

Third Semester LL.B. (Three Years Course) (C.B.S.) Examination**TRANSFER OF PROPERTY****Compulsory Paper—4**

Time : Three Hours]

[Maximum Marks : 80

Note :—(1) All sections are compulsory.(2) Section A carries **10** marks, Section B carries **30** marks and 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 was enacted in the year :

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|----------|----------|
| (a) 1882 | (b) 1883 |
| (c) 1884 | (d) 1885 |

(ii) Under the Transfer of Property Act :

- (a) The salary of the Public Officer can be transferred
 (b) The salary of a Public Officer can not be transferred
 (c) Only the part of the salary can be transferred
 (d) None of the above

(iii) The condition restraining alienation is provided under :

- | | |
|---------------|----------------|
| (a) Section 7 | (b) Section 8 |
| (c) Section 9 | (d) Section 10 |

(iv) The rule against perpetuity is provided under Section :

- | | |
|--------|--------|
| (a) 15 | (b) 16 |
| (c) 14 | (d) 17 |

(v) Directions for accumulation of property is valid only for the period of :

- | | |
|--------------|--------------|
| (a) 18 years | (b) 20 years |
| (c) 22 years | (d) 21 years |

(vi) The transfer by ostensible owner is provided in _____ of Transfer of Property Act.

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|----------------|----------------|
| (a) Section 19 | (b) Section 40 |
| (c) Section 38 | (d) Section 41 |

(vii) Under the provision of Section 9 of the Transfer of Property Act, 1882 the transfer includes which of the following ?

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|-----------------------------------|-------------------------|
| (a) Oral transfer | (b) Written transfer |
| (c) Both (a) and (b) are included | (d) Only (b) is correct |

(viii) Section 53-A deals with :

- | | |
|----------------------|--------------------------|
| (a) Part performance | (b) Conditional transfer |
| (c) Lease | (d) Charge |

- (ix) Revocation of Gift is provided under :
- (a) Section 126 (b) Section 126(b)
 (c) Section 48 (d) Section 52
- (x) A vested interest is not defeated by the death of the transferee before he obtains possession :
- (a) This statement is true (b) This statement is false
 (c) The interest is partly defeated (d) The interest is partly not defeated
- (xi) _____ is required for attestation under the Act.
- (a) 2 or more witnesses (b) 3 or more witnesses
 (c) At least one witness (d) No witness required
- (xii) 'Nemo dat quod non habet' means :
- (a) One cannot transfer what he doesn't possess
 (b) One can transfer others' property
 (c) One can transfer only movable property
 (d) One can transfer every property that he possesses
- (xiii) A seller is stopped from denying the fact that he was not owner at the time of transfer. This doctrine is called :
- (a) Doctrine of part performance
 (b) Doctrine of perpetuity
 (c) Doctrine of feeding the Grant by Estoppel
 (d) Doctrine of estoppel
- (xiv) Section 35 of Transfer of Property Act deals with :
- (a) Doctrine of election (b) Doctrine of estoppel
 (c) Transfer of actionable claim (d) Condition subsequent
- (xv) Second mortgage by the mortgagor is called :
- (a) Puisne mortgage (b) Simple mortgage
 (c) Mortgage by conditional sale (d) Mortgage by deposit of title deed

1×10=10

SECTION—B

Note : Both the questions in this section are compulsory.

2. Write short notes on the following (any **THREE**) :
- (a) Registration of Gifts
 (b) Dominant and Servient Tenements
 (c) Kind of mortgage (any two)
 (d) Fraudulent Transfer. 5×3=15
3. Write short notes on (any **THREE**) :
- (a) Doctrine of part performance
 (b) Exchange
 (c) Ostensible owner
 (d) Vested and contingent interest. 5×3=15

SECTION—C**(Long answer questions)**

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

4. Define the term sale and write in detail the rights and liabilities of parties.
5. What do you mean by the term Transfer of Property and discuss the properties which are non-transferable under the said Act ?
6. What is the Doctrine of Election and discuss its features ?
7. Define Lease and its various kinds. Also write how the lease gets terminated.
8. Define the term easement and its various kinds.
9. Define Gift. Discuss its essential features and kinds.
10. Define Mortgage. What are the Rights and Liabilities of the mortgagor and mortgagee ?
11. Discuss the provisions relating to Doctrine of Lis pendens with the help of Case Laws. 8×5=40