

JSM – 21/5

Law of Property

Time : 3 hours

Full Marks : 150

The figures in the right-hand margin indicate marks.

*Candidates should attempt **six** questions,
selecting **two** from Section – A, **two** from
Section – B and **two** from Section – C.*

Section – A

1. (a) Under what circumstances a person can be said to have notice of a fact ? 10
- (b) (i) State the essential conditions for a valid attestation of an instrument. 10
- (ii) Can a money lender to the mortgagee validly attest the mortgage instrument ? 5
2. (a) Referring to the provisions of the Transfer of Property Act, 1882, state the properties which cannot be transferred. 15

- (b) Discuss the validity of following conditions on transfers :
- (i) 'A' mortgages a property to 'B' with a condition that 'B' will never sub mortgage the property to anyone. 5
 - (ii) 'A' transfers a farm to 'B' for his life with a condition that in case 'B' cuts down any tree of the farm, the transfer shall cease to have any effect. 5
3. (a) What kinds of subrogations are recognized by the Transfer of Property Act ? 15
- (b) Point out the circumstances under which a lease of an immovable property is determined. 10
4. (a) Explain the rights of a mortgagor on redemption of a mortgage. 10
- (b) (i) Can a person interested in a share only of the mortgaged property redeem his own share only ? 5
- (ii) Who is regarded as universal donee ? 10

Section – B

5. (a) Explain the provisions of Specific Relief Act relating to recovery of possession of immovable property. 15
- (b) Discuss liability of person in possession of movable property, of which he is not the owner, to deliver the same to the person entitled to its immediate possession. 10
6. (a) State the conditions for enforcing the specific performance of a contract. 15
- (b) When can the court direct the specific performance of a part of a contract ? 10
7. (a) Who are the persons against whom specific performance of a contract may be enforced ? 15
- (b) Explain the provisions relating to substituted performance of contract under the Specific Relief Act, 1963. 10

8. (a) What are special provisions under the Specific Relief Act, 1963 for contracts relating to infrastructure projects ? 10
- (b) Discuss the power of court to award compensation in a suit for specific performance of a contract. 15

Section – C

9. (a) Explain the principles for extension of prescribed period under Section 5 of the Limitation Act, 1963. 15
- (b) Limitation bars the remedy but not the right. Explain with illustrations. 10
10. (a) Explain the provisions with illustrations under the Limitation Act, 1963 relating to extension of period of limitation on the ground of legal disability. 15
- (b) (i) The limitation period for instituting a suit by M expired when M was a minor. Should M file the suit within a reasonable time immediately after the becomes a

major or within the prescribed period of limitation, after he becomes a major ?

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- (ii) A house belonging to P is taken possession of by a trespasser. The period of limitation for recovery of the possession is 12 years from the date of dispossession. P dies before the expiry of this period, leaving a minor son S, who attains majority after the period has expired and brings a suit for recovery of the house in 14th year from the date of dispossession. Is S entitled to extension of period of limitation on the ground of legal disability ?

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11. (a) Explain the provisions under the Limitation Act, 1963 relating to exclusion of time in legal proceedings in computing the period of limitation.

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- (b) Discuss the provision under the Limitation Act, 1963 relating to exclusion to time of proceeding **bona fide** in Court without jurisdiction.

10

12. (a) State the requisites of a valid acknowledgment for extension of limitation period. 15
- (b) What is the effect of death, fraud or mistake in computing the period of limitation? 10

