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**Presidency University**

**Bengaluru**

 **SCHOOL OF LAW**

**Make-Up Examinations, July 2024**

**Course Code**: LAW133

**Course Name**: LAW RELATING TO TRANSFER OF PROPERTY

**Program & Sem**: BA.LLB(HONS)/ BBA.LLB(HONS)/ BCom.LLB(HONS)/

**Date**: 05 JULY 2024

**Time**: 9:30AM-12:30PM

**Max Marks**: 100

**Weightage**: 50%

 **Instructions:**

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

**Part A**

**Answer any 4 Questions. Each question carries 5 marks. (4Qx 5M= 20M)**

1. What is Lease? Explain the rights and liabilities of a Lessee. (CO1) [Knowledge]

2. 'Condition repugnant to interest created is void'. Explain with exception. (CO1) [Analysis]

3. State the circumstances under which the conditions imposed by the mortgagee amounts to clog on the right of redemption. (CO1) [Knowledge]

4. Explain briefly the doctrine of cy-pres with relevant case laws. (CO1) [Knowledge]

5. Explain the provisions governing the transfers made by unauthorized persons who subsequently acquire the interest in the property. (CO1) [Knowledge]

6. Define the term 'immovable property'. State the properties which are judicially recognized as immovable properties. (CO1) [Knowledge]

**Part B**

**Answer any 4 Questions. Each question carries 10 marks. (4Qx10M=40M)**

7. "Every transfer of immovable property made with the intent to defeat or delay the creditors shall be voidable at the option of the creditors so defeated or delayed." Discuss. (CO2) [Knowledge]

8. Arundhati a Hindu widow executed a deed of gift of part of her husband's property to Dhamodar. Bobby who was then the nearest reversioner joined in the deed. On the death of the widow Bobby claims the property, pleading that the gift was invalid. Will he succeed?

 (C.O.No.1-5) [Application]

9. Aditya had a 10 acres coffee estate in Coorg. He decided to transfer his property to the female descendent of his unborn child. At the time of the transfer his wife was 3 months pregnant. Is this transfer valid? Decide. (C.O.No.1-5) [Application]

10. What is a Mortgage? Explain the different kinds of mortgages. (CO2) [Knowledge]

11. Narain, the grandson of Sandeep is expecting legacy under Sandeep's will. During the lifetime of Sandeep, Narain transfers his expectancy to Karthik. Is this transfer valid. Decide. (CO2) [Application]

12. "The General rule is that property of any kind may be transferred." Explain the statement with exceptions. (CO2) [Analysis]

**Part C**

**Answer any 2 Questions. Each question carries 20 marks. (2Qx20M=40M)**

13. Ravi has five acres of sugarcane field in Mandya. In 23rd January, 2020 he has mortgaged the schedule property in Mandya Evening Bank for 10 lakh rupees. The mortgage period was for 7 years. In February 2023 Ravi gifted the property to Kannan. Kannan accepted the gift but has refused to accept the liability. Can he do so? (CO3) [Application]

14. Manohar had a 6 acre rubber plantation in Alakode. The North boundary of his rubber plantation is Kadamba's 6 acre Palm estate. The East is the National Highway 47. The West is Panchayat Road and the South is a limestone quarry. Alakode is a drought prone area and the groundwater has been depleting drastically, henceforth Manohar could not dig an open well or a bore-well. Surprisingly, Kadamba has an underground spring in his estate because of which he has surplus water in his open well. On 1st January 2023 Manohar had entered into a contract with Kadamba to use water from the well located in the center of Kadamba's plantation for irrigation. On 2nd January 2023 Kadamba filed a case for trespass against Manohar. Kadamba stated that Manohar used the path to the well through his plantation without his consent as the easementary right was only for the water in the well and not extended for the path. Decide. (CO3) [Application]

15. Salma mortgages her property to Dona with possession for 5 years. The rent and profits to be set off at the interest. The mortgage deed further provided that if the mortgage was not redeemed within a period of 20 years from the due date, the mortgagee should treet the land as sold to him absolutely.  Salma filed a suit for redemption after 20 years from the due date. Will she succeed? Decide. (CO3) [Application]