West Bengal Judicial Service (Mains) 2018

Transfer of Property Act · compulsory paper

Time: 3 hours · Full marks: 100

Group A: answer Question No. 1 and any two from the rest

1. (a) Define transfer of property. What are the types of property that cannot be transferred? (b) State whether the following transactions are transfers of property within the meaning of the Transfer of Property Act (any two): (i) Partition; (ii) Family arrangement; (iii) Surrender; (iv) Release.

2. Explain the doctrine of lis pendens with case laws. (15) (5+7+4+4=20)

3. (a) Explain the expressions 'vested interest' and 'contingent interest'. (b) Explain the expressions 'condition precedent' and 'condition subsequent'. (8+7=15)

4. (a) Explain the doctrine of part performance. (b) What is meant by lis pendens? What are its effects on a transfer of property? (7+8=15)

Group B: answer Question No. 5 and any two from the rest

5. Define sale of immovable property. How is sale effected? Distinguish between sale and exchange. Discuss the liabilities of the seller before completion of sale. (6+6+8=20)

6. Define mortgage. How is a mortgage by deposit of title deeds created under the T.P. Act? In what case does the memorandum of deposit have to be registered? (3+4+8=15)

7. What are the essentials of a valid gift of immovable property? How can a gift of immovable property be effected? When can a gift be suspended or revoked? (6+4+5=15)

8. (a) Define lease. (b) How can a lease be terminated? (c) What is meant by 'forfeiture of notice'? (5+6+4=15)