



BRAINWARE UNIVERSITY
ODD Semester Examinations 2021- 22

Programme – Bachelor of Law - 2020 [LL.B.]

Course Name – Property Law

Course Code – LLB304

(Semester III)

Time allotted : 1 Hour 15 Minutes

Full Marks : 60

(Multiple choice type question)

60 x 1 = 60

Choose the correct alternative from the following

- (I) The Indian Easements Act, 1882 got the assent on _____.
- | | |
|-----------------|-----------------|
| A) 17. 02. 1882 | B) 12. 09. 1882 |
| C) 16. 08. 1880 | D) 19. 07. 1881 |
- (II) _____ is a transfer of ownership in exchange for a price paid or promised or part-paid and part-promised.
- | | |
|-------------|-----------------|
| A) sale | B) gift |
| C) exchange | D) All of these |
- (III) Provision related to “extent of easements” is mentioned under _____ of the Indian Easements Act, 1882.
- | | |
|---------------|---------------|
| A) Section 19 | B) Section 21 |
| C) Section 28 | D) Section 34 |
- (IV) “Lis” means _____.
- | | |
|----------------|------------|
| A) litigation | B) pending |
| C) preparation | D) lease |
- (V) Where there is duty to speak, there _____ amounts to fraud.
- | | |
|--------------------|------------------|
| A) silence | B) speaking loud |
| C) speaking softly | D) none of these |
- (VI) The principle of the doctrine of lis pendens is embodied in _____ of the Transfer of Property Act, 1882.
- | | |
|---------------|---------------|
| A) Section 43 | B) Section 52 |
| C) Section 45 | D) Section 55 |
- (VII) The provision of fraudulent transfer is dealt in:
- | | |
|---|---|
| A) section 49 of the Transfer of Property Act, 1882 | B) section 50 of the Transfer of Property Act, 1882 |
| C) section 51 of the Transfer of Property Act, 1882 | D) section 53 of the Transfer of Property Act, 1882 |
- (VIII) Before the commencement of the Transfer of Property Act, 1882, the transfer of immovable properties in India were governed by the:
- | | |
|---|----------------------------------|
| A) Principles of English law and equity | B) Indian Registration Act, 1908 |
| C) British State of Goods Act, 1880 | D) Indian Contract Act, 1872. |
- (IX) Lis pendens means _____.
- | | |
|------------------------------|----------------------|
| A) Pending litigation | B) Pending dues |
| C) Preparation of litigation | D) Lease preparation |
- (X) “Revocation express or implied” is mentioned under Section _____ of the Indian Easements Act, 1882.
- | | |
|-------|-------|
| A) 60 | B) 61 |
| C) 63 | D) 64 |
- (XI) A right which cannot be acquired by prescription is mentioned under _____ of the Indian Easements Act, 1882.
- | | |
|---------------|---------------|
| A) Section 19 | B) Section 17 |
| C) Section 15 | D) Section 14 |
- (XII) The Indian Easements Act, 1882 is an Act to _____ the law relating to Easements and Licences.

