

Total number of printed pages-4

19 (IV) PRLW 4-3

2017

PROPERTY LAW

Paper : 4-3

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate words :
1×10=10
- (i) The Transfer of Property Act, 1882 came into force on ____ 1882.
(First day of June/First day of July)
- (ii) ____ is immovable property.
(Standing Timber /Right of Fishery)
- (iii) An easement cannot be transferred apart from the _____. (dominant heritage/servient heritage)
- (iv) Section 7 of the Transfer of Property Act, 1882 deals with _____.
(Person competent to Transfer/Oral Transfer)

(v) In section 41 of the Transfer of Property Act, 1882 the estoppel works against the _____. (real owner/unauthorised transferor)

(vi) Section 51 of the Transfer of Property Act, 1882 gives relief to a transferee who makes _____ of immovable property in good faith on the land held by him and is being evicted subsequently by a person having better title.

(payment of rent/improvement)

(vii) Sale of tangible immovable property of value of one hundred rupees and upwards can be made by _____. (delivery of the property/registered instrument)

(viii) Discharge of incumbrances on sale is dealt under section _____ of the Transfer of Property Act, 1882. (56/57)

(ix) Mortgage is the transfer of _____ immovable property. (an interest in specific/a liability in general)

(x) Exchange is a transfer of ownership in _____ property. (existing/future)

2. Write short notes on : $2 \times 5 = 10$

(i) Vested Interest

(ii) Doctrine of Election

(iii) Doctrine of Part Performance

(iv) Marshalling by Subsequent Purchaser

(v) Universal Donee.

3. Transferability of Property is the general rule, its non-transferability is an exception. — Explain the above statement with decided case laws and illustrations. 12

Or

'X' sells his flat to 'Y' with a condition that 'Y' cannot transfer the flat to anyone except 'P'. Decide and discuss the law governing this case. Mention the exceptions to the law governing the above mentioned case.

8+4=12

4. What is 'Transfer of Property' as per section 5 of the Transfer of Property Act, 1882? Briefly explain the concept of Constructive Notice in the light of decided case laws and illustrations. 5+7=12

Or

Explain the following with illustrations :

4×3=12

(a) Contingent Interest

(b) Actionable Claims

(c) Immovable Property.

5. Discuss the law relating to Fraudulent transfer with exceptions and illustrations. 12

Or

Explain the doctrine of *Lis Pendens* with illustrations and case laws. 12

6. Explain the essentials of a valid sale. Enumerate the rights and liabilities of a seller before and after sale? 4+8=12

Or

Define 'sales' and 'Contract of sale'. What are the rights and liabilities of buyer before and after sale? 2+2+8=12

7. Define Gift. What are the essentials of a gift? How can a gift be suspended or revoked? Support your answer with illustrations. 2+5+5=12

Or

Discuss the rights and liabilities of lessee. Explain *four* situations which may lead to determination of leases. 8+4=12

Total number of printed pages-4

19 (IV) PRLW 4.3

2018

PROPERTY LAW

Paper : 4.3

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks : 1×10=10
- (a) Absolute Restraint on alienation of Property is _____.
(valid/voidable/void)
- (b) A transfer of property may be made without writing in every case in which a writing is not expressly required by law is regarded as _____.
(voluntary transfer/oral transfer)
- (c) The concept of pending completion is given under section _____ of Transfer of Property Act, 1882.
[55 1(e)/55 1(f)/55 1(g)/55 (2)]

Contd.

- (d) Seller has right of change under section _____ of Transfer of Property Act, 1882. [55(4)(b)/55(4)(c)/55(4)(d)]
- (e) Transfer of Property is defined under section _____ of Transfer of Property Act, 1882. (3/5/4)
- (f) *Spes successionis* means _____.
(Change of succession/Desire of succession)
- (g) Champerty is a species of _____.
(Maintenance/Succession)
- (h) Direction for accumulation is given under section _____ of Transfer of Property Act. (15/16/17/18)
- (i) Section _____ does not apply to gifts and bequests under Transfer of Property Act. (45/46/47)
- (j) A mere right to sue _____ transferred under Transfer of Property Act.
(can be/cannot be)

2. Write short notes on : 2×5=10

- (a) Easement
- (b) Restricted owner
- (c) Doctrine of holding out
- (d) Subrogation
- (e) Marshalling.

