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19 (Sem-6) PRLW-II

2015

PROPERTY LAW

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

Answer Q. Nos. 1 & 2 and any five from the rest.

1. Fill in the blanks : 1×10=10
- (i) Transfer of Property Act deals mainly with the transfer of _____ properties. (movable / immovable)
 - (ii) The Transfer of Property Act is not applicable to _____. (Assam / W.B. / Punjab)
 - (iii) Attestation must be done by two or more persons. (Yes / no)
 - (iv) Ostensible owner means _____. (a real owner / like a real owner)

Contd.

- (v) Right to redeem separately or simultaneously is provided under Sec _____ of the T.P Act. (61 / 60 / 71)
- (vi) Contribution means providing money for a common fund. (True / false)
- (vii) License is not a transfer of property. (True / false)
- (viii) Doctrine of Part-performance is provided under Sec _____ of the T.P. Act (53 / 53A)
- (ix) Sec. _____ of the T.P. Act deals with the concept of Marshalling by subsequent purchaser. (59 / 56)
- (x) Transfer of Actionable claims must be made by an instrument in writing. (Yes / no)

2. Answer the following : $2 \times 5 = 10$

- (a) What is actionable claim ?
- (b) What is Spes-successionis ?
- (c) Right of redemption.
- (d) What is mortgage by conditional sale ?
- (e) What is an Instrument ?

3. What do you mean by attestation ? Who can attest ? What are the essentials of a valid attestation ? $4+2+6$

Or

Distinguish between : $4 \times 3 = 12$

- (a) Vested and contingent interest
- (b) Movable and immovable properties
- (c) Express and constructive notice
- (d) Sale and gift

4. What do you mean by transferability of property ? According to Sec. 6 of the Transfer of Property Act, what are the ten kinds of property which are not transferable. Discuss briefly. $2+10=12$

Or

Write in brief : $3 \times 4 = 12$

- (a) Conditional transfers
- (b) Absolute restraint
- (c) Partial restraint
- (d) applicability of Sec. 10

5. Write a note on Doctrine of Past-Performance. 12

Or

What do you mean by an ostensible owner? How an ostensible owner can transfer a property under Sec 41 of the Transfer of Property Act? 2+10

6. What is sale? What are the necessary elements to constitute a sale? What are the various modes of transfer of property by way of sale? What is contract for sale? 3+3+4+2=12

Or

Discuss the rights and liabilities of a buyer and a seller. 12

7. What do you mean by mortgage, mortgagor, mortgagee and mortgage deed? What are the essential elements of mortgage? Name only the different kinds of mortgage. 4+6+2=12

Or

Discuss the rights and liabilities of a lessor and a lessee. 12