- A) define
C) consolidate
- B) amend
D) Both define and amend
- (XIII) A tenant remaining possession after the determination of the lease is called:
A) Tenant on sufferance
C) Either Tenant on sufferance or Tenant at will, depending whether he retains possession with or without landlord's permission
- B) Tenant at will
D) Both Tenant on sufferance and Tenant at will
- (XIV) The principle of lis pendens embodied in section 52 of the Transfer of Property Act, 1882 pertains to:
A) bona fide purchase
C) auction sale
- B) public policy
D) None of these
- (XV) Under the provisions of the Transfer of Property Act, 1882, "an easement cannot be transferred apart from the dominant heritage."
A) the statement is true
C) the statement is partly true
- B) the statement is false
D) None of these
- (XVI) Section 6 of the Indian Easements Act, 1882, deals with the provision of _____.
A) Easement for limited time or on condition
C) Easement for unlimited time
- B) Easement for unlimited time or on condition
D) Either Easement for unlimited time or on condition or Easement for unlimited time
- (XVII) The law incorporated in Section 43 of the Transfer of Property Act, 1882 is based on the following principle/principles: The principle of ubi justice ibi remedium The common law doctrine of estoppels by deed, and The equitable principle that if a person promises more than he can perform, then he must fulfill the promise when he gets ability to do so.
A) Only I
C) Both II and III
- B) Only III
D) I, II and III
- (XVIII) A right annexed to A's house to prevent B from building on his own land. This is _____ easement.
A) Continuous
C) discontinuous
- B) apparent
D) non- apparent
- (XIX) In how many ways the change in ownership of a property may occur?
A) Voluntary transfer by a person (regulated under the Transfer of Property Act, 1882)
C) Transfer of Property by operation of law (such as the Land Acquisition Act, 1894)
- B) Transfer by way of succession or inheritance (regulated by the personal laws of succession)
D) All of these
- (XX) The term 'sale' in the Transfer of Property Act, 1882 is defined in section:
A) 54
C) 56
- B) 57
D) 53
- (XXI) The doctrine of a clog on the equity of redemption is a rule of justice, equity and good conscience. This was reaffirmed by the Supreme Court in:
A) Kandula Kenkiah v. Donga Pallaya, (1920) 43 Mad 589
C) Murarilal v. Dev Karan, AIR 1965 SC 225
- B) Apte v. Price, AIR 1962 AP 274
D) None of these
- (XXII) Under the Transfer of Property Act, 1882, the term "attested" means:
A) attested by two or more witnesses
C) attested by two witnesses only
- B) attested by one witness only
D) no condition prevails
- (XXIII) The scope of the Transfer of Property Act, 1882 is _____ because it does not apply to all the transfers of property which take place in India.
A) unlimited
C) Both unlimited and limited
- B) limited
D) None of these
- (XXIV) "Pendent lite nihil innovatur" means _____.
A) During pendency of litigation, nothing new should be introduced.
C) During preparation of litigation, no rules and orders should be introduced.
- B) During pendency of litigation, new should be introduced.
D) During preparation of litigation, transfer is debarred.

(XXV) Essential conditions for the application of Section 43 includes: I. Transferor is unauthorized person. II. Transferor is an authorized person. III. Transfer by authorized person need to be made to a judicial person only. IV. Transfer the property on a Sunday only.

- A) Only I
B) Both II and III
C) Only IV
D) Both III and IV

(XXVI) Under the provisions of section 6 of the Transfer of Property Act, 1882:

- A) a right to future maintenance can be transferred
B) a right to future maintenance cannot be transferred
C) no such provision is made in the Act
D) None of these

(XXVII) Section 53 of the Transfer of Property Act, 1882, does not affect to:

- A) movable property
B) immovable property
C) only immovable property is correct
D) None of these

(XXVIII) The Transfer of Property Act, 1882 is not exhaustive because

- A) It does not cover the entire dimension of transfer of property
B) It does not have transfer by sale included in it
C) It does not have transfer by way of gift mentioned in it
D) None of these

(XXIX) Section 52 of the Indian Easements Act, 1882 defines _____.

- A) licence
B) lessor
C) lessee
D) lease

(XXX) "Rule of lis pendens is applicable to suits for specific performance of contracts to transfer only movable property". This statement is:

- A) TRUE
B) FALSE
C) The statement is false because the rule of lis pendens is applicable to suits for space circumstances only.
D) The statement is false because the rule of lis pendens is applicable to suits for specific performance of contracts to transfer immovable property

(XXXI) Under the provisions of section 6 of the Transfer of Property Act, 1882, the chance of an heir-apparent succeeding to an estate, the chance of a relation abstaining a legacy on the death of a kinsman, or any other mere possibility of like nature:

- A) cannot be transferred
B) can be transferred
C) can be transferred subject to certain conditions
D) None of these

(XXXII) The Transfer of Property Act, 1882 commenced from _____.

