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19 (IV) PRLW 4-3

2017

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 Transfer of Property Act, 1882 came into force on ____ 1882.
(First day of June/First day of July)
- (ii) ____ is immovable property.
(Standing Timber /Right of Fishery)
- (iii) An easement cannot be transferred apart from the _____. (dominant heritage/servient heritage)
- (iv) Section 7 of the Transfer of Property Act, 1882 deals with _____.
(Person competent to Transfer/Oral Transfer)



Contd.

(v) In section 41 of the Transfer of Property Act, 1882 the estoppel works against the _____. (real owner/unauthorised transferor)

(vi) Section 51 of the Transfer of Property Act, 1882 gives relief to a transferee who makes _____ of immovable property in good faith on the land held by him and is being evicted subsequently by a person having better title.

(payment of rent/improvement)

(vii) Sale of tangible immovable property of value of one hundred rupees and upwards can be made by _____. (delivery of the property/registered instrument)

(viii) Discharge of incumbrances on sale is dealt under section _____ of the Transfer of Property Act, 1882. (56/57)

(ix) Mortgage is the transfer of _____ immovable property. (an interest in specific/a liability in general)

(x) Exchange is a transfer of ownership in _____ property. (existing/future)

2. Write short notes on : $2 \times 5 = 10$

(i) Vested Interest

(ii) Doctrine of Election

(iii) Doctrine of Part Performance

(iv) Marshalling by Subsequent Purchaser

(v) Universal Donee.

3. Transferability of Property is the general rule, its non-transferability is an exception. — Explain the above statement with decided case laws and illustrations. 12

Or

'X' sells his flat to 'Y' with a condition that 'Y' cannot transfer the flat to anyone except 'P'. Decide and discuss the law governing this case. Mention the exceptions to the law governing the above mentioned case.

8+4=12

4. What is 'Transfer of Property' as per section 5 of the Transfer of Property Act, 1882? Briefly explain the concept of Constructive Notice in the light of decided case laws and illustrations. 5+7=12

Or

Explain the following with illustrations :

4×3=12

(a) Contingent Interest

(b) Actionable Claims

(c) Immovable Property.

5. Discuss the law relating to Fraudulent transfer with exceptions and illustrations. 12

Or

Explain the doctrine of *Lis Pendens* with illustrations and case laws. 12

6. Explain the essentials of a valid sale. Enumerate the rights and liabilities of a seller before and after sale? 4+8=12

Or

Define 'sales' and 'Contract of sale'. What are the rights and liabilities of buyer before and after sale? 2+2+8=12

7. Define Gift. What are the essentials of a gift? How can a gift be suspended or revoked? Support your answer with illustrations. 2+5+5=12

Or

Discuss the rights and liabilities of lessee. Explain *four* situations which may lead to determination of leases. 8+4=12