



‘समानो मन्त्रः समितिः समानी’

UNIVERSITY OF NORTH BENGAL

LL.B. (3 yr.) 5th Semester Examination, 2021

LAW OF PROPERTY

PAPER CODE: CC18

Time Allotted: 3 Hours

Full Marks: 100

The figures in the margin indicate full marks.

The students are advised to follow the word limit mentioned below strictly while answering questions.

The marks will be deducted if answers exceed word limit.

16-20 marks- 400 words / 10-15 marks- 300 words / 6-9 marks- 200 words / 2-5 marks- 100 words

Answer Question No. 7 and any four questions from the rest

1. (a) Elucidate the objectives and scope of the Transfer of Property Act, 1882. 4
(b) Define the term “immovable property” and “transfer of property”. 4+4
(c) Enumerate the kinds of property which cannot be transferred under the Transfer of Property Act, 1882. 8
2. (a) Transfer of Property Act, 1882 applies to transfer inter vivos. But transfer for the benefit of an unborn person is an exception to this rule. — Explain with the help of relevant provision. 10
(b) “Nothing new can be created be introduced in pending litigation”. — Analyze the relevant provision relating to above mentioned principle as provided in Transfer of Property Act, 1882. 10
3. (a) Define Sale. Explain the essential elements of a valid sale. 8
(b) Explain the rights and duties of the seller and buyer before and after sale. 12
4. (a) Mr. Andy has shares in two companies which he gifted to Mr. Richard. One of the companies is prosperous and other in running in loss. In this case can Mr. Richard accept the gift of share of prosperous company and refuse to accept the share of company running in loss? — Give your answer in the light of the provisions of Transfer of Property Act, 1882. 5
(b) Explain the provisions relating to exchange as provided under Transfer of Property Act. 5

- (c) Elucidate the meaning and essentials of valid Gift. What are the circumstances on which gift can be suspended or revoked under the Transfer of Property Act, 1882? 6+4
5. (a) Define Mortgage. Explain various kinds of mortgage. 10
- (b) Explain the 'right of redemption of mortgagor' and 'right to fore closure or sale of mortgagee'. 10
6. (a) Differentiate between any *two*: 3+3
- (i) Lease and Licence
- (ii) Gift and Exchange
- (iii) Vested and Contingent Interest.
- (b) Define the term 'easement'. Discuss essential features of easement. 6
- (c) Elucidate the 'Doctrine of Part Performance'. 8
7. Short notes on any *four*: 5×4 = 20
- (a) Rule against perpetuity
- (b) Doctrine of subrogation
- (c) Clog on redemption
- (d) Doctrine of election
- (e) Condition restraining alienation
- (f) Actual and Constructive Notice.

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