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**PRESIDENCY UNIVERSITY**

**Bengaluru**

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| **End - Term Examinations -January 2025** |
| **Date:** 06/ 01/ 2025 **Time:** 09:30am – 12:30 pm |

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| **School:** SOL | **Program:** BA LL.B/BBA LL.B/B.Com LL.B P(Hons.) | |
| **Course Code :** LAW2032 | **Course Name :** PROPERTY LAW | |
| **Semester**: V | **Max Marks**: 100 | **Weightage**: 50% |

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| **CO - Levels** | **CO1** | **CO2** | **CO3** | **CO4** | **CO5** | **CO6** |
| **Marks** | **20** | **30** | **10** | **10** | **15** | **15** |

**Instructions:**

1. *Read all questions carefully and answer accordingly.*
2. *Do not write anything on the question paper other than roll number.*

**Part A**

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| **Answer ALL the Questions. Each question carries 2marks. 10Q x2M=20M** | | | | |
| **1** | Distinguishes immovable property from moveable property? | **2 Marks** | **L1** | **CO1** |
| **2** | Define Property with examples. | **2 Marks** | **L1** | **CO1** |
| **3** | Outline the legal significance of attestation in document validation. | **2 Marks** | **L2** | **CO1** |
| **4** | In what situations can a document that has not been attested be deemed legitimate? | **2 Marks** | **L11** | **CO1** |
| **5** | Explain what are actionable claims with example. | **2 Marks** | **L1** | **CO1** |
| **6** | "Any type of property may be transferred, with the exception of that specified in Section 6." Enumerate those entries. | **2 Marks** | **L2** | **CO1** |
| **7** | What are the key elements that constitute a valid legal notice? | **2 Marks** | **L2** | **CO1** |
| **8** | Explain the significance of “Transfer Inter-Vivos” | **2 Marks** | **L1** | **CO1** |
| **9** | Briefly explain Contingent Interest under Transfer of Property Act, 1882. | **2 Marks** | **L1** | **CO1** |
| **10** | Explain Spes Successionis with an example. . | **2 Marks** | **L1** | **CO1** |

**Part B**

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| **Answer the Questions Total 80 Marks** | | | | | |
| **11.** | **a.**  **b.** | Examine the legal provisions associated with restraints on alienation.  In what ways do these provisions analyze the protection of property holder rights while also addressing public interest? | **5 Marks**  **5 Marks** | **L2** | **CO2** |
| **or** | | | | | |
| **12.** | **a.**  **b.** | Describe the legal framework that regulates transfers to unborn children.  How does the rule against perpetuity assess and limit these transfers? Illustrate your explanation with relevant judicial pronouncements. | **5\*2=10**  **Marks** | **L2** | **CO2** |
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| **13.** | **a.**  **b.** | Examine the legal framework governing redemption and foreclosure. What are the key principles and regulations that influence these processes?  Assess how the rights of the mortgagee and the mortgagor are equitably balanced within the context of redemption and foreclosure laws. | **5\*2= 10**  **Marks** | **L2** | **CO3** |
| **or** | | | | | |
| **14.** | **a.**  **b.** | Break down the concept of a mortgage by identifying its essential features. How do these features define the fundamental nature of a mortgage?  Differentiate between the various types of mortgages by examining their unique characteristics and legal distinctions. | **5\*2= 10**  **Marks** | **L2** | **CO3** |

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| **15.** | **a.**  **b.** | Identify and describe the various categories of easements recognized in property law, outlining their legal significance.  Compare continuous and discontinuous easements, highlighting the key differences in their characteristics and applications. | **10**  **Marks** | **L2** | **CO4** |
| **Or** | | | | | |
| **16.** | **a.**  **b.** | Examine the conditions under which easements are imposed and the circumstances that lead to their suspension.  Synthesize how these legal provisions balance the rights and obligations of property owners while safeguarding their interests. | **5\*2 =**  **10**  **Marks** | **L3** | **CO4** |

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| **17.** | **a.**  **b.** | Trace the historical development of equity in the legal system, focusing on its origins and key milestones.  Analyze the evolving role of equity in shaping contemporary legal frameworks and its impact on justice. | **7.5\*2 = 15**  **Marks** | **L2** | **CO6** |
| **Or** | | | | | |
| **18.** | **a.**  **b.** | Discuss the significance of equal rights in ensuring justice within legal systems, emphasizing their foundational principles.  Evaluate whether equal rights align more closely with moral standards or legal norms, providing examples to support your argument. | **7.5\*2=**  **15**  **Marks** | **L2** | **CO6** |

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| **19.** | **a.**  **b.** | Analyze the concept of a trust, focusing on its legal framework and significance.  Critically examine the duties and liabilities of a trustee, highlighting their implications for the proper administration of trust property. | **7.5\*2 =15**  **Marks** | **L2** | **CO5** |
| **Or** | | | | | |
| **20.** | **a.**  **b.** | Explore the legal remedies accessible to beneficiaries in cases of breach of trust under the Indian Trusts Act, 1882.  Discuss how the rights and obligations of trustees and beneficiaries contribute to the equitable and fair management of trust property**.** | **7.5\*2 = 15**  **Marks** | **L2** | **CO5** |

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| **21.** | **a.**  **b.** | A property owner, X, creates a will granting property A to Y and property B to Z. However, property A actually belongs to Z, and X has no legal title to transfer it. Y decides to accept the gift of property A under the will.  Analyze the application of the doctrine of election in this scenario. Should Y be allowed to keep property A?  Discuss the legal consequences for Z in case Y chooses to accept property A, considering the principles of the doctrine of election. | **10\*2=**  **20**  **Marks** | **L3** | **CO2** | |
| **Or** | | | | | | |
| **22.** | **a.**  **b.** | Mr. Sharma, a wealthy landowner, executed a will in 2015 to distribute his vast estate. As per the will, he devised a portion of his property to his son, Ramesh, to be held in trust for Ramesh's unborn child. The will explicitly stated that the property would vest in the unborn child "upon their attaining the age of 25 years." However, at the time of Mr. Sharma's death in 2022, Ramesh was married but had no children.  After Mr. Sharma’s death, Ramesh’s extended family questioned the validity of the provision in the will on the ground that it violates the *Rule Against Perpetuity* under the Indian *Transfer of Property Act, 1882* and the *Indian Succession Act, 1925*.  Based on above answer the following:  What is the *Rule Against Perpetuity* under the *Transfer of Property Act, 1882*?  Does the condition in Mr. Sharma’s will, regarding the vesting of property in Ramesh's unborn child after attaining the age of 25, violate the *Rule Against Perpetuity*? Justify your answer with legal reasoning. | **10 Marks**  **10 Marks** | **L3** | | **CO2** |

**\*\*\*\*\* BEST WISHES \*\*\*\*\***