3. Define 'Sale' under Transfer of Property Act, 1882. Discuss the various essentials of a valid sale. 4+8=12

Or

Explain the rights and duties of Buyer and Seller before and after sale as under Transfer of Property Act, 1882. 6+6=12

4. What is Mortgage ? What are the different modes for completion of Mortgage ? Write in detail the various types of Mortgage. 3+3+6=12

Or

"Once a Mortgage always a Mortgage". Analyze the above statement. Examine critically the various rights and liabilities of Mortgagor. 6+6=12

5. Distinguish between the following : 6+6=12
- (a) Vested Interest and Contingent Interest
- (b) Premium and Rent.

Or

What are the requisites of a Valid Lease ?
Explain the rights and liabilities of Lessor
and Lessee of a Valid Lease. 6+6=12

6. What is Conditional Transfer ? What are the kinds of conditional transfer ? What are the differences between all kinds of conditional transfer ? 2+4+6=12

Or

Discuss the doctrine of *lis pendens* and part-performance. 6+6=12

7. How exchange is defined under Transfer of Property Act, 1882 ? What are the requisites of a valid exchange ? Write the rights and liabilities of parties in an exchange. 2+4+6=12

Or

What are the essentials of a valid gift ? How a gift can be revoked ? 6+6=12

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19 (IV) PRLW

2019

PROPERTY LAW

Paper : 4-3

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks : 1×10=10

(a) A right to sue for damages is _____
(an actionable claim/not an actionable claim)

(b) _____ is included in immovable property. (Grass/Growing crops/Right of easement)

(c) *Lis Pendens* is given under section _____ of TPA. (49/50/51/52)

(d) Section 91 of TPA 1882 provides _____ (cessation of interest/subrogation/person who may sue for redemption)

Contd.

- (e) _____ is not a type of mortgage.
(Simple/Mortgage by conditional sale/
Mortgage by absolute sale)
- (f) Kinds of subrogation are _____.
(Legal subrogation and conventional
subrogation/Moral and Immoral
subrogation)
- (g) _____ is included in attached to
earth. (Doors/Shutters/Windows/All of
these)
- (h) A sells his house to B with a condition
that B cannot transfer his house to
any one except C, the condition is
_____. (Voidable/Valid/Void/Illegal)
- (i) _____ is not competent to transfer
the property? (A minor/Pardanashin
lady/Unsound mind person/All of
these)
- (j) In case of gift, the donee dies before
acceptance then _____. (Gift is valid/
Gift is void/Court has to decide)

2. Write short notes on : _____ 2×5=10

(a) Partial Restraint on alienation

(b) Champerty

- (c) Instrument
- (d) Constructive notice
- (e) Attached to earth.

3. Discuss the doctrine of election with its
scope. When election is necessary?

8+4=12

Or

Write notes on :

6+6=12

- (a) Fraudulent transfer
- (b) Doctrine of part performance.

4. How sale is defined under TP Act, 1882?
Discuss the modes of transfer by way of
sale. Narrate to right and liabilities of parties
before completion of sale.

4+4+4=12

Or

What are the essentials of a valid sale under
TP Act, 1882? Write the difference between
Nominal and Real sale.

8+4=12

5. Distinguish between : _____ 6+6=12

(a) English Mortgage and Simple Mortgage

(b) Mortgage and Charge.

Or

Write notes on :

6+6=12

(a) Clog on redemption

(b) Right of foreclosure.

6. Distinguish between :

6+6=12

(a) Lease and License

(b) Joint Tenant and Tenants-in-common.

Or

Discuss the rights and duties of Lessor and Lessee. How a Lease can be determined ?

