



## BRAINWARE UNIVERSITY

**Term End Examination 2023**

**Programme – BBA LL.B.-2020**

**Course Name – Property Law**

**Course Code - BBALLB604**

**( Semester VI )**

**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 meaning of the term Transfer of property

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; and “to transfer property” is to perform such act.

b)

An act by which a living person conveys property, to one or more other living persons.

c) An act by which a living person conveys property, to one or more other living persons, or to himself and one or more other living persons; and “to transfer property” is to perform such act..

d)

An act by which a living person conveys property, in present or in future, to one or more other living persons.

(ii) Choose the correct meaning of vested interest as defined in Section 19 of the Transfer of Property Act, 1882?

a) Vested interest is an interest in a property received through inheritance

b) Vested interest is an interest where time is not specified or a condition of the happening of a specified certain event

c) Vested interest is an interest where possession is immediately transferred

d) Vested interest is an interest created in favour of multiple people

(iii) Identify the correct answer on transferability of property under Transfer of Property Act

a)

A mere right to sue can be transferred.

b) Property of any kind may be transferred, except as otherwise provided by this Act or by any other law for the time being in force.

c) An easement be transferred apart from the dominant heritage.

d) A public office can be transferred, nor can the salary of a public officer, whether before or after it has become payable.

- (iv) Predict the consequences, if property is transferred subject to a condition or limitation absolutely restraining the transferee or any person claiming under him from parting with or disposing of his interest in the property, the condition or limitation is:
- Illegal
  - Void
  - Bad
  - Voidable
- (v) Select the correct option in cases where the terms of a transfer of property impose a condition to be fulfilled before a person can take an interest in the property, the condition shall be deemed to have been fulfilled:
- If it has been substantially complied with.
  - If it has been partly complied with.
  - If it has been perfectly complied with.
  - If it has been absolutely complied with.
- (vi) Complete the statement selecting correct option: the transfer of an actionable claim may be:
- With consideration
  - Without consideration
  - Either with or without consideration
  - None of the above
- (vii) Choose the option to identify the validity of a notice by the landlord to the tenant asking him to vacate the premises without specifying that the tenancy has been terminated
- valid under the provisions of the Transfer of the Property Act, 1882
  - invalid under the provisions of the Transfer of the Property Act, 1882
  - May be valid under the provisions of the Transfer of the Property Act, 1882 depending on the content of the notice
  - May be valid under the provisions of the Transfer of the Property Act, 1882 depending on the intention of the landlord
- (viii) Locate the correct option:
- The Transfer of Property Act, 1882, extends in first instance to the whole of India except territories which, immediately before 1st November, 1956 were comprised in Part B States or in State of Bombay, Punjab and Delhi
  - The Transfer of Property Act, 1882, extends in first instance to the whole of India except territories which immediately before 1st November, 1956, were comprised in Part B State or in States of Bombay, Bihar and West Bengal
  - The Transfer of Property Act, 1882 extends in first instance to the whole of India except the territories which immediately before 1st November, 1956, were comprised in Part B States of Madras, West Bengal and Manipur
  - The Transfer of Property Act, 1882 extends in first instance to the whole of India except the territories which immediately before 1st November, 1956 were comprised in Part B States of Assam, Manipur and Tripura.
- (ix) Predict that the chapters and sections of the Transfer of Property Act, 1882, which relate to contracts shall be part of:
- Indian Registration Act, 1908
  - Sale of Goods Act, 1930
  - General Clauses Act, 1897
  - Indian Contract Act, 1872
- (x) Indicate that according to section 5 of the Transfer of Property Act, 1882, living person includes:
- company or association or body of individuals
  - individual human being only
  - only important company or associations
  - none of these
- (xi) Identify the correct option: under 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 any one except the owner of the property affected thereby
- the statement is true
  - the statement is false
  - the statement is partly true
  - none of these
- (xii) Choose from the following the first requirement for a fraudulent transfer of immovable property.
- Third-party validation
  - Fraudulent or erroneous representation by the transferor with no or imperfect title

- c) Proper documentation from the transferor      d) Mutual understanding between transferor and transferee
- (xiii) Identify the option to complete the sentence: principle of lis pendens embodies in section 52 of the Transfer of Property Act, 1882 pertains to.
- a) Bona fide purchase      b) Public policy  
c) Auction sale      d) None of these
- (xiv) Trace correct answer: 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
- (xv) Indicate that under the transfer property at 1882 the condition restraining alienation is provided in
- a) section 9      b) section 10  
c) section 11      d) section 12

### Group-B

(Short Answer Type Questions)

3 x 5=15

2. Explain the purpose of a condition restraining alienation under the Transfer of Property Act 1882? (3)
3. Explain Universal Donee (3)
4. Examine the legal provisions for the renewal and termination of a lease agreement under the Transfer of Property Act 1882. (3)
5. Define the term notice and constructive notice (3)
6. Compare and contrast the legal position of an unborn person and a living person with respect to the transfer of property under the Transfer of Property Act 1882. (3)

OR

Analyze the significance of Section 14 of the Transfer of Property Act 1882 in determining the validity of a transfer of property to an unborn person. (3)

### Group-C

(Long Answer Type Questions)

5 x 6=30

7. Enumerate the exceptions to the rule against transfer of property to unborn persons as prescribed in Section 14 of the Transfer of Property Act 1882. (5)
8. Explain the concept of estoppel under section 43 of the Transfer of Property Act 1882. (5)
9. Explain the concept of the doctrine of election under section 35 of the Transfer of Property Act 1882. (5)
10. Analyse the significance of understanding vested and contingent interests under Section 19 and 21 of the Transfer of Property Act 1882 (5)
11. Interpret the term Benami transaction. Explain it according to the statutory provision under Transfer of Property Act, 1882. (5)
12. Argue in favour of the acceptance of a gift as defined under Transfer of Property Act 1882. (5)

OR

Evaluate the concept of passive equity incorporated under the doctrine of Part performance with case law. (5)

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