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SECOND LL.B./GEN.LL.B. (SEM. III) (THREE YEAR COURSE) AND
FOURTH YEAR LL.B. (FIVE YEAR COURSE) (SEM. VII)
EXAMINATION, NOVEMBER, 2012

NM - 8055

Transfer of Property Act and Easement Act

Wednesday,
5th December, 2012

Time : 2.30 pm to 5.30 pm

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Con. 10101-12.

(3 Hours)

NM-8055

[Total Marks : 100]

1. Answer in not more than two sentences: -

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- (a) Define 'Exchange' under the Transfer of Property Act.
- (b) What is dominant heritage?
- (c) What is usufructuary mortgage?
- (d) What is easement?
- (e) What is Lis Pendens?
- (f) When can a gift be revoked?
- (g) What is the difference between actual notice and constructive notice?
- (h) What is meant by the expression 'attached to the earth'.
- (i) What are accessory rights?
- (j) What is an actionable claim?

2. Write short notes on any four from the following:

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- (a) Part Performance.
- (b) Fraudulent Transfer.
- (c) Election.
- (d) Ostensible Owner.
- (e) Who are the persons who may sue for redemption under Sec. 91 of the T.P.Ac
- (f) What is subrogation?

3. Attempt any two from the following :-

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- (a) A mortgages a certain plot of land to B and afterward erects a house on the plot
 - (i) Is B entitled to the house for the purpose of his security?
 - (ii) Give reasons for your answer.
- (b) A transfers property to his minor daughter D for life with a condition that she shall not enjoy the property till she passes her LL.B. exams.
 - (i) Is D bound by the conditions?
 - (iii) If the transfer by A is made to D absolutely, after she attains majority, but with the condition that she cannot sell the property to anyone else, is D bound by the condition?

[TURN OVER]

(क) 'अ' हा 'ब' चा कर्जदार आहे व 'ब' ते कर्ज 'क' ला हस्तांतरीत करतो.
 'ब' हा नंतर 'अ' कडे त्या कर्जाची परतफेडीची मागणी करतो, 'अ' ला
 हस्तांतरीची सूचना न मिळाल्याने तो 'ब' ला पैशाचा भरणा करतो.

- (i) हा पैशाचा भरणा वैध आहे का?
- (ii) 'क' हा 'अ' विरुद्ध कर्जासाठी दावा करू शकेल का? वरील
 उत्तरासाठी कारणे द्या.

प्र. ४. कोणत्याही चारांची उत्तरे लिहा:-

गुण : ४८

(अ) शाश्वततेच्या विरुद्ध नियम काय आहे? मालमत्ता हस्तांतरण
 कायद्यातील कलम १४, १८ व २० प्रमाणे चर्चा करा.

(ब) निहीत हितसंबंध व घटनावलंबी हितसंबंधी यातील फरक स्पष्ट करा.

(क) 'दान' म्हणजे काय? दानाकरता मूलभूत गोष्टी कोणत्या असतात व
 दान कसे घडवून आणले जाते?

(ड) 'भाडेपट्टा' म्हणजे काय? पट्टाकर्ता व पट्टेदार यांचे हक्क व दायित्व
 काय असतात.

(इ) कपटपूर्ण हस्तांतरण व बेनामी हस्तांतरण या मधील फरक स्पष्ट करा.

(फ) सुविधाधिकार व परवाना ह्यातील फरक स्पष्ट करा.
