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## BRAINWARE UNIVERSITY

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398, Ramkrishnapur Road, Barasat  
Kolkata, West Bengal-700125

Term End Examination 2025-2026

Programme – LL.B.-2021/LL.B.-2022/LL.B.-2023/LL.B.-2024

Course Name – Property Law

Course Code - LLB304

( Semester III )

Full Marks : 60

Time : 2:30 Hours

[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 15=15

1. Choose the correct alternative from the following :

- (i) Select the person who is not eligible to transfer property under the Transfer of Property Act, 1882.
- a) A person at least eighteen years of age and sound mind      b) A juristic person
- c) A person who is intoxicated      d) A person who is dead.
- (ii) Choose from the following a principle that does not govern the Transfer of Property Act, 1882.
- a) Justice      b) Equity
- c) Good Conscience      d) Equality
- (iii) Select the following as an example of a benefit arising out of land: Right to collect rent.
- a) Movable property      b) Immovable property
- c) Both movable and immovable property      d) None of these
- (iv) Select the correct definition of transfer of property according to the Transfer of Property Act 1882.
- a) An act by which a living person conveys property, in present or in future to one or more other living persons or to himself and one or more other living persons.      b) The process of handing over property from one person to another.
- c) The act of changing the ownership of property.      d) All of these
- (v) Which of the following is an essential element of a transfer of property?
- a) The transferor must be a living person.      b) The transferee must be a living person.
- c) The property must be in existence.      d) All of these.
- (vi) Select a characteristic of vested interest.

- a) Can be defeated by the death of the transferee.  
 b) Creates a present and immediate right.  
 c) Is subject to the fulfillment of certain conditions.  
 d) Cannot be transferred or inherited.
- (vii) Select the section of the Transfer of Property Act, 1882, where the Doctrine of Election is mentioned.  
 a) Section 35  
 b) Section 180  
 c) Section 21  
 d) Section 190
- (viii) Choose the purpose of a mortgage.  
 a) Securing a loan  
 b) Liquidating prior debts  
 c) Purchasing a property  
 d) Saving for retirement
- (ix) When a charge can be created by the operation of law?  
 a) When parties enter into an agreement  
 b) When there's no clear intention to create a charge  
 c) When the law enforces parties to comply with obligations  
 d) When there is a transfer of property rights
- (x) Select the definition of sale according to the Transfer of Property Act.  
 a) A transfer of ownership for something other than money  
 b) A transfer of ownership for money consideration  
 c) A contract for the sale of goods  
 d) A transfer of ownership of intangible property
- (xi) When the lessee can transfer the property or part of his interest through sub-leasing or mortgaging?  
 a) Anytime during the lease  
 b) Only after the lease term  
 c) Only with lessor's consent  
 d) Never
- (xii) Select the essential element of a valid gift according to the Transfer of Property Act.  
 a) Transfer with consideration  
 b) Voluntary transfer with free consent  
 c) Involuntary transfer  
 d) Transfer without donor's consent
- (xiii) Which type of easement is the most common?  
 a) Appurtenant  
 b) Negative  
 c) Positive  
 d) Continuous
- (xiv) What does easement of necessity mean?  
 a) An essential easement  
 b) An indispensable easement  
 c) An easement by grant  
 d) A necessary right of way
- (xv) What type of right is an easement?  
 a) Proprietary  
 b) Personal  
 c) Real  
 d) Intellectual

### Group-B

(Short Answer Type Questions)

3 x 5=15

2. Explain the term "spes-successionis". Can it be transferred? (3)
3. Illustrate the differences between a Sale and a Contract for Sale in terms of legal implications. (3)
4. Discuss the essential elements of a valid gift according to the Transfer of Property Act, 1882. (3)
5. Apply the provisions of the Transfer of Property Act to decide the following: a. A has shares in X, a prosperous joint stock company, and also shares in Y, a joint stock company, in difficulties. Heavy calls are expected in respect of the shares in Y. A gives B all his shares in joint stock companies. B refuses to accept the shares in Y. Can he do so? b. A, the lessor, gives B, the lessee, notice to quit the property leased. The notice expires, and B remains in possession. A gives to B as lessee a second notice to quit. What is the status of the first notice? c. A gives a

lakh of rupees to B, reserving to himself, with B's assent, the right to take back at pleasure Rs. 10,000 out of the lakh. Is the gift valid?

6. Explain the essentials of a lease according to the Transfer of Property Act, 1882. (3)

**OR**

Compare the rights and liabilities of the lessor and lessee according to the Transfer of Property Act, 1882. (3)

**Group-C**

(Long Answer Type Questions)

5 x 6=30

7. Explain the concept of a universal donee in the context of gifts under the Transfer of Property Act. Discuss the legal implications and liabilities associated with being a universal donee. (5)
8. Apply your knowledge to justify the proposition that a transfer can be made in favor of an unborn person and if so under what circumstances and with what restrictions? (5)
9. Explain the concept of ostensible ownership and how it facilitates benami transactions in India. (5)
10. a. A is the owner of three pieces of land, X, Y and Z. He gifts these three properties by the same document to B, C and D respectively. B and C do not accept the gift but D gives his acceptance. Is the gift valid. Answer with reference to suitable provisions. b. A, owned the property X, and the other, B owned property Y. Since X was more valuable than Y, when A exchanged X for Y, B paid an additional sum of one lakh rupees towards equalisation money. Identify whether it is an exchange or sale with reasons. c. A deed of exchange was executed to compromise criminal proceedings between two parties. Identify the validity of the exchange. (5)
11. Analyse and answer: a. Bobby who is the owner of a house, transfer it for consideration to Rahul. In the transfer deed Bobby puts condition that Rahul would not sell it to anyone, but would keep the possession of the property to himself. Rahul agrees to abide by his condition and pays consideration. After the title passes and the property vests in Rahul. Rahul sells it to Mr. Bajaj. Bobby files a suit claiming possession of the property on the ground that Rahul has committed a breach of a condition of the contract and therefore the sale in favour of Mr. Bajaj is void. Will he succeed? Discuss in the right of provisions of the Transfer of Property Act, 1882. b. A transfers his house to B for life then to C for life and after C's death to such of his sons as shall first attain the age of 21 years and in the absence of his sons to X absolutely, C dies issueless and X claims the property. Would he be successful? Decide. (5)
12. Compare and distinguish between a simple mortgage and an English mortgage, highlighting their legal implications and differences in repayment mechanisms. (5)

**OR**

Compare simple mortgage and mortgage by conditional sale. (5)

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