

LLB
Fourth Semester
PROPERTY LAW
(LLB – 403)

Duration: 3Hrs.

Full Marks: 80

Part-A (Objective) =30
Part-B (Descriptive) =50

(PART-B: Descriptive)

Duration: 2 hrs. 30 mins.

Marks: 50

Answer the following questions:

1. What are the essentials for a valid transfer of property? What kind of property cannot be transferred as per section 6 of the Transfer of Property Act? (4+6=10)

Or

“Property cannot be transferred directly to an unborn person but property can be transferred for the benefit of an unborn person”. Elucidate the above statement citing case laws.

A transfers his property to X for life and thereafter to his Unborn son UB for life.

Decide the validity of the transfer of the property in respect of X and UB. (6+4=10)

2. Write down briefly about the Rule Against perpetuity. Write down the difference between Vested and Contingent interest. (5+5=10)

Or

Discuss with relevant provisions about the Doctrine of Election. What are the rights available for the Disappointed Transferee? (6+4=10)

3. Write note on any two of the following: (5+5=10)

(a) Principle of *Lis pendis*

(b) Doctrine of Part performance

(c) Fraudulent Transfer

Or

What are the essential conditions for a valid sale? Write down the rights and liabilities of the Seller and Buyers under a Sale. (4+6=10)

4. Define Mortgage. Explain the different kinds of Mortgage. (3+7=10)

Or

What do you mean by right to redeem mortgage? "Once a mortgage is always a mortgage." Explain. (4+6=10)

5. Define lease. How a lease is determined? What do you mean by holding over? (3+5+2=10)

Or

What are the essentials of a gift? How gift is made? What do you mean by universal donee? (4+3+3=10)

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Duration: 30 minutes

Marks – 30

(PART A- Objective Type)

I. Choose the correct answer:

1×10=10

- Under the Transfer of Property Act, 1882, the term "attested" means:
(a) attested by two or more witnesses (b) attested by one witness only
(c) attested by two witnesses only (d) no condition prevails
- Within the meaning of provisions of the Transfer of Property Act, 1882, the immovable property does not include:
(a) standing timber or grass (b) standing timber, jewellery and crops
(c) standing timber, growing crops or grass (d) only grass
- The provision of vested interest is provided in:
(a) section 18 of the Transfer of Property Act, 1882
(b) section 19 of the Transfer of Property Act, 1882
(c) section 20 of the Transfer of Property Act, 1882
(d) section 21 of the Transfer of Property Act, 1882
- Transfer by ostensible owner includes which section of the Transfer of Property Act, 1882:
(a) section 38 (b) section 39
(c) section 40 (d) section 41
- Which Section incorporates the Doctrine of Part performance of the Transfer of property Act, 1882?
(a) 53A (b) 53 (c) 52 (d) 35
- Section 54 of the transfer of property deals with:
(a) Kinds of mortgage.
(b) Mortgagor's right to redeem the mortgage.
(c) Mortgagee's right to foreclosure.
(d) Definition of sale.
- Right to redeem the mortgage is given to
(a) Mortgagor
(b) Mortgagee
(c) Both mortgagor and Mortgagee
(d) Neither mortgagor nor Mortgagee

- Which section of the Transfer of Property Act, 1882 defines 'charge'?
(a) 60 (b) 105 (c) 100 (d) 122
- A lease of immovable property for agricultural or manufacturing purpose shall be deemed to be a lease from year to year, terminable, on the part of lessor or leasee by:
(a) three months notice (b) fifteen days notice
(c) one month notice (d) six months notice
- In case of gift, the donee dies before acceptance then:
(a) gift is valid (b) gift is void
(c) gift is voidable (d) court has to decide

II. Answer the following questions:

2×10=20

- What do you mean by "inter vivos"?
- A sells his house to B with a condition that B cannot transfer his house to anyone except C. Decide the validity of the transfer.
- What is vested interest?
- What is the maximum permissible remoteness of vesting where the Ultimate Beneficiary is in Mother's womb?

5. House X of Mr. A is attached in execution of a decree against him. During the attachment Mr. A leases out the house X to another person B. What is the consequence of the transfer? Give reasons.

6. What do you mean by contract for sale?

7. What is mortgage by conditional sale?

8. Who are the persons entitled to redeem the mortgage?

9. Define Exchange.

10. What do you mean by Onerous Gift?



University of Science and Technology, Meghalaya

Date Stamp: _____

SESSION: 2016-17		
COURSE _____		PAPER Code: _____
NAME OF THE PAPER: _____		
SEMESTER _____		
Instructions to Candidates		
<p>1. This answer booklet has 4 pages. Please check before writing whether it is complete or in good condition.</p> <p>2. Do not write your name anywhere in the answer booklet.</p> <p>3. Write legibly on both sides of the paper</p> <p>4. You may use some space for any rough notes or calculation on the answer booklet if you need. These rough notes, calculations must be scored out before submitting the answer booklet.</p> <p>5. Do not bring any book or loose paper in the examination hall.</p> <p>6. Do not tear any page from the answer booklet.</p> <p>7. Do not write anything on the question paper or blotting paper or any pieces of paper while you are in the examination hall.</p> <p>8. Any act of indiscipline or misbehavior in the examination hall will result in your expulsion.</p> <p>9. No examinee is allowed to leave the examination hall until 30 minutes lapse after the commencement of the examination.</p> <p>10. Additional answer sheet will be supplied after the main answer booklet is completed.</p>		
For Objective Type Questions		Session: 2016-17
Page No.	Marks	Course _____
		Roll No. _____
		Enrollment No. _____
		Semester _____
		Name of the Paper _____

Total		Paper Code _____
For Descriptive Type Questions		
Question No.	Marks	
Total		
Grand Total		

Scrutinizer's Signature

Examiner's Signature

Invigilator's Signature