

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**
Course: Law of Transfer of Property and Easement
Semester-VI (Batch: 2014-19)

Mid Semester Test: Feb-Mar. 2017

Date: 3rd March, 2017

Duration: 2 hours

Max. Marks: 30

Instructions:

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write any thing on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.

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| <p>Q.1 <i>Austin</i> defined ownership as “a right indefinite in point of user, unrestricted in point of disposition and unlimited in point of duration. With reference to the statement explain the relationship of the concept of ownership and possession in property law in India with the help of suitable cases and examples.</p> | (05) |
| <p>Q.2 <i>A</i>, a Hindu who has separated from his father <i>B</i>, sells to <i>C</i> three fields, X1, X2 and X3, representing that <i>A</i> is authorised to transfer the same. Of these fields X3 does not belong to <i>A</i>, it having been retained by <i>B</i> on the partition; but on <i>B</i>'s dying <i>A</i> as heir obtains X3. Thereupon <i>A</i> immediately sells field X3 to <i>D</i>.</p> <p>Answer the following question</p> <p>(a) Elaborate the concept of Transfer of Property Act applicable in this case along with the suitable provisions (s).</p> <p>(b) Discuss the rights of <i>C</i> and <i>D</i>.</p> | (05) |
| <p>Q.3 <i>A</i>, a Hindu husband, purchased property in the name of his wife, <i>B</i>. The property (land) was entered in the name of the wife in revenue records. After <i>A</i>'s death, his widow <i>B</i>, mortgaged the land to <i>C</i>, who took the mortgage after due inquiry believing in good faith that <i>B</i> was the owner of the property. <i>C</i> obtained a decree for sale on his mortgage and purchased the land. But at the time <i>D</i> was in possession of the property for <i>D</i> had purchased the land in execution of a money decree against <i>A</i>.</p> <p>Answer the following questions:</p> <p>(a) Elaborate the concept of Transfer of Property Act applicable in this case along with the suitable provisions (s).</p> <p>(b) What is the status of rights of <i>C</i> and <i>D</i> in the property?</p> <p>(c) What will be the outcome of <i>C</i>'s suit against <i>D</i> for possession?</p> | (05) |
| <p>Q.4 Explain in detail the process of registration and the powers and function of the Real Estate Regulation Authority under the Real Estate Regulation and Development Act 2016.</p> | (05) |
| <p>Q.5 State in brief the objectives and salient features of The <i>Benami</i> Transactions (Prohibition) Amendment Act, 2016.</p> | (05) |