



BRAINWARE UNIVERSITY
Term End Examination 2020 - 21

Programme – Bachelor of Law

Course Name – Property Law

Course Code - LLB304

Semester / Year - Semester III

Time allotted : 75 Minutes

Full Marks : 60

[The figure in the margin indicates full marks. Candidates are required to give their answers in their own words as far as practicable.]

Group-A

(Multiple Choice Type Question)

1 x 60=60

1. (Answer any Sixty)

(i) The Transfer of Property Act, 1882 is an Act to _____ the law relating to the Transfer of Property by act of parties.

- | | |
|----------|------------|
| a) amend | b) change |
| c) alter | d) connect |

(ii) 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 |

(iii) Immovable property does not include

- | | |
|--------------------|------------------|
| a) Standing timber | b) Growing crops |
| c) grass | d) All of these |

(iv) Section 3 of the Transfer of Property Act, 1882 deals with

- | | |
|--------------------------|-----------------------|
| a) Interpretation clause | b) Intellectual ideas |
| c) Interpleaded clause | d) Commencement date |

(v) As per the Transfer of Property Act, 1882, a material is considered to be attached to earth in the following circumstances

a) If the material is rooted in the earth (such as trees and shrubs) b) If the material is embedded in the earth

c) If the material is attached to what is so embedded for the permanent beneficial enjoyment of that to which it is attached d) All of these

(vi) 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.

(vii) According to Transfer of Property Act, 1882:

a) instrument means a non-testamentary instrument b) instrument means a testamentary instrument
c) instrument means both testamentary and non-testamentary instrument d) None of these

(viii) Under the Transfer of Property Act, 1882, the term “attested” means:

a) attested by two or more witnesses b) attested by one witness only
c) attested by two witnesses only d) no condition prevails

(ix) According to section 5 of the Transfer of Property Act, 1882, living person includes:

a) company or association or body of individuals b) individual human being only
c) only important company or associations d) None of these

(x) Under the provisions of section 6 of the Transfer of Property Act, 1882, “a mere right of re-entry for breach of a condition subsequent cannot be transferred to anyone except the owner of the property affected thereby.”

a) the statement is true b) the statement is false
c) the statement is partly true d) None of these

(xi) According to the provisions of the Transfer of Property Act, 1882, “all interest in property restricted in its enjoyment to the owner personally cannot be transferred by him.”

- a) the statement is true
- b) the statement is false
- c) the statement is partly true
- d) None of these

(xii) Which of the following statements is true regarding definitions given under the Transfer of Property Act, 1882?

- a) Term ‘instrument’ means both testamentary and non- testamentary instrument
- b) Term ‘actionable claims’ include debt secured by mortgage on the residential house
- c) The term ‘attached to earth’ will not means trees and shrubs
- d) The term ‘attested’ means attested by two or more witness

(xiii) Which of the following transfers and conditions will be valid under the Transfer of Property Act, 1882?

- a) A sells the property to B absolutely, with a direction that B cannot sell it without the permission of A
- b) A makes a gift to B with a condition that in case B does not divorce his wife, the property will revert back to A
- c) A gifts the property to his wife with a condition that his wife cannot sell without A’s permission
- d) Property is transferred to A for life, and then to B for life. Both A and B are living at the date of the transfer.

(xiv) Which of the following section of the Transfer of Property Act, 1882 defines “Transfer of Property”?

- a) Section 41 of the Transfer of Property Act, 1882
- b) Section 1 of the Transfer of Property Act, 1882
- c) Section 21 of the Transfer of Property Act, 1882
- d) Section 5 of the Transfer of Property Act, 1882

(xv) The part performance in the transfer of property is provided in:

- a) section 53A of the Transfer of Property Act, 1882
- b) section 53 of the Indian Partnership Act, 1930

c) section 53 of the Indian Registration Act, 1908 d) section 53 of the Specific Relief Act, 1963

(xvi) "Rule of lis pendens is applicable to suits for specific performance of contracts to transfer immovable property". The statement is:

- a) TRUE
- b) FALSE
- c) PARTLY TRUE
- d) None of these

(xvii) 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

(xviii) 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

(xix) 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.

(xx) The doctrine of lis pendens means

- a) pending litigation
- b) unattended litigation
- c) ex parte litigation
- d) part-performance litigation

(xxi) The principle of the doctrine of lis pendens is embodied in Section 52 of the Transfer of Property Act, 1882 is expressed by the maxim

-
- a) Expendente lite nihil innovatur
 - b) Ubi jus ibi remedium
 - c) Res judicata
 - d) Injuria sine damnum

(xxii) 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

(xxiii) 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

(xxiv) “A person, who has no title or interest in an immovable property, cannot transfer that property. If he does so, the transfer is by an unauthorized person.”

- a) The statements are true.
- b) The statements are false.
- c) Both The statements are true and The statements are false
- d) Either The statements are true or The statements are false

(xxv) _____ is a rule of evidence which precludes or debars a person from denying his statement when it goes against him.

- a) Estoppel
- b) Justice
- c) Good faith
- d) Equality

(xxvi) “Pendens” means _____.

