



BRAINWARE UNIVERSITY

Term End Examination 2023-2024

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) Complete the sentence: Under 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
- (ii) Indicate that the provision of Vested interest is provided in
 - a) Section 18 of the Transfer of Property Act
 - b) Section 19 of the transfer Property Act
 - c) section 20 of the transfer Property Act
 - d) section 21 of the transfer Property Act
- (iii) Choose the option about Section 52 of the Transfer of Property Act 1882 which does not affect to
 - a) post transfer rights
 - b) pre-existing rights
 - c) instant rights
 - d) Pecuniary rights
- (iv) Identify the main object of the rule against perpetuity.
 - a) To tie up property for an indefinite period
 - b) To ensure that property is circulated freely and actively
 - c) To improve the property itself
 - d) To prevent property from circulating in society
- (v) Indicate the section of the Transfer of Property Act that contains the provision on rule against perpetuity.
 - a) Section 16
 - b) Section 11
 - c) Section 19
 - d) Section 14
- (vi) Recall the meaning of contingent interest.
 - a) An interest created on a condition of the happening of a specified uncertain event
 - b) An interest immediately given on transfer of property

- c) An interest created without any conditions d) An interest on a property owned by someone else
- (vii) Identify the principle behind the Doctrine of Election.
- a) Justice b) Equality
c) Liberty d) Equity
- (viii) Identify from the following options who cannot become the ostensible owner of a property.
- a) Apparent owners b) Fiduciaries
c) Real owners d) Guardians of minors
- (ix) Choose the necessary condition that will make transfer of property under the capacity of an ostensible owner valid.
- a) If the property is owned by a family member b) If the conditions mentioned in section 41 are fulfilled and there are evidences to consider a person as an ostensible owner of such property
c) If the property is sold at a fair price d) If the purchaser has good faith only
- (x) Choose the principle that is embodied in Section 43 of TPA, 1882.
- a) Arbitration b) Estoppel
c) Damages d) Adverse possession
- (xi) Identify the essential condition for a transferee to claim relief under section 43 of TPA
- a) That the transferor acted bona fide b) That the representation of the transferor was true
c) That they were misled and acted on the representation of the transferor d) That the subsequent acquisition was by sale only
- (xii) Locate the section of TPA, 1882 that safeguards the rights of the second transferee.
- a) Section 62 b) Section 10
c) Section 43 d) Section 76
- (xiii) Choose the correct option as to what does the doctrine of Lis Pendens prevent litigants from doing:
- a) Appealing a court decision b) Transferring or disposing of disputed property
c) Filing a lawsuit in a different jurisdiction d) Processing property-related paperwork without notifying the court
- (xiv) Name the property that is considered immovable property as per the Transfer of Property Act.
- a) Growing Crops b) Grass
c) Standing Timber d) Land
- (xv) Choose the right option as to what does the right of part performance allow a person to do.
- a) Abandon the contract altogether b) Have possession over the property or be in partial use of it
c) Give the property away for free d) Sell the property to a third party

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Explain the scope of Section 13 of the Transfer of Property Act 1882 with respect to unborn persons. (3)
3. Explain the rights and duties of the lessor and the lessee in a lease agreement. (3)
4. Explain the conditions that need to be fulfilled for an interest to be considered as contingent. (3)
5. Define the term attested under the Transfer of Property Act 1882. (3)

6. Evaluate the concept of subleasing and its legal implications under the Transfer of Property Act 1882. (3)

OR

Assess the legal remedies available to a lessor in case of a breach of lease agreement by the lessee under the Transfer of Property Act 1882. (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Enumerate the conditions necessary for the application of the doctrine of election under section 35 of the Transfer of Property Act 1882. (5)
8. Identify the rights and liabilities of an ostensible owner under section 41 of the Transfer of Property Act 1882 (5)
9. Explain the procedure for transferring a leasehold property under the Transfer of Property Act 1882. (5)
10. Assess the restrictions on the transfer of property to unborn persons as imposed by Section 14 of the Transfer of Property Act 1882. (5)
11. Evaluate the impact of recent judicial pronouncements on the interpretation and application of section 52 of the Transfer of Property Act 1882 (5)
12. Analyse the significance of understanding vested and contingent interests under Section 19 and 21 of the Transfer of Property Act 1882 (5)

OR

Analyze the implications of the doctrine of election on the rights of the parties involved in a transaction. (5)