- A) July 01, 1882
B) August 01, 1882
C) September 01, 1882
D) November 01, 1882

(XXXIII) Which of the following properties can be transferred under the Transfer of Property Act, 1882?

- A) Salary of a public officer
B) Right to sue
C) Both Salary of a public officer and Right to sue
D) Neither Salary of a public officer nor Right to sue

(XXXIV) Act 4 of 1882 is popularly known as the _____.

- A) Indian Property Act, 1882
B) Transfer of Property Act, 1882
C) Transfer of Patent Act, 1882
D) None of these

(XXXV) In case of transfer of property the seller is:

- A) not entitled to rents and profits of the property till the ownership thereof passes to buyer
B) is entitled to rents and profits of the property till the ownership thereof passes to buyer
C) is entitled to rents or other profits
D) None of these

(XXXVI) These are some requisites of an equitable mortgage: (1) a debt (2) a deposit of title deeds (3) an intention that the deeds shall be security for the debt Choose the correct option

- A) only (2) is relevant requisite
B) only (1) is relevant requisite
C) only (3) is relevant requisite
D) all are relevant requisites

(XXXVII) Which of the following is not stated as the responsibility of the buyer, under the provisions of the Transfer of Property Act, 1882?

- A) To pay or tender, at the time and place of completing the sale, the purchase money to the seller or such person as he directs
B) To give right of inspection to seller or to any person authorized by seller after the ownership is transferred till such time as whole payment or tendering of the purchase money is made

- C) Both To pay or tender, at the time and place of completing the sale, the purchase money to the seller or such person as he directs and To give right of inspection to seller or to any person authorized by seller after the ownership is transferred till such time as whole payment or tendering of the purchase money is made
- D) Neither To pay or tender, at the time and place of completing the sale, the purchase money to the seller or such person as he directs nor To give right of inspection to seller or to any person authorized by seller after the ownership is transferred till such time as whole payment or tendering of the purchase money is made

(XXXVIII) Within the meaning of provisions of the Transfer of Property Act, 1882, the immovable property does not include:

- A) only grass
B) only jewellery
C) standing timber, growing crops or grass
D) Both only grass and only jewellery

(XXXIX) A, the owner of a field, grants a licence to B, to use a path across it. A, with intent to revoke the licence, locks a gate across the path. The licence is _____.

- A) granted
B) revoked
C) both granted and revoked
D) Either granted or revoked

(XL) From the following choose the correct option. Who is an ostensible owner?

- A) Mahant
B) Guardian of a minor
C) Benamidar
D) Manager of a Hindu family

(XLI) The doctrine of "lis pendens" is explained in famous case of -

- A) Bellamy v Sabine
B) Musahur Sahu v Hakim Lal
C) Muhammad Shafi v Muhammad Sayed
D) Tulk v Moxhay

(XLII) Expendente lite nihil innovator means

- A) Damage without injury
B) Pending litigation no new thing be introduced
C) Where there is a right there will be some remedy
D) Violation of rule

(XLIII) Under the Transfer of Property Act, 1882, registered pertains to:

- A) registration of property
B) registration of documents
C) registration of parties
D) None of these

(XLIV) The following are some postulates as sine qua non for basing a claim on section 53A of the Transfer of Property Act, 1882: (1) The contract should have been in writing signed by transferor. (2) Transferee should have got possession of the immovable property covered by contract. (3) Transferee should have done some act in furtherance of contract. Choose the correct option.

- A) only (2) and (3) are relevant
B) only (1) and (2) are relevant
C) only (1) and (3) are relevant
D) all (1), (2) and (3) are relevant

(XLV) The term creditor used in section 53 of the Transfer of Property Act, 1882 includes:

- A) subsequent creditors only
B) creditors at the time of assignment only
C) both creditors at the assignment and subsequent creditors
D) None of these

(XLVI) An ostensible owner is one who has all the indicia of ownership without being the _____ owner.

