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3 SEM LLB(N) LoPR 1

2013

(December)

LAW OF PROPERTY

Paper : 301

(Property Law including Transfer of Property Act & Easement Act)

Full Marks – 80

Pass Marks – 32

Time – Three hours

The figures in the margin indicate full marks for the questions.

Answer question No. 1 and any *four* from the rest.

1. Write short notes on any *five* : $4 \times 5 = 20$

(a) Surrender

(b) Release

(c) Attached to earth

(d) Once a mortgage always a subrogation

- (e) Forfeitures of shares
- (f) Special resolution
- (g) Clog on redemption
- (h) Doctrine of part performance.

2. (a) Define and explain the term, immovable property. 7

(b) State whether followings are immovable properties. (Give reasons). 8

(i) Royalty

(ii) Doors in a house

(iii) Right to catch fish.

3. ✓ (a) "He, who accepts a benefit under an instrument must adopt the whole of it". – Comment. 7

✓ (b) Discuss the statement the foundation of the Doctrine of Election "no one can approbate and reprobate at the same time." 8

4. (a) What is a contract for sale of immovable property ? Distinguish between a 'sale' and a 'contract for sale'. $3\frac{1}{2}+3\frac{1}{2}=7$

(b) How is gift defined ? What are the essentials of a valid gift ? 4+4=8

5. (a) What is the nature and character of the property dealt with in the Transfer of Property Act ? Would the following properties come within the scope and purview of the Act ? 5+5=10

(i) A turn of worship

(ii) A mortgage debt

(iii) Standing timber

(iv) An electric ceiling fan in a home

(v) Equity of redemption.

(b) Distinguish between 'a right to sue' and 'an actionable claim'. 5

6. (a) Explain fully the doctrine of 'Clog on redemption' and state the basis of the doctrine. 9

✓ (b) Discuss the law relating to the fraudulent transfer with reference to the provision of Sec 53 of the T. P. Act. 6

7. (a) State in brief the rights and liabilities of the seller and buyer of an immovable property before and after the completion of a sale. 8
- (b) Define 'exchange'. What are its essentials ? Discuss fully. 7
8. State the fact and laid down in the following case : 15

Niranjan Choudhury

Vs.

Smti Lakhi Singh Devi

and others.

1983, GIR. 166.