

PARUL UNIVERSITY
FACULTY OF LAW

I- B.A. LLB./ B.B.A. LL.B. Summer 2018 – 19 Examination

Semester: 5

Date: 29/04/2019

Subject Code: 17300304

Time: 10.30 am to 1.00 pm

Subject Name: Transfer of Property

Total Marks: 60

Instructions:

1. All questions are compulsory.
2. Figures to the right indicate full marks.
3. Make suitable assumptions wherever necessary.
4. Start new question on new page.

Q.1 Do as directed.**(15)****[MCQ, True or False, Definitions, Explain terms][1 marks each, All Compulsory]**

1. What is not included in “Immovable Property”?

a. Standing timber, crops, grass	b. House
c. Land	d. All of above
2. Where possession of the property is to be given to the mortgagee, the mortgage is called-

a. Usufructuary mortgage	b. Simple mortgage
c. Anomalous mortgage	d. None of the above
3. Attestation is valid and complete when _____ witnesses sign the instrument.

a. 1	b. 4
c. 3	d. 2
4. Easement apart from the _____ heritage can't be transferred.

a. right of re-entry	b. dominant
c. undominant	d. sale
5. Which doctrine has been involved in the provision regarding condition precedent?

a. Doctrine of Acceleration	b. Doctrine of Cypres
c. Rule against Perpetuity	d. Rule of Perpetuity
6. In a gift, one person voluntarily without _____ transfers his ownership.

a. money	b. property
c. None	d. consideration
7. If transfer made from insolvency, forfeiture or sale in execution of a decree, what it is called as?

a. Transfer by will	b. Transfer by operation of law
c. Transfer by act of parties	d. None of above
8. In transfer of property from below which is movable property?

a. Right of fishery	b. Life time interest in immovable property
c. Grass	d. Right to collect lac from trees
9. When “Transfer of Property Act” was not enacted in India, We have to rely on which law?

a. English Law	b. American Law
c. Islamic Law	d. Greek Law
10. The Transfer of Property Act, 1882 applies to-

a. Movable Property	b. Immovable Property
c. Both (a) and (b)	d. Only to testamentary dealings
11. “Living person” includes a company or association or body of individuals, whether incorporated or not. **True or False**
12. A mere right to sue can be transferred. As per Section 6 (e) of the Transfer of Property Act. **True or False**
13. If person transfer property to another person with condition that property will be reverted to transferor if transferee becomes insolvent, it is invalid condition. **True or False**
14. When transferor place restriction on the enjoyment of property which is transferred to transferee, restriction is treated as clog on property and such restriction is void. **True or False**
15. Prior interest is to be created before transferring property to unborn person. **True or False**

Q.2 A) Write short notes on (Each of three mark) (15)

1. Spes Succession
2. Rule against perpetuity.
3. Right of Redemption and Foreclosure.
4. Doctrine of Lis Pendens
5. Transfer for the benefit of unborn person.

Q.3 A. Explain transfer of property by sale and rights and liabilities of seller and buyer under Transfer of Property Act, 1882. (08)

OR

A. Explain Doctrines Of Fraudulent Transfer & Doctrines of Part Performance? (08)

B. Explain 6 kinds of Mortgage under Transfer of Property Act, 1882. (07)

OR

B. Define Lease and its essential and state rights and liabilities of lessor and lessee under Transfer of Property Act, 1882. (07)

Q.4 A. In a place called wonderland a palace was situated, Kiyara, the owner of the place was living there from generation and was enjoying light and air through defined passage of palace like doors & windows. Now a builder wants to build Mall near palace which is affecting the right to light and air enjoyed by Kiyara for years.

Kiyara seeks legal advice from you for infringement of her right to light and air. (07)

- i. What advice would you give her as her Lawyer?
- ii. Explain Essential characteristics of easement.
- iii. Difference between easement under the English and Indian Laws.

B. Answer the following (Any four, each of two mark)

1. Briefly examine the scope and object of the T.P. Act, 1882.
2. Write note on 'Charge'
3. Write note on 'Gift'
4. Write a note on 'Marshalling'
5. Write note on 'Exchange'
6. Briefly explain apparent and non-apparent easements.

(08)