

**BA LLB  
SIXTH SEMESTER  
PROPERTY LAW  
BLB – 603 OLD COURSE [REPEAT]**  
[USE OMR FOR OBJECTIVE PART]

**SET  
A**

Duration: 3 hrs.

Full Marks: 80

Time: 30 min.

( Objective )

Marks: 30

*Choose the correct answer from the following:*

**1×10=10**

- Under the Transfer of Property Act, 1882, the chance of an heir apparent succeeding to an estate (spes successionis):
  - Can be transferred
  - Cannot be transferred
  - Can be transferred subject to certain conditions
  - None of the above.
- Under the Transfer of Property Act, 1882 the term "Instrument" means:
  - Non-testamentary instrument
  - Testamentary instrument
  - Both testamentary and non-testamentary instrument
  - None of the above.
- The provision of Vested Interest is provided under:
  - Section 18 of the Transfer of Property Act, 1882
  - Section 19 of the Transfer of Property Act
  - Section 20 of the Transfer of Property Act, 1882
  - Section 21 of the Transfer of Property Act.
- Under the provisions of the Transfer of Property Act, 1882 Rule against perpetuity is permitted under one of the following condition:
  - By creating an interest which is to take effect after the lifetime of one or more persons living at the date of such transfer.
  - By creation of successive life interests in favour of a living person.
  - By creation of future remote interest.
  - By taking away from the owner of the property the power of alienation.
- The doctrine of *Lis pendens* embodied under Section 52 of the Transfer of Property Act, 1882 relates to:
  - Bonafide purchase
  - Public policy
  - Auction Sale
  - None of the above.
- Under the Transfer of Property Act, 1882 the rights and liabilities of buyer and seller are dealt in Section:
  - 52
  - 53
  - 54
  - 55

7. Section 60 of the Transfer of Property Act, 1882 provides for the:
  - a. Pecuniary liability
  - b. Conditional ownership
  - c. Right of Redemption to the mortgagor
  - d. None of the above.
8. A suit to obtain a decree that a mortgagor shall absolutely be debarred of his right to redeem the mortgaged property is called:
  - a. A suit for foreclosure
  - b. A suit for claim
  - c. A suit for interest
  - d. A suit for cost.
9. Lease under Section 105 of the Transfer of Property, 1882 pertains to:
  - a. Immovable property
  - b. Movable property
  - c. Both immovable and movable property
  - d. No particular property.
10. In case of gift, if the donee dies before acceptance then:
  - a. Gift is valid
  - b. Gift is void
  - c. Gift is returned
  - d. Court has to decide.

*Answer the following: (Use descriptive answer sheet)*

**2×10=20**

11. State the two objects of the Transfer of Property Act, 1882.
12. What do you mean by Actionable Claim?
13. State two differences between Vested and Contingent Interest.
14. State the position of an Ostensible Owner vis-a-vis the Benami Transactions (Prohibition of the Right to Recover Property) Act, 1988.
15. Explain the validity of the condition imposed with sale in the given transfer: 'A' sold his house to 'B' with a condition that if 'B' wishes to sell it, he would sell it back to 'A' and no one else.
16. Define Fraudulent Transfer.
17. Provide two differences between Mortgage by Conditional Sale and English Mortgage.
18. What do you understand by Marshalling of Securities under Mortgage?
19. State two essential conditions of Exchange.
20. 'A' executes a gift in favour of 'B'. The given land is worth Rs. 10,00,000. The deed is not registered but 'B' is put in possession. Is the gift valid?



**( Descriptive )**

Time : 2 hrs. 30 min.

Marks : 50

*[ Answer the following questions ]*

1. a. What is Notice under the Transfer of Property Act, 1882? Under what circumstances a person is said to have Constructive Notice of a fact? 3+7=10
- Or*
- b. "An absolute restraint on alienation is void but a partial restraint is not". Discuss, with exceptions, if any, giving suitable illustrations. 10
2. a. Explain the 'Rule against Perpetuity' stating its basic principles and exceptions, if any. 10
- Or*
- b. Write short notes on *any two* of the following: 5+5=10
- a. Doctrine of Election.
  - b. Conditional Transfers.
  - c. Difference between Section 41 and 43 of the Transfer of Property Act, 1882.
3. a. Discuss the doctrine of Part-performance with its scope and ambit under the Transfer of Property Act, 1882. 10
- Or*
- b. Define 'Sale'. Write down the rights and duties of Seller and Buyer before completion of Sale. 2+8=10
4. a. "Once a mortgage always a mortgage" – Explain with reference to Mortgagor's Right of Redemption. What is Clog on Redemption? 7+3=10
- Or*
- b. Write short notes on *any two* of the following: 5+5=10
- a. Partial redemption.
  - b. Mortgagee's Right to Foreclosure.
  - c. Persons who may sue for redemption.
5. a. Define Lease. How is Lease determined? 2+8=10
- Or*
- b. Write short notes on *any two* of the following: 5+5=10
- a. Onerous Gift and Universal Donee.
  - b. Modes of making Gift.
  - c. Transfer of Actionable Claim.

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