West Bengal Judicial Service (Mains) 2019

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) What property may and may not be transferred under the Transfer of Property Act, 1882? (b) What is spes successionis? (12+8=20)

2. "The doctrine of part performance can be used as a shield and not as a sword." In the light of this statement, discuss the doctrine under section 53A of the Transfer of Property Act, 1882. (15)

3. (a) Explain the doctrine of lis pendens. (b) What are the essential conditions for its application? (7+8=15)

4. (a) Critically analyse the doctrine of election. (b) Is there any exception to the doctrine? (10+5=15)

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

5. (a) Discuss in brief the statement "Once a mortgage, always a mortgage." (b) Discuss the concept of 'clog on redemption'. (10+10=20)

6. (a) Define sale. State the rights and duties of the buyer. (b) What is the difference between gift and sale under the Transfer of Property Act, 1882? (8+7=15)

7. (a) Define lease. What is 'seller's lien'? (b) How is a lease determined? (8+7=15)

8. (a) Define gift. When may a gift be revoked or suspended? (b) Explain 'universal donee' and 'onerous gift'. ((3+5)+(4+3)=15)