



**PRESIDENCY UNIVERSITY,
BENGALURU**

SCHOOL OF LAW

MID TERM EXAMINATION

Odd Semester: 2018-19

Course Code: LAW 114

Course Name: Property Law

Branch & Sem: BBA,BA,B.Com., LL.B. (Hons.) & V Sem

Date: 25 October 2018

Time: 2 Hours

Max Marks: 60

Weightage: 30%

Instructions:

- (i) *All parts of the question paper are compulsory*

Part A

Answer **all** the Questions. **Each** question carries **two** marks.

(10x2=20)

1. A transfers Rs 500 to B on condition that she shall murder C. Is such a condition valid?
2. A transfers his property to B for life then to C for life then to D for life then to D's unborn son when he attains the age of 30 years. Is the transfer in favour of the unborn valid?
3. A gifts a house to B with a condition that B should reside in the said house. B after the transfer lives in the house for a year and then shifts to a new house. Meanwhile A files a suit for the cancellation of the gift deed. Decide
4. A is the Karta of a Mitakshara joint family property. He sells a portion of the joint family property for the purpose of paying off a family loan. Is it a transfer of property under the provisions of the Transfer of Property Act?
5. Five brothers, three sisters are locked in a dispute over the property of their father who was a business tycoon. He has left behind many movable and immovable properties and shares in many companies. There are multiple litigations between the brothers and the sisters on the matter of their shares in the said properties. Some of them have also claimed the existence of a will. Finally they settle the matter amicably through a family settlement and a deed is drawn to that effect which is also accepted by the court. Is it a transfer under the Transfer of Property Act?
6. A sells half of his 10 acre land to B. There is a drain passing from the land of A and now half of that falls in the land of B. A while selling the land imposes a condition that B shall not close the drain and also maintain it periodically. Can A impose such a condition and is B liable to follow it?
7. A is a Hindu male having two sons and a daughter. He owns 12 acres of land. During his lifetime the daughter transfers 3 acres of her share to a third party for a consideration of 10 lakh rupees. Is such a transfer valid under Transfer of Property Act, 1882?
8. A gifts a plot of land to B with a condition that if B turns insolvent the gift deed would stand revoked. Can such a limitation be imposed?
9. A transfers his property in 1950 to B for life and then to B's first (unborn) child when he would attain the age of 25 years. B's child is born 1951, and B dies in 1977. Is the transfer in favor of the unborn valid?

10. A transfers his property in 1950 to B for life and then to B's first (unborn) child when he would attain the age of 18 years. B dies in 2000 and his child is born in 1975. Is the transfer in favour of the unborn valid?

Part B

Answer **all** the Questions.

(3Q=20)

11. "No absolute restraint on alienation can be imposed on a transferee in whose favor an absolute interest is created in a transfer. Nor can conditions be imposed on the manner of enjoyment of the said absolute interest." Explain (8 marks)
12. "A Transfer of Property passes forthwith to the transferee all the interest which the transferor is then capable of passing in the property and in the legal incidents thereof." Is there any exception to the above mentioned general rule? (6 marks)
13. "A fruit bearing tree would not be standing timber, and would be classed as immovable property. In areas, however, where mango trees are used for building or repairing houses, it may be standing timber." Discuss the above in the light of the definition of immovable property in the Transfer of Property Act, 1882. (6 marks)

Part C

Answer **all** the Questions. **Each** Question carries **ten** marks.

(2x10=20)

14. "The performance of a condition precedent is considered to be satisfied if it is substantially complied with, whereas in the case of a condition subsequent has to be strictly fulfilled." In the light of the above statement analyse these two types of conditions and the law relating to the same in the Transfer of Property Act.
15. "Transfer of property means an act by which a living person conveys property, in present or in future, to one or more other living persons, or to himself....." Explain in the light of decided cases.



Roll No.

**PRESIDENCY UNIVERSITY
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SCHOOL OF LAW

END TERM FINAL EXAMINATION

Odd Semester: 2018-19

Date: 27 December 2018

Course Code: LAW 114

Time: 3 Hours

Course Name: Property Law

Max Marks: 80

Programme & Sem: BA/BBA/B.Com.,LL.B.(Hons.) & V Sem

Weightage: 40%

Instructions:

- (i) **Answer all the questions.**

Part A

Answer **all** the Questions. **Each** question carries **five** marks.

(4Qx5M=20)

1. Raman a minor member of a joint family instituted a suit for partition of the joint family property against his father in a wrong court and the father executed a mortgage of the same property subsequent thereto, but before the plaint was presented to the proper court. The minor contended that the mortgage was hit by the rule of lis pendens. Do you agree with the Raman's contention? Give your arguments for the same
2. A husband was the owner of a land. He effected a mutation in the revenue records of the same in favour of his wife, and shortly thereafter went on a pilgrimage. Meanwhile, the wife sold the land to C as an ostensible owner. C made due enquiries and paid the consideration. As the land was subject to a mortgage, C paid the loan and redeemed the mortgage. The husband on return filed a suit to reclaim the land. Decide whether the husband can reclaim the ownership of the land. Give your arguments for the same.
3. A gifts a field to B, reserving to himself, with B's assent, the right to take back the gift in case B and his descendants die before A. B dies without descendants in A's lifetime. Can A take back the gift? Is it permissible under law to make a gift conditional?
4. A agrees to sell his house to B in March and a sale deed is drawn up (but not executed). A makes it very clear to B that the possession under the sale deed would be handed over to B only after the festival of Diwali is over, which falls in November. B has no place to live and A allows B to occupy the premises for a period of two months. After the expiry of two months, due to certain differences between A and B, A decides not to execute the sale deed. In this case can B set up the plea of part performance by virtue of his possession?

Part B

Answer **all** the Questions. **Each** question carries **ten** marks.

(4Qx10M=40)

5. Sale is a transfer of ownership in exchange for a price. Explain
6. What is the right of redemption in a mortgage? How is it different from foreclosure?
7. What are the essentials of a gift? What are the grounds on which a gift may be revoked ?
8. Discuss the rights and liabilities of a lessee. What is the tenure of an agricultural lease in the absence of a contract or local law or usage to the contrary?

Part C

Answer **all** the Questions. **Each** question carries **ten** marks.

(2Qx10M=20)

9. What is a Trust? What are the rights and duties of the trustees?
10. "Equity is the body of law which was developed in the English Court of Chancery and which is now administered concurrently with the common law." Discuss giving suitable examples