

Roll No



**PRESIDENCY UNIVERSITY  
BENGALURU**

**SCHOOL OF LAW  
END TERM EXAMINATION - JAN 2023**

**Semester :** Semester V - 2020

**Course Code :** LAW114

**Course Name :** Sem V - LAW114 - Law relating to Transfer of Property

**Program :** LLB (All)

**Date :** 9-JAN-2023

**Time :** 1.00PM - 4.00PM

**Max Marks :** 100

**Weightage :** 50%

**Instructions:**

- (i) Read all questions carefully and answer accordingly.
- (ii) Question paper consists of 3 parts.
- (iii) Scientific and non-programmable calculator are permitted.

**PART A**

**ANSWER ALL THE FOLLOWING QUESTIONS**

**10 X 2 = 20M**

1. Explain Apparent Easement. (CO4) [Knowledge]
2. A' mortgaged three properties X, Y and Z to 'B'. Later 'A' sells X of his property to 'C'. Decide with the help of relevant provisions what are remedies available to B under the Transfer of Property Act, 1882? (CO3) [Knowledge]
3. Explain the Maxim Equality is equity. (CO6) [Knowledge]
4. Differentiate between Lease and Licence. (CO3) [Knowledge]
5. Define Onerous Gift. (CO3) [Knowledge]
6. Is transferor allowed to impose restraint on alienation. Justify your answer with relevant provisions. (CO2) [Knowledge]
7. Explain the direction of way of necessity under the Indian Easement Act, 1882. (CO4) [Knowledge]
8. Difference between Constructive notice and Actual notice. (CO1) [Knowledge]
9. Define trust. (CO5) [Knowledge]
10. Difference between Charge and Exchange. (CO3) [Knowledge]

## PART B

### ANSWER ALL THE FOLLOWING QUESTIONS

4 X 10 = 40M

11. Meera, an infant girl fraudulently concealed her age and obtained from her trustees a sum of money to which she was entitled only on becoming 18 years of age. Subsequently, when she became a major, she instituted a suit against the trustees to compel them to pay over again the money which had been improperly paid by them to her during her minority. Decide with the help of relevant case laws whether the girl can claim money under Equity law. Also, decide whether she can claim money under the Indian Trust Act, 1882.
- (CO5) [Comprehension]
12. A, having a lease for a term of years of a house at a rent which is more than the house can be let for. He gifts the lease to B and as a separate and independent transaction gives to B also a sum of money. B refuses to accept lease. In light of this problem explain the meaning of lease and its essentials. Also decide with the help of relevant provisions whether B can reject such gift or not.
- (CO3) [Comprehension]
13. Bank of Baroda created a trust for payment of pensions to its staff members. By a deed it transferred a fund to three persons X, Y and Z, named as "present trustees". The deed provided for applying the trust fund income to the payment of such pensions and in such manner as the bank or its authorized officer shall direct. The bank retained the sole discretion of granting, withdrawing, modifying or determining the pension. It was not at all obligatory upon the bank to grant any pension or to continue them. The deed of trust was challenged before the court stating that it is not a valid trust. The court held that the deed did not constitute trust. Applying and analyzing necessary provision decide whether the decision given by the court is valid or not. Give a reason for your answer. Also, explain in detail the duties of the Trustees.
- (CO5) [Comprehension]
14. Two properties X and Y are mortgaged to Amit and X and Z are mortgaged to Zeba. If Amit obtains a decree on his mortgage and obtains satisfaction by the sale of X. What are the remedies available to Zeba? Also, decide the remedy available to Zeba if she decides to realize the mortgage debt by selling Z but is not able to satisfy due to insufficient amount. Decide both with the help of relevant provisions and reasons. How Marshalling is different from Contribution under the Transfer of Property Act, 1882?

(CO3) [Comprehension]

## PART C

### ANSWER ALL THE FOLLOWING QUESTIONS

2 X 20 = 40M

15. "Amit" transfers his properties to "Raj" for life and thereafter to his unborn child for life. "Raj" is a living person at the date of transfer. Decide with the help of relevant provisions and case laws whether the transfer is valid or not. Also explain the rule against perpetuity and whether an unborn child takes vested or contingent interest.
- (CO2) [Application]
16. Explain the acquisition of easement by necessity and prescription under the Indian Easement Act, 1882.

(CO4) [Application]

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