

**Roll No.**

**SAP ID**



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

**Course: Property law including Transfer of Property Act & Easement Act**

**Semester: IX**

**Programme: B. Tech Energy Technology with LL.B (Hons.) in (IPR)**

**Course Code: LLBL402**

**Time: 03 hrs.**

**Max. Marks: 100**

**SECTION A**

**Each Question will carry 5 Marks**

<b>S. No.</b>	<b>Question</b>	<b>CO</b>
Q.1	Distinguish between Vested and Contingent Interest.	<b>1</b>
Q.2	What are the essentials of a valid gift under the provisions of TPA.	<b>1</b>
Q.3	Distinguish between Simple Mortgage and usufructuary mortgage.	<b>1</b>
Q.4	Define and distinguish between actual and constructive Notice..	<b>1</b>
Q.5	What are the pre-requisites of a Transfer of property? What are the kinds of property which does not become subject matter of transferability under Transfer of Property Act?	<b>1</b>
Q.6	What is meant by 'Inter-Vivos'?	<b>1</b>

**SECTION B**

**1. Each question will carry 10 marks**

**2. Instruction: Write short / brief notes**

Q.7	Explain the Rule against Perpetuity. What is the procedure prescribed under Transfer of Property Act 1882 to transfer property for the benefit of unborn person?	<b>2</b>
Q. 8	A is the owner of an estate that has only timber trees in various stages of growth. Under a contract, he confers a right in favour of B to enter the forest and cut only standing timber. The right is spread over a period of twenty years.  In the light of the above-mentioned facts identify whether standing timber is a movable property or immovable property and also support your answer with relevant case laws	<b>2</b>
Q.9	Explain doctrine of 'Transfer by Ostensible Owner' with the help of statutory provision and judicial decisions	<b>2</b>
Q.10	Explain doctrine of 'Acceleration' with the help of statutory provision and judicial decisions.	<b>3</b>

Q.11	Section 53A can be used as a shield, but not as independent claim either as a plaintiff or as a defendant. It is a weapon of defence and not of attack. Analyse with the help of judicial pronouncement and recent amendments.	3
<b>Section C</b> <b>1. Each Question carries 10 Marks.</b> <b>2. Instruction: Write long answer.</b>		
Q.12	<p>Sarita a mother of a minor son Rakesh; transferred property in favour of Santosh on her behalf and on behalf of Rakesh. Rakesh after getting majority challenged the said transfer and court held that the transfer upto the extent of share of Rakesh is void. Thereafter before Rakesh could take the possession, he dies in a road accident and Kalavati being legal heir of Rakesh inherited the same property. Now Santosh sues Kalavati for transfer of same property to him under section 43. Decide whether Santosh would succeed?</p> <p>In the light of above mention facts Explain and distinguish between Spes Successions and Doctrine of feeding the grant by Estoppel.</p>	4
Q.13	<p>Rahul was the owner of the house and Ravi was his tenant. Three years later Ravi entered into an agreement with Rahul to purchase his house and therefore the possession altered its character tenant in possession as owner in possession. However, 15 years later Rahul sold the same property to Harish with the help of written and registered agreement.</p> <p>Harish, claiming himself to be a bonafide purchaser filed a suit for recovery of possession of house. Meanwhile Ravi filed a suit against Rahul and his wife for specific performance of contract and claimed for the property on the ground of part performance. Decide with the help of suitable case laws &amp; relevant provisions.</p>	4