8+4=12

7. Define Exchange. Distinguish between sale and exchange. What are the essentials of a valid exchange ?

4+4+4=12

Or

How a gift can be suspended ? Describe the types and essentials of gift.

4+8=12

Total number of printed pages-7

19 (IV) PRLW

2021

PROPERTY LAW

Full Marks : 80

Time : Three hours

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

1. Fill in the gaps : 1×10=10
 - (i) Section 53-A was included in the Transfer of Property Act by the Amending Act of _____. (1937/1929)
 - (ii) Restraint on alienation is absolute if it _____ takes away or curtails the rights of disposal. (totally/partially)
 - (iii) The condition restraining alienation is provided in _____ of the Transfer of Property Act, 1882.
(Section 10/Section 9)

Contd.

- (iv) 'A' transfers Rs. 5000 to his sister 'B' on condition that 'B' will desert her husband. The transfer is _____.
(void/voidable)
- (v) Lessee _____ to maintain action against any trespasser.
(is entitled/is not entitled)
- (vi) Before the commencement of the Transfer of Property Act, 1882, the transfer of immovable properties in India were governed by the _____.
(Principles of English law and equity/
Indian Registration Act, 1908)
- (vii) In the Transfer of Property Act, 1882, Sections 38 to 53 apply to _____.
(immovable/property/both immovable
and movable property)
- (viii) Transfer of actionable claims, whether with or consideration, must be made by _____.
(an instrument in writing/
oral assignment)
- (ix) In Bengal, usufructuary mortgage is known by the name of _____.
(Bhog Bandhak/Bhoga Bandhaki)
- (x) 'X' makes a gift of his property to the eldest child of 'Y' who is unmarried, the gift is valid.
(True/False)

2. Answer the following : 2×5=10

- (i) Is registration necessary for a gift to an idol ?
- (ii) 'A' sells a commodity 'B' without disclosing the defect. Does this non-disclosure of defect amounts to fraud ? Explain.
- (iii) What is constructive notice ?
- (iv) Address the key difference between gift and exchange.
- (v) A registered letter was sent by landlord 'A' to his tenant 'B'. 'B' refuses to take delivery of the letter. Does 'B' have constructive notice ? If yes, explain.

3. Who can attest ? Discuss the object and essentials of a valid attestation.

3+3+6=12

Or

(i) Discuss the meaning and nature of contingent interest with illustration.

6

(ii) Address the difference between contingent interest and *spes successionis*.

6

4. Who is competent to transfer a property under the Transfer of Property Act, 1882? Discuss the modes of transfer of property. 4+8=12

Or

X made a gift of her properties to her nephew's daughter Y for life and then absolutely to Y's male descendants, if she should have any. But, in the absence of any male child of Y, to Y's daughter without power of alienation and, if Y has no descendants male or female then to Y's nephew. Y died issueless. Decide the case through relevant judicial pronouncement and substantiate in detail the laws relating to transfer of property in favour of an unborn person. 12

5. Expound an elaborate assessment on the essential conditions for application of Section 41 of the with reference to Ramcoomar Koondoo v. Macqueen. 12

Or

Attempt a critical appraisal on the Doctrine of Part - Performance under the Transfer of Property Act, 1882. Elucidate the changes made in Section 53-A by virtue of Amending Act (48 of 2001). 4+8=12

6. (i) Define Sale. 2
- (ii) 'A' sells to 'B' a plot of land comprising of coal mine. 'A' contracts to the plot land to 'B'. 'A' does not know that there is a coal mine beneath the land but 'B' has knowledge about it. 'A' gets the information of this fact after completion of the contract but before execution of the deed of sale. Can 'A' set aside the contract on the ground of fraud ? Explain. 6
- (iii) What is the difference between Sale and Gift ? 4

Or

- (i) *There was an agreement to sell an immovable property with a person. Subsequently, the owner entered into another agreement to sell the same to another person. Explain the case by citing relevant case laws and give a brief account of 'contract for sale' with reference to relevant provision under the Transfer of Property Act, 1882.* 6
- (ii) Distinguish between sale and hire-purchase. 3

