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3 MAY 2023

**NATIONAL LAW UNIVERSITY, JODHPUR**

End Term Examination April May 2023

Semester: UG IV Semester

Subject: Law of Property Trust and Equity

**Time: Three Hours**

**Marks: 100**

**Instructions:**

- 1. Attempt any five out of the six questions**
- 2. All questions carry equal marks**
- 3. Students are prohibited from using any electronic device**

Q.1) A executed a mortgage deed in favor of B for a period of 85 years to secure a sum of 2,00,000. Subsequently, A undertook a further loan of 1,00,000 rupees. Subsequently, a modification was made to the mortgage stating that the property could only be redeemed with the payment of the entire sum of 3,00,000. A paid back the amount of 2,00,000 to redeem the property. However, B refused to re-convey the property. Hence, a suit is filed for redemption. Decide? (Marks 20)

Q.2) A and B together mortgaged 2 blocks of properties to C to secure a sum of Rs, 1,00,000. Out of the two properties the first block covered a sum of 50,000 and the other covered the balance of 50,000. Subsequently, a dispute arose with regard to the title of the first block of the property against a third party D. As a result of the contention over the title, C decided to release the first block out of the mortgage. Subsequently, A pays back the balance of 50,000 to redeem the 2nd block. C refuses to re-convey the same. Decide? (Marks 20)

Q.3) A owned an estate. The entire estate had certain buildings constructed over certain portions. Out of the entire estate a certain portion (with certain buildings constructed over) was transferred to B through a sale agreement. The said portion of the estate is separated from the unsold portion through a common wall. Under the sale agreement a covenant was added to impose an obligation upon B to maintain a distance of 2 meters from the common wall while repairing and maintaining the said buildings. The same was transferred by B to C through a separate sale agreement. C sought to repair the buildings to construct a residential apartments. However, while doing so he abstained from maintaining a distance 2 meters from the common wall. A raises an objection relying upon the said covenant. Decide? (Marks 20)

Q.4) A transfers a property to B for his lifetime at a time when B was of the age of 40 years. After his lifetime the property was to devolve over to B's heirs for their lifetime and so on. Neither B nor any of his heirs had any right to sell the property outside his family. However, if B or any of his heirs were to die issueless then the property was to devolve over to C. B dies at the age of 70

years. However, B's son G died at a young age of 15 years. G was born when B was of 35 years. After B's death C claimed his title over the property. However, an objection was raised by A's heir challenging the validity of the said transfer. Decide? (Marks 20)

Q.5) Compare the distinction between a zuripaeshgi lease and usufructuary mortgage? (Marks 20)

Q.6) Explain the entire mechanism created under Section 13 of Transfer of Property Act through which an interest is to be created in favor of an unborn person? (Marks 20)