Paper / Subject Code: 66823 / Transfer of Property

Time: 2 ½Hours

Marks: 75

Q1. Answer any six of the following in one or two sentences. (12 Marks)
a) Who is competent to transfer property as per the Transfer of Property Act, 1882?
b) Explain the term 'Conditional Transfer'.
c) Who is an Universal Donee?
d) Explain the term Servient Heritage and Dominant Heritage.
e) Discuss the rights of the mortgagee with respect to accession to mortgaged property.
f) What is the time limit within which document should be presented for registration under the Registration Act, 1908?
g) What does the term duly stamped mean as per the Maharashtra Stamp Act?
h) What is a fraudulent transfer?

Q2. Write Short Note on any two of the following. (12 Marks)
a) Right of Redemption
b) Determination of Lease
c) Suspension or Revocation of Gift
d) Incidents of Easement

Q3. Answer any two of the following situation problems. (12 Marks)
a) "A" has a property and he proposes to transfer in the following manner. A would like to transfer his property to B and then further to C. After C the property will be transferred to unborn child of C when he attains the age of 30. Advise A on the following-
   i. Can A transfer the property to the unborn child?
   ii. What kind of interest is created in favour of B and C?
b) Segal, a shop in the main market grants permission to a florist to use the open space outside his shop for selling flowers.
   i. What kind of right is granted by Segal to the florist? Mention the relevant provisions.
   ii. Can the florist further transfer this right to some other person?

c) A, as owner of a house, has a right of way over B's land. C unlawfully enters on B's land, and obstructs A in his right of way.
   i. What is act of C termed in the Easement Act?
   ii. Who can sue C for his act as per the provisions of Easement Act?

d) X mortgages his house to Y for a period of 5 years. On expiry of the said period, X pays the mortgage money to Y and asks Y to retransfer the rights to X. Y fails to do so.
   i. What is the right of the mortgagor on repayment of mortgage money? Explain.
   ii. During the subsistence of the mortgage, can the mortgagor lease the mortgaged property? Explain with the help of relevant provision.

Q4. Attempt any three of the following in detail. (39 Marks)
a) Explain the Doctrine of Election with illustrations.
b) Define Mortgage. Explain various kinds of Mortgage.
c) Discuss the provisions relating to Doctrine of Lis Pendens.
d) Explain the Doctrine of Rule against Perpetuity in the Transfer of Property Act.
e) Define 'immovable property' under Registration Act, 1908. Explain the law governing registration of documents and effects of non-registration.

****

45734

980E2179D4D406D235BC97BC30E5BDA9

वेळ: 2 ½तास

गुण: ७५

Q1. खालीलपैकी कोणत्याही सहा वाक्यांची एक किंवा दोन वाक्यात उत्तरे द्या. (१२ गुण)

अ) मालमत्ता हस्तांतरण कायदा, 1882 नुसार मालमत्ता हस्तांतरित करण्यास कोण सक्षम आहे?

ब) 'सशर्त हस्तांतरण' या शब्दाचे स्पष्टीकरण करा.

क) युनिव्हर्सल डोनी कोण आहे?

ड) सर्वियंट हेरिटेज आणि डोमिनंट हेरिटेज या शब्दाचे स्पष्टीकरण करा.

इ) गहाण ठेवलेल्या मालमत्तेच्या प्रवेशाच्या संदर्भात गहाणधारकांच्या अधिकारांची चर्चा करा.

ई) नोंदणी कायदा, 1908 अंतर्गत नोंदणीसाठी दस्तऐवज कोणत्या कालावधीत सादर करावा?

उ) महाराष्ट्र मुद्रांक अधिनियमानुसार रितसर मुद्रांकित शब्दाचा अर्थ काय आहे?

ऊ) फसवे हस्तांतरण म्हणजे काय?

Q2. खालीलपैकी कोणत्याही दोनवर लहान टीप लिहा. (१२ गुण)

अ) विमोचनाचा अधिकार

ब) लीजचे निर्धारण

क) तिलिंबन किंवा भेट रद्द करणे

ड) सहजतेच्या घटना

Q3. खालीलपैकी कोणत्याही दोन परिस्थिती समस्यांची उत्तरे द्या. (१२ गुण)

अ) "A" कडे मालमत्ता आहे आणि तो खालील प्रकारे हस्तांतरित करण्याचा प्रस्ताव देतो.

A ला त्याची मालमत्ता B आणि नंतर C कडे हस्तांतरित करायची आहे. C नंतर मालमत्ता 30 वर्षांची झाल्यावर न जन्मलेल्या मुलाला o C ला हस्तांतरित केली जाईल. A ला खालील गोष्टीवर सल्ला द्या-

i न जन्मलेल्या मुलाला मालमत्ता हस्तांतरित करता येईल का?

ii B आणि C च्या बाजूने कोणत्या प्रकारचे स्वारस्य निर्माण केले जाते?