(iii) Is registration necessary to complete sale ? Explain. 3

7. (i) 'A' executed a sale deed in favour of 'B' on a certain sum of money. On the same day another document was in favour by 'B' in favour of 'A' agreeing to sell the property in question for the same amount within 10 years of the date of execution of sale-deed by 'A'. The possession of the property remained with 'A' and he was to pay Rs. 80 per month as rent to 'B' and the Municipal Taxes etc. were to be paid by 'A'. Whether the transaction between 'A' and 'B' was mortgage or not. Decide the case through relevant judicial pronouncement. 5

(ii) What are the essential elements of mortgage by conditional sale ? 3

(iii) With reference to relevant provisions under the Transfer of Property Act, 1882, discuss the mortgager's power to lease. 4

Or

(i) Define gift. 2

- (ii) The sale of a house in favour of Mr. Sameer is complete on 16th April, 2017 but Mr. Sameer had made a gift of that house to Mr. Ravi on 15th March, 2017. Is the gift to Mr. Ravi a valid gift? Explain. 4
- (iii) Discuss the various modes of making a gift. 6
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Total number of printed pages-7

19 (4) PRLW 4-3

2023

PROPERTY LAW

Paper : 4-3

Full Marks : 80

Time : Three hours

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

1. Choose the correct answer: $1 \times 10 = 10$
- (a) Registration amount to notice, when the instrument must be _____ registrable.
- (i) compulsorily
 - (ii) voluntarily
- (b) Under the Transfer of Property Act, 1882 vested interest is
- (i) defeated by the death of transferor
 - (ii) cannot be defeated by the death of transferor

Contd.

(c) The rule against perpetuity as given in section 14 of the T.P. Act, 1882, applies to

- (i) immovable property
- (ii) movable property and immovable property

(d) The unborn person acquires vested interest on transfer for his benefit

- (i) upon his birth
- (ii) 7 days after his birth

(e) Every transfer of immovable property made with intent to defeat or delay the creditors of the transferor

- (i) shall not be lawful
- (ii) shall be voidable at the option of any creditor so defeated or delayed

(f) Section 44 of the Transfer of Property Act, 1882, deals with

- (i) transfer by two co-owners
- (ii) transfer by one co-owner

(g) Under the Transfer of Property Act, 1882, the seller is duty bound to disclose

- (i) latent defects in the property
- (ii) patent defects in the property

(h) A charge may be created

- (i) by operation of law
- (ii) by the act of parties or by operation of law

(i) The transfer of an actionable claim may be

- (i) with consideration
- (ii) either with or without consideration

(j) A suit to obtain a decree that a mortgagor shall be absolutely debarred of his right to redeem the mortgaged property is called

(i) a suit for foreclosure

(ii) a suit for money decree

2. Write on the following: $2 \times 5 = 10$

(a) Attested

(b) Operation of transfer

(c) Seller's lien

(d) Benami transaction

(e) Universal donee

3. Define notice. What are the kinds of notice? Explain the circumstances in which a court can presume the constructive notice of a fact. $2+4+6=12$

Or

What do you mean by vested and contingent interest? Discuss the difference between vested and contingent interest with the help of suitable illustration. $4+8=12$

4. "The legal effect of transfer may vary according to the nature of condition attached to it".

What is conditional transfer? Under what circumstances a conditional transfer becomes void? $4+8=12$

Or

Whether property can be transferred to an unborn person under the Transfer of Property Act, 1882? Explain the rule against perpetuity, with its exceptions. $4+8=12$

5. What do you mean by an ostensible owner? How can an ostensible owner transfer a property under sec. 41 of the Transfer of Property Act, 1882? $4+8=12$

Or

Explain the law relating to fraudulent transfer with exceptions and illustrations.

12

6. Define sale? Describe the seller's duties (liabilities) before the sale and after the sale.

2+10=12

Or

Define mortgage. What are the essential elements of mortgage? Explain different modes of mortgage.

