Odisha Judicial Service (Mains) 2018

Law of Property · optional paper

Time: 3 hours. Full marks: 150. The figures in the right-hand margin indicate marks. Answer six questions, selecting two from Section A, two from Section B and two from Section C.

Section A

1. (a) Define "Actionable Claim" and state the principles governing the transfer of an "actionable claim". (b) Explain the "Rule against Perpetuity" with the help of illustrations and leading cases. [10 marks] [15 marks]

2. (a) Distinguish "Vested Interest" from "Contingent Interest". (b) Examine the "Doctrine of Part Performance" pointing out the differences between Indian and English Laws if any. [8 marks] [12+5=17 marks]

3. (a) What is meant by "CLOG ON REDUMPTION"? When is it valid? (b) What are the rights of seller and buyer of immovable property? [6+7=13 marks] [6+6=12 marks]

4. (a) How can a lease be determined? (b) (i) Define 'Exchange'. (ii) Gift under Mohammedan Law. (iii) Modern Concept of 'Property'. [10 marks] [5×3=15 marks]

Section B

5. (a) When does a Court grant the relief of "specific performance of contract"? (b) Examine the scope of Court's discretion as to decreasing specific performance. [15 marks] [10 marks]

6. (a) Explain the meaning of "Possessing Remedies." (b) Explain the scope of the remedy of recovering possession of property. [10 marks] [15 marks]

7. (a) Define "Injunction" and explain the different kinds of injunctions granted by Courts. (b) State when the remedy of injunction will be refused by Courts. (c) Examine whether injunction will be granted to perform a negative agreement. [10 marks] [8 marks] [7 marks]

8. (a) Explain the conditions to be fulfilled for getting the relief of 'Rectification of Instruments'. (b) State when the Courts will refuse "Recission of Contract"? [13 marks][12 marks]

Section C

9. (a) "VIGILANTIBUS NON DORMIENTIBUS JURA SUBVENIUNT"..... Explain. (b) "INTEREST REPUBLICAE UT SIT FINIS LITIUM". Explain. [15 marks] [10 marks]

10. (a) "Period of Limitation once commences, never stops" ... Analyse. (b) State when the commencement of period of limitation stands postponed? [13 marks] [12 marks]

11. State the period of limitation in the following referring to the provisions of Limitation Act: (a) Suits relating to contracts (b) Suits relating to Accounts (c) Suits relating to Mortgage (d) Suits relating to Trust (e) Suits relating to Declaration [5×5=25 marks]

12. (a) Explain the principles governing exclusion of time in computing the period of limitation. (b) Examine the effect of Death before the accrual of the right to sue. [12 marks][13 marks]