ब) सेगल, मुख्य बाजारपेठेतील दुकान फुलविक्रेत्याला त्याच्या दुकानाबाहेरील मोकळी जागा फुले विकण्यासाठी वापरण्याची परवानगी देते.

i सेगलने फुलविक्रेत्याला कोणत्या प्रकारचे अधिकार दिले आहेत? संबंधित तरतुदींचा उल्लेख करा.

ii फुलवाला हा अधिकार पुढे दुसऱ्या व्यक्तीकडे हस्तांतरित करू शकतो का?

क) A, घराचा मालक म्हणून, B च्या जमिनीवर हक्क आहे, C बेकायदेशीरपणे B च्या जमिनीवर प्रवेश करतो आणि A च्या मार्गात अडथळा आणतो.

i. Easement Act मध्ये C च्या कायद्याला काय म्हणतात

ii. सुलभता कायद्याच्या तरतुदीनुसार त्याच्या कृत्यासाठी C वर कोण खटला भरू शकतो?

ड) X त्याचे घर Y कडे 5 वर्षांच्या कालावधीसाठी गहाण ठेवतो. उक्त कालावधी संपल्यावर, X तारणाचे पैसे Y ला देतो आणि Y ला X ला अधिकार परत हस्तांतरित करण्यास सांगतो. Y असे करण्यात अपयशी ठरतो.

i गहाण ठेवलेल्या पैशाच्या परतफेडीवर गहाण ठेवणाऱ्याचा काय अधिकार आहे? स्पष्ट करणे.

ii गहाण ठेवत असताना, गहाण ठेवणारी मालमत्ता गहाणखत भाड्याने देऊ शकतो का? संबंधित तरतुदीच्या मदतीने स्पष्ट करा.

45734

Page 2 of 3

Q4. खालीलपैकी कोणतेही तीन तपशीलवार प्रयत्न करा. (३९ गुण)

अ) निवडणुकीचे सिद्धांत उदाहरणांसह स्पष्ट करा.

ब) गहाण ठेवण्याची व्याख्या करा. विविध प्रकारचे तारण समजावून सांगा.

क) Lis Pendens च्या सिद्धांताशी संबंधित तरतुदींची चर्चा करा.

ड) मालमत्ता हस्तांतरण कायद्यातील शाश्वतेच्या विरुद्ध नियमांचे सिद्धांत स्पष्ट करा.

इ) नोंदणी कायदा, 1908 अंतर्गत 'अचल मालमत्ता' परिभाषित करा. दस्तऐवजांच्या नोंदणीचे नियमन करणारा कायदा स्पष्ट करा आणि नोंदणी न केल्याने होणारे परिणाम.

****

45734

980E2179D4D406D235BC97BC30E5BDA9

23/1/24

Time: 2 ½Hours

Marks: 75

Q1. Answer any six of the following in one or two sentences. (12 Marks)
a) Who is competent to transfer property as per the Transfer of Property Act, 1882?
b) Explain the term 'Conditional Transfer'.
c) Who is an Universal Donee?
d) Explain the term Servient Heritage and Dominant Heritage.
e) Discuss the rights of the mortgagee with respect to accession to mortgaged property.
f) What is the time limit within which document should be presented for registration under the Registration Act, 1908?
g) What does the term duly stamped mean as per the Maharashtra Stamp Act?
h) What is a fraudulent transfer?

Q2. Write Short Note on any two of the following. (12 Marks)
a) Right of Redemption
b) Determination of Lease
c) Suspension or Revocation of Gift
d) Incidents of Easement

Q3. Answer any two of the following situation problems. (12 Marks)
a) "A" has a property and he proposes to transfer in the following manner.
A would like to transfer his property to B and then further to C. After C the property will be transferred to unborn child of C when he attains the age of 30. Advise A on the following-
   i. Can A transfer the property to the unborn child?
   ii. What kind of interest is created in favour of B and C?
b) Segal, a shop in the main market grants permission to a florist to use the open space outside his shop for selling flowers.
   i. What kind of right is granted by Segal to the florist? Mention the relevant provisions.
   ii. Can the florist further transfer this right to some other person?

c) A, as owner of a house, has a right of way over B's land. C unlawfully enters on B's land, and obstructs A in his right of way.
   i. What is act of C termed in the Easement Act?
   ii. Who can sue C for his act as per the provisions of Easement Act?

d) X mortgages his house to Y for a period of 5 years. On expiry of the said period, X pays the mortgage money to Y and asks Y to retransfer the rights to X. Y fails to do so.
   i. What is the right of the mortgagor on repayment of mortgage money? Explain.
   ii. During the subsistence of the mortgage, can the mortgagor lease the mortgaged property? Explain with the help of relevant provision.

Q4. Attempt any three of the following in detail. (39 Marks)
a) Explain the Doctrine of Election with illustrations.
b) Define Mortgage. Explain various kinds of Mortgage.
c) Discuss the provisions relating to Doctrine of Lis Pendens.
d) Explain the Doctrine of Rule against Perpetuity in the Transfer of Property Act.
e) Define 'immovable property' under Registration Act, 1908. Explain the law governing registration of documents and effects of non-registration.

****

45734