

Roll No.
SAP ID



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
Online End Term Examination, December, 2020

Course: Transfer of Property and Easement Law

Semester: V

Programme: BBALL.B (Hons)/ B. Com. LL.B (Hons.) B.A., LL.B. (HONS.) Time: 03 hrs.

Course Code: CLCC 3028

Max. Marks: 100

SECTION A

Each Question will carry 5 Marks

| S. No. | Question | CO |
|---------------|--|-----------|
| Q.1 | Explain 'Doctrine of Election' | 1 |
| Q.2 | Explain the concept of 'Immovable Property'. | 1 |
| Q.3 | Explain transfer of property within the meaning of Sec. 5 of the Transfer of Property Act, 1882. | 1 |
| Q.4 | Distinguish between Vested and Contingent Interest. | 1 |
| Q.5 | Distinguish between 'condition restraining alienation' and 'condition restraining enjoyment.' | 1 |
| Q.6 | What are the essentials of a valid gift? | 1 |

SECTION B

1. Each question will carry 10 marks

2. Instruction: Write short / brief notes

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| Q.7 | Explain doctrine of Lis Pendens in the light of statutory provision and relevant case laws. | 2 |
| Q.8 | Discuss the essentials of a valid Sale in light of statutory provisions. Or What are the essential requirements of a valid easement. How can easement be created and extinguished. Explain with the help of relevant provisions and examples. | 2 |
| Q.9 | Explain doctrine of 'Transfer by Ostensible Owner' with the help of statutory provision and judicial decisions | 2 |

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| Q.10 | “Whether an instrument operates as a lease or license is a matter not of words but of substance” Discuss with the help of case laws difference between a lease and a license. | 3 |
| Q.11 | “Doctrine of Part performance” is a right available only to the defendant to protect his possession. Analyse the doctrine of Part performance with the help of case laws and state the effect of 2001 amendment in the Registration Act. | 3 |
| Section C 1. Each Question carries 10 Marks. 2. Instruction: Write long answer. | | |
| Q.12 | <p>Q.(1) Ashish owner of a house situated in Dehradun, transfers the house in 2013 to his friend Ritisha, with a condition that Ritisha shall live in the house but shall not alienate it. He stipulated in the conveyance deed that after the death of Ritisha the house shall go to Ashish’s unborn son absolutely with a condition that the house shall vest in his son after the son attains the age of 21 years. A son is born to Ashish in 2016 and Ritisha dies in 2018 in a car accident. On death of Ritisha, son of Ashish claims the property under the transfer.</p> <p>Decide whether Son of Ashish will get the property under the transfer or not? Discuss the validity of this transfer in the light of the relevant provisions of law. Cite the relevant provisions and case law (if any).</p> <p>Or</p> <p>A mortgages his house to B subject to a condition that he would not redeem the property for a period of twenty years. After twenty years, he could redeem the property only within a period of one year failing which he would lose the right to redeem the property forever.</p> <p>However, if he redeems the property within the stipulated time, B would have a right to stay in this house as a tenant of A for a period of 25 years. Discuss the validity of these conditions in the light of relevant provisions and case laws.</p> <p>Q.(2) ‘A’ erroneously makes a representation to ‘B’, that he is competent to transfer a house. The house originally belongs to his father, but ‘A’ did not know that his father had made a gift of this house to his mother, and she is the sole owner.</p> <p>‘B’ paid the consideration, but later he discovered that ‘A’ was not the real owner of the property. ‘B’ claimed for his money back. A returned the entire consideration to B as per the terms of the contract. After few days A’s mother died and A, as sole heir inherited the house. ‘B’ came to know of this fact and now he wants A to feed the grant. Decide the claim of ‘B’ with the help of relevant provisions & cases.</p> <p>In the light of above mentioned facts distinguish between Spes Successions and doctrine of feeding the grant by Estoppel.</p> | 4 |