

**PARUL UNIVERSITY****FACULTY OF LAW****B.A. / B.Com. / B.B.A. LL.B. Winter 2019 -20 Examination****Semester: 5****Date: 03/12/2019****Subject Code: 17300304****Time: 2.00 pm to 4.30 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 Multiple choice questions****(15)**

1. A right which the owner or occupier of certain land possesses, as such, for the beneficial enjoyment of that land, to do and continue to do something, or to prevent and continue to prevent something being done, in or upon, or in respect of , certain other land not his own is known as:
 

a. easement	b. spec successionis
c. future transfer	d. lispensis
2. A claim to any debt, other than a debt secured by mortgage of immoveable property or by hypothecation or pledge of moveable property, or to any beneficial interest in moveable property not in the possession, either actual or constructive, of the claimant, which the Civil Courts recognize as affording grounds for relief, whether such debt or beneficial interest be existent, accruing, conditional or contingent is called:
 

a. moveable property	b. actionable claim
c. intellectual property	d. none of the above
3. As per Transfer of Property Act, living person means:
 

a. human being	b. partnership firm
c. company	d. all of the above
4. When two persons mutually transfer the ownership of another, neither thing or both things being money only, the transaction is called:
 

a. sale	b. exchange
c. gift	d. none
5. Which doctrine has been involved in the provision regarding condition precedent?
 

a. Doctrine of Acceleration	b. Doctrine of Cyprus
c. Rule against perpetuity	d. None of them
6. Which of the following is immovable property?
 

a. standing timbre	b. crop
c. grass	d. none of the above
7. Things 'attached to the earth' to consider a property as immoveable property means:
 

a. rooted in the earth, as in the case of trees and shrubs	b. imbedded in the earth, as in the case of walls or buildings
c. attached to what is so imbedded for the permanent beneficial enjoyment of that to which it is attached	d. all of the above
8. Which amongst the following is/are essential elements to determine the competency of a person to transfer the property as per Transfer of property act?
 

a. person should be competent to contract and entitled to transferable property	b. person should be competent to contract and authorized to dispose of transferable property which does not belongs to him
c. both of them are true	d. none of them is true
9. A gives Rs. 500 to B on condition that he shall marry A's daughter C. At the date of the transfer C was dead. In this case:
 

a. this transfer is void	b. this transfer is voidable
c. this transfer is valid	d. this transfer is illegal

10. 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
11. Where possession of the property is to be given to the mortgagee, the  
 a. Simple mortgage  
 b. Anomalous mortgage  
 c. Usufructuary mortgage  
 d. None of the above
12. Which of the following option is true regarding transfer of easement?  
 a. An easement cannot be transferred apart from the dominant heritage  
 b. An easement cannot be transferred apart from the right of re-entry heritage  
 c. An easement cannot be transferred apart from the non-dominant heritage  
 d. An easement cannot be absolutely transferred
13. 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 fruits from the tree
14. 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
15. Under the provisions of the Transfer of Property Act, 1882 an unborn person acquires vested interest on transfer upon his birth, although:  
 a. he may not be entitled to the enjoyment immediately on his birth  
 b. he is entitled after 7 days after his birth  
 c. no such provision is made  
 d. all the options are wrongs

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

1. Briefly examine the scope and object of the T.P. Act, 1882.
2. What is Rule against perpetuity?
3. What is Doctrine of Lis Pendens?
4. What are the differences between moveable and immoveable property?
5. Discuss the effect of Transfer by unauthorized person who subsequently acquires interest in property transferred.

**Q.3 (A) Explain Doctrines of Fraudulent Transfer & Doctrines of Part Performance? (08)**

**OR**

**(A) Which kind of property can be transferred under the Transfer of Property Act? (08)**

**(B) Discuss Doctrine of Election under the Transfer of Property Act. (07)**

**OR**

**(B) 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 ANY FOUR (08)**

1. What is "easement"? Discuss the laws related to transfer of easement.
2. Write note on 'Charge'
3. Write note on 'Redemption'
4. Write a note on 'Marshalling'
5. Write note on 'Exchange'
6. Explain the right to foreclosure in brief.