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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