REV-01
BLB/50/25/30

2025/05

BALLB
EIGHTH SEMESTER
PROPERTY LAW
BLB - 802
[USE OMR FOR OBJECTIVE PART]

SET B

Duration: 3 hrs. **Full Marks: 70**

Objective

Time: 30 min. **Marks: 20**

Choose the correct answer from the following: ***1×20=20***

1. The principle of marshalling by subsequent purchasers applies when-
   a. A property is sold in lots subject to a prior mortgage.
   b. There are two or more mortgagees of the same property.
   c. A mortgagor sells different properties subject to the same mortgage to different purchasers.
   d. A property is subject to multiple encumbrances.

2. An "onerous gift" is a gift where-
   a. The donee has to pay a certain sum of money to the donor.
   b. The donee has to discharge a single obligation attached to the property.
   c. The donee has to discharge an obligation exceeding the value of the property.
   d. The donor reserves the right to revoke the gift.

3. In the absence of a contract to the contrary, the seller is bound to disclose to the buyer-
   a. All patent defects in the property.
   b. Only those material defects which the buyer could not with ordinary care discover
   c. All defects in the property, whether patent or latent.
   d. Only those defects specifically asked about by the buyer.

4. A mortgage is a transfer of an interest in specific immovable property for the purpose of-
   a. Making a gift
   b. Securing the payment of money advanced or to be advanced by way of loan
   c. Effecting a sale
   d. Creating a lease

5. A contract for the sale of immovable property-
   a. By itself creates an interest in the property.
   b. Creates a charge on the property.
   c. Does not create any interest in or charge on the property.
   d. Transfers ownership of the property.

6. Which of the following documents relating to immovable property is compulsorily registerable under the Indian Registration Act?
   a. A lease for a term less than one year.
   b. A receipt for payment of rent.
   c. An instrument of gift of immovable property.
   d. A decree for partition passed by a court.

7. Under Indian law, the right to redeem a mortgage is extinguished-
   a. By a decree for foreclosure.
   b. By the expiry of the mortgage term.
   c. By mutual agreement between the mortgagor and mortgagee.
   d. All of the above.

8. The principle of partial satisfaction of equity of redemption is applicable to-
   a. Sales.
   b. Leases.
   c. Mortgages.
   d. Gifts.

9. The doctrine of part performance is dealt with under which section of the Transfer of Property Act, 1882-
   a. Section 53A
   b. Section 54
   c. Section 55
   d. Section 56

10. A transfer of immovable property made with the intent to defeat or delay the creditors of the transferor is-
   a. Absolutely void.
   b. Voidable at the option of any creditor so defeated or delayed.
   c. Valid if made for adequate consideration.
   d. Valid if the transferee acted in good faith.

11. The doctrine of lis pendens is enshrined in which section of the Transfer of Property Act, 1882-
   a. Section 48
   b. Section 52
   c. Section 53
   d. Section 54

12. The Transfer of Property Act came into force on-
   a. 1st January 1872
   b. 1st July 1882
   c. 1st July 1882
   d. 1st January 1883

13. The rule against perpetuity restricts the transfer of property for an indefinite period. What is the usual limit prescribed?
   a. The lifetime of the transferor
   b. 10 years
   c. The lifetime of one or more living persons and 18 years thereafter
   d. 30 years

14. When a co-owner transfers his share in the joint property without the consent of other co-owners, the transfer is-
   a. Void.
   b. Voidable at the option of the other co-owners.
   c. Valid to the extent of the transferor's share.
   d. Valid with the consent of the majority of the co-owners.

15. Section 43 of the Transfer of Property Act deals with-
    a. Transfer by co-owners
    b. Transfer by unauthorized persons who subsequently acquire an interest in the property.
    c. Fraudulent transfer
    d. Doctrine of lis pendens.

16. A lease of immovable property from year to year can be made by-
    a. Registered instrument
    b. Oral agreement with delivery of possession
    c. Unregistered instrument
    d. Any of the above

17. The Benami Transaction (Prohibition) Act, 1988, generally prohibits-
    a. All property transfers.
    b. Transactions where property is held by one person and the consideration is provided by another.
    c. Transfers made without adequate consideration
    d. Transfers of ancestral property.

18. A transfer made by an ostensible owner is valid provided that-
    a. The real owner has given express consent to the transfer.
    b. The ostensible owner has possession of the property with the consent of the real owner
    c. The transferee acts in good faith and for consideration.
    d. Both (b) and (c)

19. A transfer of property made by a person authorized only under certain circumstances to transfer is valid-
    a. Under all circumstances
    b. Only when the specified circumstances exist
    c. Even if the specified circumstances do not exist, if the transferee acts in good faith
    d. Only with the consent of the person whose interest is affected

20. Under the Transfer of Property Act, 1882, "immovable property" does not include-
    a. Land
    b. Buildings
    c. Standing timber
    d. Things attached to the earth

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(Descriptive)

Time : 2 hrs. 30 min. **Marks : 50**

[Answer question no.1 & any four (4) from the rest]

1. "A, the owner of a property, creates a life interest in favour of B, with an intention to transfer absolute interest to B's eldest son, who is unborn at the time of the transfer. In light of Section 13 of the Transfer of Property Act, 1882: **5+5=10**
   - **a.** What are the legal requirements for such a transfer to be valid?
   - **b.** What will be the fate of the property if, at the time of B's death, B does not have any son?"
2. Elaborate on the doctrine of election as provided under Section 35 of the Transfer of Property Act, 1882. What are the conditions for its applicability? **5+5=10**
3. According to the relevant legal framework, how is "transfer of property" defined? What are the key components of this definition? Write the fundamental difference between -vested interest and a contingent interest **2+4+4 =10**
4. Explain the concept of "notice" under the Transfer of Property Act. When the court does presumes a notice as constructive notice. **5+5=10**
5. Discuss the significance of attestation in the context of property transfers. What are the essential requirements for valid attestation? **5+5=10**
6. Discuss the doctrine of part performance as enshrined in Section 53A of the Transfer of Property Act, 1882. How does this doctrine provide equitable relief against the rigor of the formal requirements of transfer? **5+5=10**
7. Define "sale" of immovable property under the Transfer of Property Act, 1882. Discuss the rights and duties of buyer and seller. **2+8=10**
8. What are the exceptions to the general rule that all types of property can be transferred as per Section 6 of the Transfer of Property Act? Give specific examples **10**

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