

[Time: Three Hours]

[ Marks:100]

Please check whether you have got the right question paper.

N.B: 1. All questions are compulsory.

**Q. 1** Answer the following in not more than two sentences: (20)

- i) Define Charge
- ii) Define Mortgage
- iii) What does "attached to the earth" mean
- iv) What does "attested" mean.
- v) What is Profit A Prendre
- vi) Who is a "universal donee".
- vii) Who may impose an easement?
- viii) Persons competent to transfer.
- ix) Oral transfer
- x) What is subrogation?

**Q. 2** Short Notes (Any four) (20)

- a) Condition restraining Alienation
- b) Doctrine of Election
- c) Conditional Transfer
- d) Lis Pendens
- e) Transfer by Ostensible Owner
- f) Extinction of Easement

**Q. 3** Situational Problems (Any two) (12)

- 1) A and B have a daughter C. C released her right of inheritance in A's prosperity in favour of B for consideration. Thereafter A dies. Can B resist C's claim to her share in A's property? Why? Explain the principle involved
- 2) A takes a loan of Rs.5Lacs from B under a mortgage by conditional sale. A fails to pay the amount to B. Can B file a suit to sell mortgaged property? Does B have a right of foreclosure?
- 3) 'A' is an owner of a flat at Mumbai, who left behind his wife B and child and went to Dubai and was not heard of for 5 years. The wife mortgaged the flat for SO Lakhs to C. Is the Mortgage valid? What are the rights of C in case A does not return after 7 years?

**Q. 4** Answer the following (any four) (48)

- a) What is an Exchange? What are the rights and liabilities of the parties to an Exchange?
- b) What are the characteristics of a Lease? Discuss the rights and liabilities of the lesser and the lessee
- c) What is Part Performance? What are the conditions to be fulfilled by a Transferee who wants to defend or protect his possession?
- d) What is Easement and what are the different types of Easements under the Indian Easement Act, 1882? Explain.
- e) What is Redemption? Who can redeem a mortgage besides the Mortgagor?
- f) What is Rule against Perpetuity? What are the provisions regarding Transfer to an unborn child under Transfer of Property Act?