West Bengal Judicial Service (Mains) 2020

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) How many kinds of transfers are recognised by the Transfer of Property Act, 1882? Briefly discuss each of them. (15)

(b) What do you mean by "transfer inter-vivos"? (5)

2. State the definition of 'Notice' as given under the Transfer of Property Act mentioning the three principles enunciated in the Explanations to the said definition. (15)

3. (a) What do you understand by "The rule against perpetuity"? Clearly formulate the principle underlying the said rule. (10)

(b) A property is given to X for life and then the eldest unborn son Y when he will attain the age of 25. At the time of the death of X, the eldest son Y attains the age of 20. Discuss whether the gift to the unborn son is valid. (5)

4. (a) State and explain "Doctrine of Election" as contained in the Transfer of Property Act, 1882. (7)

(b) Briefly analyse the application of the "Doctrine of Cypress" as referred in the Transfer of Property Act, 1882. (4)

(c) Write a note on "Doctrine of Acceleration". (4)

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

5. (a) State the liabilities of the seller and the buyer in the case of sale of immovable property. (12)

(b) Discuss the principles of "Caveat Emptor". Does the Transfer of Property Act introduce any modification of above rule? (8)

6. (a) State the provisions as contained in the Transfer of Property Act, 1882 with reference to insurance of mortgaged property. (6)

(b) What are the rights of the mortgagee where the mortgaged property is sold owing to failure to pay arrears of revenue or rent, or where it is compulsorily acquired for public purpose? (3)

(c) How could the rights of the prior mortgage be postponed to those of subsequent mortgage? (6)

7. (a) What are the rights and liabilities of a lessee under the Transfer of Property Act, 1882? (8)

(b) What are the different modes provided under the Transfer of Property Act to determine a lease? (7)

8. (a) Can there be a gift of future property? (4)

(b) What is an "Onerous gift"? (7)

(c) Who is a "Universal donee"? (4)