

PARUL UNIVERSITY**FACULTY OF LAW****B.A. LLB./ B.Com. LL.B./ B.B.A. LL.B. Winter 2018 – 19 Examination****Semester: 5****Date: 29/10/2018****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. The right to foreclosure is available to the mortgagee when it is-

(a) English mortgage	(b) Simple mortgage
(c) Mortgage by conditional sale	(d) Usufructuary mortgage
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. 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
4. Easement apart from the _____ heritage can't be transferred.

(a) right of re-entry	(b) dominant
(c) undominant	(d) sale
5. When two persons mutually transfer the ownership of another, neither thing or both things being money only, the transaction is called _____.

(a) sale	(b) an exchange
(c) gift	(d) None
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. An Easement is imposed on property, that property is called _____.

(a) servient heritage	(b) nonservient heritage
(c) dominant heritage	(d) nondominant heritage

10. As per Transfer of Property Act, living person means _____.
- (a) human Being (b) limited Company
(c) partnership Firm (d) all mention here
11. 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
12. 'Actionable claim' as defined in the Transfer of Property Act, 1882 is a property and transferable.
- (a) True (b) False
13. Property which is not in Existence can be transferred.
- (a) True (b) False
14. Actionable claims are claims to unsecured debts.
- (a) True (b) False
15. Define Actionable Claim.

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

1. Spes Succession
2. Rule against perpetuity.
3. Define any three kind of mortgage
4. Doctrine Of Lis Pendens
5. Gift

Q.3 A. How do you define "easement"? Difference between easement under the English and Indian Laws? What is extent of easements? (08)

OR

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

B. Discuss the concept of "Transfer of property"? What kind of property is not subject matter of transfer under the Transfer of Property Act, 1882? (07)

OR

Define Sale. What are the rights and duties of seller and buyer? (07)

Q.4 A. 'A' the lessor gives 'B' the lessee notice to quit the property leased. The notice expires. 'A' accept the rent tended by 'B' which has become due in respect of the property since the expiration of notice. Is the notice waived? Also discuss the essentials of lease and state how lease differs from license? (07)

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 'Redemption'
 4. Write a note on 'Marshalling'
 5. Write note on 'Exchange'
 6. Briefly explain Apparent and non-apparent easements.
- (08)**