- A) real
B) equal
C) Both real and equal
D) Either real or equal

(XLVII) The Transfer of Property Act, 1882 is the primary legislation that regulates transfer of properties between

- A) Two or more 'living persons' including companies, association of persons or bodies of individuals
B) Two or more 'living persons and non- living' including companies, association of persons or bodies of individuals
C) Two or more 'living persons and non- living' excluding companies, association of persons or bodies of individuals
D) None of these

(XLVIII) The transfer by ostensible owner is provided in _____ of the Transfer of Property Act, 1882:

- A) section 21.
B) section 51.
C) section 11.
D) section 41.

(XLIX) _____ is a very old doctrine and has been operating in the English Common Law.

- A) Landslide deal
B) Lis pendens
C) Century centenary
D) centuria centuri

(L) A, as the owner of a certain house, has a right of way thither over his neighbor B's land for purposes connected with the beneficial enjoyment of the house. This is

- A) An easement
B) Not an easement

C) A charge

D) A gross negligence

(LI) The mortgagor in Indian law is the owner who had parted with some rights of ownership and the rights of redemption is a right which he exercises by virtue of his:

A) pecuniary ownership

B) residuary ownership

C) conditional ownership

D) None of these

(LII) Under the provisions of section 60A of the Transfer of Property Act, 1882, where a mortgagor is entitled to redemption, he may require the mortgagee, instead of re-transferring the property, to assign the mortgage debt and transfer the mortgaged property to such third person as the mortgagor may direct then the mortgagor:

A) is not bound to assign and transfer accordingly

B) is bound to assign and transfer accordingly

C) is bound if the mortgagor assents

D) None of these

(LIII) Provision related to "partition of dominant heritage" is mentioned under _____ of the Indian Easements Act, 1882.

A) Section 16

B) Section 27

C) Section 29

D) Section 30

(LIV) Within the meaning of section 58 of the Transfer of Property Act, 1882 a mortgage is a transfer of an interest in specific immovable property as security for the repayment of a debt:

A) such interest itself is immovable property

B) such interest is not immovable property

C) question of interest does not arise

D) None of these

(LV) _____ (Act 4 of 1882) is not exhaustive.

A) Transfer of Intellectual Property Act, 1882

B) Transfer of Patent Act, 1882

C) Payment of Property Act, 1882

D) Transfer of Property Act, 1882

(LVI) The 'immovable property' has been defined in the General Clauses Act, 1897 to include

A) Land

B) Benefits arising out of land

C) Things attached to the earth or permanently fastened to the things attached to earth

D) All of these

(LVII) When a mortgagee acquires a portion of equity of redemption, the mortgage is not extinguished completely. There can be only a pro tanto extinguishment of the mortgage right to the extent of the mortgagee acquiring the mortgagor's interest and so far as the other sharer of the equity of redemption is concerned, the mortgagee will subsist. This was held in case of:

A) Tamboli Ramanlal Motilal v. Gharchi Chimanlal Keshavlal, AIR 1992 SC 1236

B) Madhavan v. Madhavan, AIR 1994 Ker 75

C) Hathika v. Puthiyapurayil Padmanathan, AIR 1994 Ker 141

D) Satyapal v. Rakayyabai, AIR 1993 Bom 203

(LVIII) Which section of the Indian Easements Act, 1882 deal with acquisition by prescription?

A) Section 19

B) Section 15

C) Section 17

D) Section 12

(LIX) A lessee is not entitled to the right of marshalling under the section:

A) 55 of the Transfer of Property Act, 1882

B) 56 of the Transfer of Property Act, 1882

C) 57 of the Transfer of Property Act, 1882

D) None of these

(LX) Within the meaning of section 54 of the Transfer of Property Act, 1882, the sale does not include:

A) higher purchase transaction

B) auction sale

C) instalment payment system

D) None of these