2+4+6=12

7. Define Lease. What are the essentials of a valid lease? Explain various modes of determination of lease.

2+4+6=12

Or

Write notes on : (any two) 6+6=12

- (a) Equity of part-performance
(b) Rule against accumulation
(c) When gift may be suspended and revoked

Total number of printed pages-4

19 (IV) PRLW 4-3

2024

PROPERTY LAW

Paper : 4-3

Full Marks : 80

Time : Three hours

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

1. Choose the correct answer : $1 \times 10 = 10$
- (a) The definition of immovable property given in the General Clauses Act, 1897 is _____ to the Transfer of Property Act, 1882. (applicable/not applicable)
 - (b) 'A right to fishery' is a _____ property. (movable/immovable)
 - (c) A party to the transaction _____ be an attesting witness. (cannot/can)
 - (d) Easement is a right which exists for the beneficial enjoyment of a land and is exercised upon the land of _____. (relatives/another person)

Contd.

(e) If there are several creditors, transfer in favour of one creditor does not amount to an intention to defeat or delay the remaining creditors.

(True/False)

(f) Right to pre-emption is a _____ right.
(personal/public)

(g) Joint-tenancy implies unity of title as well as unity of _____.
(ownership/possession)

(h) Lease executed by minor is _____.
(void/valid)

(i) A suit to obtain a decree that a mortgagor shall be absolutely debarred of his right to redeem the mortgaged property is called _____.
(a suit for recovery of dues/a suit for foreclosure)

(j) The transfer of an actionable claim may be _____. (with consideration/with or without consideration)

2. Write on the following : $2 \times 5 = 10$

(a) Partial restraint on alienation

(b) Restricted owner

(c) Marshalling by Subsequent Purchaser

(d) Seller's lien

(e) Priority

3. Write an elaborative statement on the historical evolution of the Transfer of Property Act, 1882. 12

Or

Write notes on : $6+6=12$

(a) Condition restraining alienation

(b) Nature of Contingent interest with illustration

4. "Transferability of property is the general rule, but non-transferability is an exception." Justify the statement with the provision of the Transfer of Property Act, 1882. 12

Or

"He who accepts the benefits under the instruments, must adopt the whole of it." Explain with illustration. 12

5. Write notes on : $6+6=12$

(a) Doctrine of Lis Pendens

(b) Fraudulent Transfer

Or

Describe the Doctrine of Part Performance under the Transfer of Property Act, 1882. Is there any difference between the English and Indian law in regard to the doctrine and its application? 7+5=12

6. Differentiate between : 4×3=12
- (a) Sale and Exchange
 - (b) Sale and Agreement to Sell
 - (c) Sale and Gift

Or

How sale is defined under the Transfer of Property Act, 1882? Explain the modes of transfer by way of sale. Narrate the rights and liabilities of buyer before completion of sale. 2+4+6=12

7. Define exchange. What are the essentials of a valid exchange? Explain the rights and liabilities of parties in an exchange. 2+4+6=12

Or

Distinguish between : 6+6=12

- (a) Joint tenant and Tenants-in-common
- (b) Lease and License

Total number of printed pages—4

19 (SEM-IV) PRL 4:3

2025

PROPERTY LAW

Paper : 4:3

Full Marks : 80

Time : Three hours

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

1. Choose the correct answer : $1 \times 10 = 10$
- (a) The land upon which the easementary right is exercised is called _____ .
(dominant heritage/ servient heritage)
- (b) 'Res extra commercium' means _____ .
(things besides any trade/ things beyond any trade)
- (c) Spes-Successionis is _____ under Muslim Law.
(transferable/ not transferable)