- a) litigation
- b) pending
- c) preparation
- d) lease

(xxvii) The doctrine of _____ is expressed in the well-known maxim “pendent lite nihil innovature”.

- a) Locus standi
- b) Lis pendens
- c) certurari
- d) centuria centuri

(xxviii) “The doctrine of lis pendens prohibits the transfer of property pending

litigation.”

- a) The statements are true.
- b) The statements are false.
- c) Both The statements are true and The statements are false
- d) Either The statements are true or The statements are false

(xxix) The basis of lis pendens is _____ rather than actual or constructive notice.

- a) necessary
- b) actual
- c) real
- d) permanent

(xxx) Doctrine of part performance is an _____ doctrine.

- a) actual
- b) essential
- c) equitable
- d) effortless

(xxxi) 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

(xxxii) 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

(xxxiii) 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

(xxxiv) In case of usufructuary mortgage the mortgagee is placed in possession and has a right to enjoy the rents and profits:

- a) until the debt is paid b) till the contract is rescinded
c) only till the contract is rescinded is correct d) None of these

(xxxv) "Mortgage" is defined under _____ of the Transfer of Property Act, 1882.

- a) Section 54 b) Section 56
c) Section 58 d) Section 60

(xxxvi) A lease of immovable property determines under the provisions of the Transfer of Property Act, 1882 when

- a) By implied surrender b) By efflux of time, in case time is not limited thereby
c) When time is limited unconditionally on the happening of some event, till such event happens d) None of these

(xxxvii) A tenant remaining possession after the determination of the lease is called:

- a) Tenant on sufferance b) Tenant at will
c) Either Tenant on sufferance or Tenant at will, depending whether he retains possession with or without landlord's permission d) Both Tenant on sufferance and Tenant at will

(xxxviii) 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

(xxxix) Within the meaning of section 55 of the Transfer of Property Act, 1882, the seller is:

- a) bound to disclose to the buyer any material defect in the property or in seller's title of which the seller is and buyer is not aware and which the buyer could not with ordinary care discover
- b) not bound to disclose anything
- c) only not bound to disclose anything are correct
- d) None of these

(xl) Under the Transfer of Property Act, 1882 the rights and liabilities of buyer and seller are dealt in section:

- a) 43
- b) 53
- c) 67
- d) 55

(xli) Sale is a transfer of ownership in exchange for

- a) A price paid
- b) A price promised to be paid
- c) A price part paid
- d) All of these

(xlii) The Indian Easements Act, 1882 is the Act ____ of 1882.

- a) 3
- b) 5
- c) 7
- d) 9

(xliii) 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

(xliv) The Indian Easements Act, 1882 is an Act to _____ the law relating to Easements and Licences.

- a) define
- b) amend
- c) consolidate
- d) Both define and amend

(xlv) The Indian Easements Act, 1882 is an Act to define and amend the law relating to _____.

- a) easements
- b) licences
- c) charge
- d) Both easements and licences

(xlvi) The word “Easement” is defined under section ____ of the Indian Easements Act, 1882.

- a) 3
- b) 4
- c) 5
- d) 6

(xlvii) According to Section 5 of the Indian Easements Act, 1882, easements are either _____, apparent or non- apparent.

- a) continuous
- b) discontinuous
- c) either continuous and discontinuous
- d) None of these.

(xlviii) A _____ easement is one whose enjoyment is, or may be, continual without the act of man.

- a) continuous
- b) discontinuous
- c) either continuous and discontinuous
- d) None of these.

(xlix) A right of way annexed to A’s house over B’s land. This is _____ easement.

- a) Continuous
- b) apparent
- c) discontinuous
- d) non- apparent

(l) Section 5 of the Indian Easements Act, 1882, deals with the provision of _____ easements.

- a) Continuous or discontinuous
- b) apparent or non- apparent
- c) either Continuous or discontinuous or
- d) both Continuous or discontinuous and

apparent or non- apparent

apparent or non- apparent

(li) Section 9 of the Indian Easements Act, 1882, deals with the provision of _____.

- a) Ostensible owners
- b) Permanent owner
- c) Real owner
- d) Servient owners

(lii) _____ of the Indian Easements Act, 1882, deals with the provision of lessor and mortgagor.

- a) Section 9
- b) Section 10
- c) Section 11
- d) Section 12

(liii) _____ of the Indian Easements Act, 1882, deals with the provision of lessee.

- a) Section 19
- b) Section 11
- c) Section 14
- d) Section 12

(liv) 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

(lv) 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

(lvi) 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

(lvii) 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

(lviii) Where there is duty to speak, there _____ amounts to fraud.

- a) silence
- b) speaking loud
- c) speaking softly
- d) none of these

(lix) A, the owner of a field grants a licence to B to stack hay on the field. A lets or sells the field to C. the licence is _____.

- a) granted
- b) revoked
- c) both granted and revoked
- d) Either granted or revoked

(lx) Section 62 of the Indian Easements Act, 1882 deals with _____.

- a) Licence when deemed revoked
- b) Definition of licence
- c) Grant of licence
- d) None of these