

Total number of printed pages-4

19 (3-IV) PRLW 4-3

2016

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 with appropriate words :
1×10=10

(i) The territorial jurisdiction of the Transfer of Property Act 1882, extends to the whole of India except _____.
(Punjab, Assam)

(ii) According to _____ of the General Clauses Act, immovable property includes land, benefits to arise out of land and things attached to the earth.
(Section 4, Section 5)

(iii) Transfer of any non-transferable property is _____. (valid, void)

Contd.

- (iv) A right to future maintenance _____ transferred. (can be, cannot be)
- (v) The law relating to transfer by an ostensible owner is given in _____. (Section 40, Section 41)
- (vi) The doctrine of Lis-Pendens is laid down in _____. (Section 52, Section 54)
- (vii) Sale is a transfer of _____. (ownership, possession)
- (viii) When ownership is transferred for money consideration, the transaction is called _____. (sale, exchange)
- (ix) The period of limitation for the revocation of gift on the ground of fraud, coercion, misrepresentation or under influence is _____ from the date on which such facts are known to the plaintiff. (Three years, Five years)
- (x) Lease executed by minor is _____. (void, valid)

2. Write short notes on : 2x5=10

- (i) Attached to the earth
- (ii) Competency of the transferor
- (iii) Fraudulent transfer
- (iv) Distinction between sale and exchange
- (v) Onerous gift.

3. What do you mean by vested and contingent interest? Discuss the difference between vested and contingent interest. 3+3+6=12

Or

Write notes on : 6+6=12

- (a) Object and scope of the Transfer of Property Act 1882.
- (b) Whether property can be transferred to an unborn person under the Transfer of Property Act 1882?

4. Explain the Doctrine of Rule Against Perpetuity enumerated in section 14 of the Transfer of Property Act 1882. 12

Or

Write explanatory notes on : 4x3=12

- (a) Spes-Successionis
- (b) Essential conditions of a valid transfer
- (c) Fulfilment of condition precedent.

5. Give a brief account of : 4x3=12

- (a) Doctrine of Lis Pendens
- (b) Revocation of transfer
- (c) Priority.

Or

Explain the Doctrine of Part-Performance enumerated in section 53A of the Transfer of Property Act. What are the differences between English and Indian Law in regard to the doctrine and its application ?

8+4=12

6. Define Sale. What are the essentials of a valid sale ? Explain the rights and liabilities of buyer and seller.

2+4+6=12

Or

Write notes on the following :

4×3=12

- (a) Hire-purchase agreements
- (b) Distinction between sale and gift
- (c) Seller's duties before the sale.

7. Define mortgage. Explain different kinds of mortgage. What is the clog on redemption ? Is it valid in India ?

2+5+3+2=12

Or

Write explanatory notes on :

6+3+3=12

- (a) Once a mortgage, always a mortgage
- (b) Actionable claim
- (c) Distinction between charge and mortgage.