- (d) A surrender _____ a transfer of property. (is/ is not)
- (e) Contribution is the right available to _____. (Mortgagors/ Mortgagees)
- (f) Ownership is transfer for price is called as _____. (sale/ exchange/ gift)
- (g) The doctrine of subrogation has been crystallised in section _____ of Transfer of Property Act. (91/92/93)
- (h) The transfer of Property Act is _____. (exhaustive/ not exhaustive)
- (i) Instrument means a _____ instrument. (testamentary/ non-testamentary)
- (j) A decree _____ an actionable claim. (is/ is not)

2. Write short notes on the following : $2 \times 5 = 10$

- (a) Secured Debt
- (b) Hire Purchase Agreement
- (c) Accession to Mortgaged Property
- (d) Mode of exchange
- (e) Onerous gifts

3. Write an exhaustive note on the object and scope of the Transfer of Property Act, 1882. 12

Or

Write notes on : $4 \times 3 = 12$

- (a) Instrument
- (b) Notice
- (c) Vested Interest

4. Discuss the properties which cannot be transferred under Transfer of Property Act, 1882. 12

Or

Narrate the essentials of a valid transfer under the Transfer of Property Act, 1882.

5. Write notes on : $6 + 6 = 12$

- (a) Ostensible owner
- (b) Fraudent transfer

Or

- (a) Doctrine of part performance
- (b) Transfer by co-owner

$6 + 6 = 12$

6. Make an elaborative statement on the rights and liabilities of buyer and seller in sale.

12

Or

Write notes on :

4×3=12

- (a) Marshalling by subsequent purchase
- (b) Hire-Purchase agreement
- (c) Mode of transfer in sale

7. Define Mortgage. What are the different types of Mortgage? Explain with illustrations.

4+8=12

Or

What is Gift? Discuss the essentials of a valid gift.

4+8=12

Total number of printed pages-4

19 (SEM-IV) ADL 4-4

2025

ADMINISTRATIVE LAW

Paper : 4-4

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with correct answer :

1×10=10

(a) A decision which is a result of bias is a nullity and the trial is _____.
(*Coram non iudice/audi alterum partem*)

(b) The Industrial tribunal is constituted under the Industrial Disputes Act, _____.
(1945/1947/1948)

(c) The principle of res judicata _____ applicable in the petition under Article 32.
(is/is not)

(d) Existence of an alternative remedy _____ bar the Supreme Court to entertain a petition under Article 32.
(does/does not)

(e) Infructuous means _____.
(fruitful/fruitless)

(f) Mandamus _____ be issued against President of India or Governor of a State.
(can/cannot)

(g) Injunction is a _____ remedy.
(discretionary/non discretionary)

(h) The doctrine of judicial review has been originated and developed by the _____ Supreme Court.
(Indian/French/American)

(i) _____ provides that the law declared by the Supreme Court shall be binding in all courts within the territory of India except the Supreme Court.
(Article 141/Article 142/Article 143)

(j) A minister _____ be a member of the Lok Sabha scrutiny committee.
(can/cannot)

2. Write short notes on : 2×5=10

(a) Public Interest litigation

(b) Delegates non potest delegare

(c) Ordinary remedies

(d) Precedent

(e) Welfare state

3. Write an elaborate note on Dicy's Rule of Law and its application in Indian context. 12

Or

Discuss the nature and scope of Administrative Law.

4. Narrate the concept of Delegated Legislation and its application in Indian context. 12

Or

Write notes on : 6+6=12

(a) Advantage and Disadvantage of Delegated Legislation

(b) Constitution and functions of committees on delegated legislation

5. Distinguish between : 6+6=12

(a) Tribunals and Courts of Law

(b) Quasi Judicial and Administrative functions

Or

What do you mean by Administrative tribunals? Discuss the powers and functions of Administrative tribunals. 4+8=12

6. State the jurisdiction of Supreme Court and High Courts under Article 32 and 226 respectively. 6+6=12

Or

What are the various constitutional remedies available to a citizen against administrative action? Discuss. 12

7. What do you understand by Ombudsman? Discuss the position of Ombudsman in India. 4+8=12

Or

Write notes on : 6+6=12

(a) Doctrine of Pleasure

(b) Statutory Public Corporation