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19 (Sem-6) PRLW 6.4

2016

PROPERTY LAW

Paper : 6.4

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 questions from the rest.

1. Answer the following choosing the correct one : 1×10=10
 - (i) Transfer of Property under the Transfer of Property Act is _____. (an act of Parties / transfer by operation of law)
 - (ii) Transfers of movable property are regulated by the _____. (Sales of Goods Act / Transfer of Property Act)
 - (iii) 'Instrument' under the Transfer of Property Act includes (non-testamentary /testamentary) documents.

Contd.

- (iv) Spes-successionis means expectation of succession. (Yes/No)
- (v) The condition which restrains alienation is void. (Yes/No)
- (vi) Rule against perpetuity is provided in _____. (sec 14/sec 41) of the Transfer of Property Act.
- (vii) Contingent interest accrues immediately to the transferee on a transfer of property. (Yes/No)
- (viii) Doctrine of Election is provided in _____ of the Transfer of Property Act. (S.35/S.53/S.53A)
- (ix) Mortgage is a transfer of _____ (immovable property/interest in an immovable property).
- (x) Sale is a transfer of right of _____. (Ownership/Possession)

2. Answer the following : 2×5=10

- (a) Ostensible owner
- (b) Conditional transfer
- (c) Persons competent to transfer
- (d) Hire purchase agreements
- (e) Universal donee.

3. What is notice ? What are the various kinds of notice ? Under what circumstances Court can take Legal presumption of constructive notice ? 2+4+6=12

Or

Write notes on the following : 3×4=12

- (a) Actionable claim
- (b) Attestation
- (c) Movable and immovable property
- (d) Contingent interest.

4. What do you mean by transfer of property ? What are the essentials of a valid transfer ? Discuss. 3+9=12

Or

How a property can be transferred for the benefit of an unborn person under sec. 13 of the Transfer of Property Act ? 12

5. What is doctrine of lis-pendens ? What are the essential conditions for application of doctrine of lis-pendens ? 12

Or

Write a note on Doctrine of Part-performance. 12

6. Distinguish between : .. 4×3=12

- (a) Sale and Exchange
- (b) Contract of sale and contract for sale
- (c) Sale and gift.

Or

What are the rights of a seller after sale and rights of buyer before sale? 6+6=12

7. What is 'gift'? What are the essential elements of gift? Whether gift once made can be revoked? When gift can be revoked? 1+6+1+4=12

Or

What is 'mortgage'?

Discuss the various kinds of mortgage.

Answer with examples.

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