

Name:	 UPES UNIVERSITY WITH A PURPOSE
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2019

Course: Transfer of Property and Easement Law **Semester: V**
Program: BA, LL.B (Hons.) Energy Laws, , BA., LL.B. (Hons.) Criminal/Labour Law/Constitutional Law
B.com, LL.B. (Hons.) Taxation Laws, BBA, LL.B. (Hons.) Corporate Laws/ BBA LLB BFIT/ITIL
Time: 03 hrs.
Course Code: CLCC-3005 **Max. Marks: 100**
Instructions: Read questions carefully before attempting.

SET-B
SECTION A (All are compulsory)

S. No.	Statement of question	Marks	CO
Q	Statement of question		
1.	Define Actionable Claim and give illustration of the same.	2	CO1
2.	Discuss the various essentials of a valid attestation under TPA.	2	CO1
3.	Define Conditional Transfer.	2	CO1
4.	Essentials of a valid Gift.	2	CO1
5.	Difference between fixture and chattel.	2	CO1

SECTION B (Do any 2)

Q	Statement of question		
6.	Discuss the doctrine of Part-performance. What is the effect of 2001 amendment on this doctrine?	10	CO2
7.	Explain doctrine of Lis pendens with the help of statutory provision and judicial decisions.	10	CO2
8.	“Whether a particular document operates as a lease or license- regard shall be had to the real intent of the contracting parties”. In light of the above statement, discuss the various tests to distinguish between lease and license.	10	CO2

SECTION-C (Do any 2)

Q	Statement of question		
9.	What are Benami Transactions? Analyse the status of Section 41 of Transfer of Property Act with reference to Benami Transaction (Prohibition) Amendment Act, 2016.	10	CO3

10.	What is the nature and significance of easementary right? Give few examples of Dominant and servient heritages.	10	CO4
11.	Discuss the various essentials of a valid Sale? Refer to various statutory provisions and compare the sale of movable and immovable properties.	10	CO3
SECTION-D (All questions are compulsory)			
Q	Statement of question		
12.	A transfers a house to B to be enjoyed by him during his lifetime and then the property is to vest in the first child of B when such child attains the age of 21 years. The deed also provides that if B does not have a child or such child dies before attainment of the age of 21 years, the property would go to B's younger brother C. B got married and his child died at the age of 20 years. C now wants the possession of the house. Will he succeed? Discuss in the light of relevant law.	12.5	CO5
13.	X executes a mortgage in favor of Z. The deed provided that X would be entitled to redeem the property only within six months after 99 years, failing which he would lose the right of redemption. Discuss the validity of such condition. Refer to relevant case law.	15	CO5
14.	A's father was sick and in order to meet the medical expenses, A sold his father's property to a family friend. X. Twenty days later, the father died, but A who had taken consideration from X, refused to hand over the possession of the property. X files suit for recovery of possession. Will he succeed? Discuss.	10	CO5
15.	X' executes a simple mortgage in favour of 'Y' and a usufructuary mortgage in favour of 'Z', over the Same property. 'Z' takes possession of property. 'Y', upon default, brings action for sale of the property. 'Y' wins the case and in execution, the new purchaser forcibly evicts 'Z'. What is the remedy for 'Z'? Also, clearly point out the difference between simple and usufructuary mortgage.	12.5	CO5