Property Act. (15/16/17/18)
- (i) Section \_\_\_\_\_ does not apply to gifts and bequests under Transfer of Property Act. (45/46/47)
- (j) A mere right to sue \_\_\_\_\_ transferred under Transfer of Property Act. (can be/cannot be)

2. Write short notes on : 2×5=10

- (a) Easement
- (b) Restricted owner
- (c) Doctrine of holding out
- (d) Subrogation
- (e) Marshalling.

3. Define 'Sale' under Transfer of Property Act, 1882. Discuss the various essentials of a valid sale. 4+8=12

**Or**

Explain the rights and duties of Buyer and Seller before and after sale as under Transfer of Property Act, 1882. 6+6=12

4. What is Mortgage ? What are the different modes for completion of Mortgage ? Write in detail the various types of Mortgage. 3+3+6=12

**Or**

"Once a Mortgage always a Mortgage". Analyze the above statement. Examine critically the various rights and liabilities of Mortgagor. 6+6=12

5. Distinguish between the following : 6+6=12

- (a) Vested Interest and Contingent Interest
- (b) Premium and Rent.

**Or**

What are the requisites of a Valid Lease ?  
Explain the rights and liabilities of Lessor  
and Lessee of a Valid Lease.  $6+6=12$

6. What is Conditional Transfer ? What are  
the kinds of conditional transfer ? What are  
the differences between all kinds of  
conditional transfer ?  $2+4+6=12$

**Or**

Discuss the doctrine of *lis pendens* and  
part-performance.  $6+6=12$

7. How exchange is defined under Transfer of  
Property Act, 1882 ? What are the requisites  
of a valid exchange ? Write the rights and  
liabilities of parties in an exchange.  
 $2+4+6=12$

**Or**

What are the essentials of a valid gift ? How  
a gift can be revoked ?  $6+6=12$



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19 (3-IV) PRLW

**2015**

**PROPERTY LAW**

(New Course)

Paper : 4·3

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate words :—  
1×10=10

- (a) Instrument means a \_\_\_\_\_ instrument. (testamentary instrument / non-testamentary instrument)
- (b) Transfer of Property Act, 1882 is not applicable to transfer by \_\_\_\_\_ (operation of law / act of parties)
- (c) Benefits to arise out of land is \_\_\_\_\_ (an immovable / a movable) property.

Contd.

- (d) \_\_\_\_\_ debt is an actionable claim. (Unsecured / Secured)
- (e) Actual notice is a \_\_\_\_\_. (matter of law / matter of fact)
- (f) "Living person" under Section 5 of the T.P. Act. 1882 includes \_\_\_\_\_ (only living human beings / human beings and juristic persons too).
- (g) Family settlement and partition of property is \_\_\_\_\_ (a transfer of property / not a transfer of property)
- (h) Doctrine of Election is incorporated in Section \_\_\_\_\_ of T.P. Act. 1882 (Section 35 / Section 45)
- (i) In case of Mortgage, the right of redemption is available under Section \_\_\_\_\_ (Section 60 / Section 62)
- (j) Sale is a transfer of ownership \_\_\_\_\_ (without money consideration / with money consideration)

2. Write short note on :

5×2=10

(a) Actionable claim

(b) Contract for sale



- (c) Simple Mortgage
- (d) Vested Interest
- (e) Immovable property.

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.  $5+7=12$

4. "The legal effect of transfer may vary according to the nature of condition attached to it"—

What is conditional transfer ? Under what circumstances a conditional transfer become void ?  $4+8=12$

**OR**

- (a) Rule Against Perpetuity
- (b) Rule Against Accumulation.

5. What is Mortgage ? What are the rights and liabilities of mortgagor ?  $4+8=12$

**OR**

- (a) "Once a mortgage, always a mortgage".  $6+6=12$
- (b) Usufructuary mortgage.

6. (a) Doctrine of Lis-Pendens.

(b) Doctrine of Part Performance.  $6+6=12$

**OR**

Define 'Sale' as mentioned in Transfer of Property Act, 1882.

Describe the seller's duties (liabilities) before the sale and after the sale. 12

7. Write on :—

(a) Essentials of Gift

(b) Onerous Gift

(c) Universal donee

$4 \times 3 = 12$

**OR**

What are the essentials of Lease under the T.P. Act, 1882 ? Describe the rights and liabilities of lessor and lessee. 12