

NRT/KS/19/7517

Third Semester LL.B. Three Years Course (C.B.S.) Examination

TRANSFER OF PROPERTY

Compulsory Paper—4

Time : Three Hours]

[Maximum Marks : 80

N.B. :— (1) All Sections are compulsory.

(2) Section A carries **10** marks. Section B carries **30** marks. Section C carries **40** marks.

(3) Follow the instructions given in each section.

SECTION—A

(Multiple Choice Questions)

Note :— This section consists of **ONE** question having sub-questions carrying **1** mark each.

1. Attempt any **TEN** of the following :

(i) The Transfer of Property Act, has commenced in the year :

- | | |
|----------|----------|
| (a) 1884 | (b) 1886 |
| (c) 1885 | (d) 1882 |

(ii) Which of the following is a type of property ?

- | | |
|------------------|----------------------|
| (a) Movable | (b) Immovable |
| (c) Intellectual | (d) All of the above |

(iii) A property can be transferred by :

- | | |
|-----------------|----------------------|
| (a) Minor | (b) Unsound mind |
| (c) Alien enemy | (d) Partnership firm |

(iv) Vested interest means interest that depends upon :

- | | |
|-------------------------|--------------------------|
| (a) Condition precedent | (b) Condition subsequent |
| (c) Both (a) and (b) | (d) None of the above |

(v) Unborn persons acquires interest in property transferred to him :

- | | |
|-------------------------------------|---------------------------|
| (a) On his birth | (b) At the age of 7 years |
| (c) After attaining 18 years of age | (d) None of the above |

(vi) Doctrine of election conveys that transferee :

- | | |
|------------------------------|------------------------------|
| (a) Must bear the burden | (b) Must not bear the burden |
| (c) Is not related to burden | (d) None of the above |

(vii) Transfer of property without consideration is said to be :

- | | |
|----------|-------------------|
| (a) Sale | (b) Mortgage |
| (c) Gift | (d) Hypothecation |

(viii) The Acquisition of property through testamentary succession is governed by :

- | | |
|------------------------------|---------------------------|
| (a) Hindu Succession Act | (b) Indian Succession Act |
| (c) Transfer of Property Act | (d) The Easement Act |

- (ix) Easement cannot be created by :
- (a) Law
 - (b) Grant
 - (c) Prescription
 - (d) Necessity
- (x) The transfer of property with intent to delay or defeat the creditors is called :
- (a) Unauthorised transfer
 - (b) Fraudulent transfer
 - (c) Ostensible transfer
 - (d) None of the above
- (xi) Transfer of property by way of mortgage is defined under _____ of the T.P. Act.
- (a) Section 58
 - (b) Section 52
 - (c) Section 105
 - (d) Section 14
- (xii) Which of the following transfer is not a transfer of property ?
- (a) Partition
 - (b) Surrender
 - (c) Relinquishment
 - (d) All the above
- (xiii) Following is not a kind of mortgage defined under T.P. Act :
- (a) Simple mortgage
 - (b) Usufructuary mortgage
 - (c) Civil mortgage
 - (d) English mortgage
- (xiv) A charge is the security for the payment of :
- (a) Debt
 - (b) Money
 - (c) Any liability
 - (d) Performance of allegations
- (xv) An easement is said to be :
- (a) A right in re-aliena
 - (b) A right in re-propria
 - (c) A right in rem
 - (d) (a) and (c) only
- 1×10=10

SECTION—B

Note :— Both the questions in this section are compulsory.

2. Answer the following (any **THREE**) :
- (a) What is a Fraudulent Transfer ?
 - (b) What is Doctrine of Election ?
 - (c) What is Onerous Gift ?
 - (d) What are the Rights and Liabilities of Seller ?
- 5×3=15
3. Write short notes on (any **THREE**) :
- (a) Marshalling of Properties
 - (b) Essentials of Valid Gift
 - (c) Universal Donee
 - (d) Lease and its essential.
- 5×3=15

SECTION—C

(Long Answer Questions)

Note :—Answer any **FIVE** questions of the following. Each question carries **8** marks.

4. Explain Sale. State difference between Sale and Exchange.
5. What do you mean by the term transfer of property and discuss the properties which are non-transferable under the T.P. Act ?
6. Explain the doctrine of part performance along with the case laws.
7. State the different modes of acquiring easement.
8. Define lease and state procedure for making lease of immovable property.
9. Define the term easement and its various kinds.
10. Write notes on :
 - (a) What may be transferred ?
 - (b) Operation of transfer.
11. Define Easement. Explain in detail Dominant and Servient Heritage. 8×5=40