

Time: 2½ Hours

Marks: 75

- NB:**
- 1. All questions are compulsory**
 - 2. Figures to the right indicate full marks**

Q.1 Answer any six of the following in one or two sentences: (12)

- What is immovable property under the Transfer of Property Act, 1882?
- Name any three properties which cannot be transferred under the Transfer of Property Act, 1882.
- Who is an Ostensible Owner?
- What is Attestation?
- State exceptions to the Rule against Accumulation.
- Define Sale.
- What is an Easement? Explain Servient Heritage.
- What is Adjudication under Maharashtra Stamp Act, 1958?

Q.2 Write Short Notes on any Two of the following: (12)

- Actionable claim
- Different types of Gifts
- Seller's Lien
- Kinds of Stamps and mode of using Stamps

Q.3 Answer any two of the following situation problems (12)

- Ajit and Saini secretly agree that Saini would file a suit against Ajit in respect of a house which is in Ajit's possession, and that Ajit would not seriously contest the suit. And during the pendency of the suit, Saini would sell the house to Dharma and the money received from Dharma would be divided between them. Accordingly, Saini files the suit as agreed and during the pendency of the suit he sells the house to Dharma.
 - Will the sale to Dharma be set aside by the court?
 - Which principle is applicable in the above situation?
- Shekhar transfers his house to Gita in consideration of Gita giving her house and Rs 25 lakhs to Shekhar.
 - Would this transaction amount to 'Exchange'?
 - What are the essential requisites for a valid Exchange?

- c) Parimal lets out a house to Benny for 3 years on a monthly rent of Rs 15,000/-. After completion of 3 years, there is no renewal of agreement nor fresh agreement. Benny continues to occupy the house by paying Rs 15,000/- per month and Parimal accepts the same.
- Is Benny a trespasser?
 - What is a tenancy in such circumstances called as?
- d) Mani Takes a loan of rupees 50 lakhs from Sanjay under a mortgage by conditional sale. Money fails to pay the amount to Sanjay.
- Can Sanjay file a suit to sell the mortgaged property of Mani?
 - Is right for foreclosure available to Sanjay?

Q.4 Answer any three of the following in detail:

(39)

- Explain properties which are not transferable under the Transfer of Property Act, 1882 with examples and relevant case laws.
- What is Mortgage? What are the essential requirements for a valid Mortgage? Bring out the difference between English Mortgage and Mortgage by Conditional Sale.
- Enumerate documents which need compulsory registration under the Registration act, 1908. What are the effects of non-registration of documents required to be registered?
- Explain the different kinds of easements with examples. Under what circumstances an easement ends?
- Explain the circumstances under which a lease is terminated?

- ब) गीताने तिचे घर आणि २५ लाख रुपये शेखरला दिल्याच्या विचारात शेखरने आपले घर गीताला हस्तांतरित केले.
- (i) हा व्यवहार 'एक्सचेंज' मध्ये होईल का?
- (ii) वैध एक्सचेंजसाठी आवश्यक गोष्टी काय आहेत?
- c) परिमल बेनीला 3 वर्षांसाठी 15,000/- मासिक भाड्यावर घर देते. 3 वर्षे पूर्ण झाल्यानंतर, कराराचे नूतनीकरण किंवा नवीन करार नाही. बेनीने दरमहा रु. 15,000/- देऊन घराचा ताबा सुरु ठेवला आणि परिमलने ते स्वीकारले.
- (i) बेनी हा अतिक्रमण करणारा आहे का?
- (ii) अशा परिस्थितीत भाडेकरू काय म्हणतात?
- ड) मणीने सशर्त विक्री करून संजयकडून 50 लाख रुपयांचे कर्ज गहाण ठेवले. संजयला रक्कम देण्यास पैसे अयशस्वी झाले.
- (i) संजय मणीची गहाण ठेवलेली मालमत्ता विकण्यासाठी दावा दाखल करू शकतो का?
- (ii) संजयला फोरक्लोजर उपलब्ध आहे का?

Q.4 खालील उत्तर द्या: (कोणतेही तीन)

(39)

- a) मालमत्ता हस्तांतरण कायदा, 1882 अंतर्गत हस्तांतरणीय नसलेल्या मालमत्ता उदाहरणे आणि संबंधित केस कायद्यांसह स्पष्ट करा.
- b) गहाण म्हणजे काय? वैध गहाणसाठी आवश्यक आवश्यकता काय आहेत? इंग्रजी गहाण आणि सशर्त विक्रीद्वारे गहाण मधील फरक समोर आणा.
- c) नोंदणी अधिनियम, 1908 अंतर्गत अनिवार्य नोंदणी आवश्यक असलेल्या दस्तऐवजांची गणना करा. नोंदणीसाठी आवश्यक कागदपत्रांची नोंदणी न केल्याने काय परिणाम होतात?
- d) विविध प्रकारच्या सोयी उदाहरणांसह स्पष्ट करा. कोणत्या परिस्थितीत आराम संपतो?
- e) भाडेपट्टी कोणत्या परिस्थितीत संपुष्टात आली ते स्पष्ट करा?

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