



‘समानो मन्त्रः समितिः समानी’

UNIVERSITY OF NORTH BENGAL

B.A./BBA/B.Com. LL.B. Honours 6th Semester Examination, 2023

LAW OF PROPERTY

PAPER CODE: CC16 / CC18

Time Allotted: 3 Hours

Full Marks: 100

The figures in the margin indicate full marks.

Answer Question No. 7 and any four questions from the rest

1. (a) Define the following: 3×4 = 12
- (i) Immovable property
 - (ii) Movable property
 - (iii) Attested
 - (iv) Actionable claims
- (b) Differentiate the following as Movable and Immovable Property: 1×8 = 8
- (i) Right of fishery i.e right to catch and collect fish from a pond, tank, lake or river
 - (ii) Right of ferry i.e right of transport through rivers
 - (iii) Right of a Maha Brahmin to receive dues at a funeral
 - (iv) Yajman Vritti i.e right to receive offerings in cash or kind from the Yajmans
 - (v) Decree for sale of any immovable property on a mortgage
 - (vi) Right to enjoy the usufruct (benefit) of fruit trees e.g. right to enjoy palm nuts.
 - (vii) Rights to extract gold, silver, coal or other minerals from mines
 - (viii) Right of worship i.e right to offer prayers.
2. (a) What are the essentials of a Valid Transfer as explained under Section 7 of the Transfer of Property Act, 1882. 10+10
- (b) Write a brief note on competency of the Transferor as mentioned in Section 7 of the Transfer of Property Act, 1882.
3. “A property cannot be transferred directly to an unborn person but a property can be transferred for the benefit of an unborn person” 20
- Explain the conditions that must be followed to provide a benefit to an unborn and also explain if all the conditions are fulfilled — What are the legal consequences?

4. 'The rights and liabilities as given in the Transfer of Property Act are for an open sale in which the sale-deed is silent about rights and liabilities of the seller and buyer'— Discuss the rights and liabilities of seller and buyer with the help of relevant provisions of the Act. 20
5. (a) Discuss various kinds of Mortgage as discussed in Transfer of Property Act with the help of relevant illustrations. 10
- (b) 'Once a mortgage always a mortgage'— Analyse the statement with the help of essentials of a valid mortgage. 5
- (c) What do you mean by 'clog on redemption'? 5
6. "The Doctrine of 'Part Performance' can be used as shield and not as sword" — In the light of the above statement discuss the doctrine as mentioned under section 53A of Transfer of Property Act, 1882. 20
7. Write short notes on any *four* of the following: 5×4 = 20
- (a) Doctrine of Constructive notice
 - (b) Doctrine of Election
 - (c) Exchange
 - (d) Doctrine of Lis Pendens
 - (e) Easement
 - (f) License.

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