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Reg. No.....

Name.....

FIVE YEAR LL.B. (HONOURS) DEGREE EXAMINATION, JUNE 2024

Fifth Semester

FL 12—PROPERTY LAW

(Common to B.A., LL.B. (H), B.Com., LL.B. (H) and B.B.A., LL.B. (H))

(2021 Admissions—Regular/2018 to 2020 Admissions—Supplementary)

Time : Three Hours

Maximum : 75 Marks

Part A

Write short notes on any five of the following.

Each question carries 3 marks.

1. Immovable property.
2. Actionable claim.
3. Rule against Repugnant Conditions.
4. Clog on redemption.
5. Doctrine of subrogation.
6. Dominant heritage' and 'servient heritage'.

(5 × 3 = 15 marks)

Part B

Answer any three of the following problems.

Each question carries 10 marks.

7. 'P' transfers a property of which he is the owner to 'Q', in trust for 'P' and his intended wife successively for their lives and, after the death of the survivor, for the eldest child of the intended marriage for life and after his death for P's second child. Discuss the validity of such transfer with the help of statutory provisions and judicial decisions.

Turn over

8. 'X' is the owner of two properties, a house and a farm land adjacent to it. 'X' sells the farm land to 'Y' with a covenant that 'Y' shall spend money once in every year in repairing and maintaining the drain of his house passing through the farm land sold to him. Discuss the enforceability of the covenant against 'Y' and successors in title. Support your answer with cogent reasoning.
9. 'A' agreed to sell immovable property to 'B' in 2017. 'B' filed a suit in 2018, against 'A' for the specific performance of the contract to sell and for the recovery of the said property. Pending the suit, 'A' sold the property to 'C' in 2019 by a registered deed. In 2020, B's suit was dismissed on the ground that he had committed a breach of contract of sale. In 2021, 'C' filed a suit against 'A' for recovering possession of the property sold to him by 'A' in 2019. 'A' resists C's claim on the ground that the sale to 'C' was affected the doctrine of *lis pendens* and the same is not valid. Decide.
10. 'T' takes lease of a building for being used as a factory. He stores chemicals needed for the business inside the building. The building is accidentally burnt down. Examine whether 'T' can avoid the lease under the provisions of the Transfer of Property Act. What is the legal position as to his liability to pay rent for the remaining period of the lease ?

(3 × 10 = 30 marks)

Part C

Answer any two of the following questions.

Each question carries 15 marks.

11. Explain the provisions of the Transfer of Property Act, 1882, regarding the transfer of immovable property for the benefit of unborn persons and class of persons. Discuss, with the help of suitable illustrations and judicial decisions, the conditions under which such transfers are valid and the legal implications thereof.
12. Discuss the conditions for the application of the doctrine of election. Also discuss the difference between English Law and Indian Law relating to doctrine of election. What are the limitations and exceptions to the doctrine? How do these limitations affect the rights of parties involved?
13. Discuss the concept of a 'mortgage' under the Transfer of Property Act. What are the essential elements of a mortgage ? Explain the different types of mortgages recognized under the T.P. Act and analyze their legal implications.

(2 × 15 = 30 marks)