

4 MAY 2024

NATIONAL LAW UNIVERSITY JODHPUR

End Term Examination April May 2024

Semester: UG IV Semester

Subject: Law of Property Trust and Equity

Maximum Marks.- 100

Time- 3 hrs

Note-

1. No outside material is allowed.
2. Attempt any 5 out of the six questions.

Q.1) A had undertaken a loan of the amount of Rs, 1,00,000 against B. In return of the loan amount A mortgaged his property X to B on 2/2/2020. Under the mortgage deed it was stipulated that A promises to return the principal amount along with interest within a period 20 years from the time when the loan was granted. The possession of the mortgaged property was retained along with A. However, due to sever fire caused in the vicinity the mortgaged property was severely affected. On non-payment of the amount within a period of 30 years, B decided to file suit to enforce the same. B sought get the general (non-mortgaged property) under the suit in accordance with the general provisions of CPC. However, an objection was raised by A in this regard. Decide. (Marks 20)

Q.2) A had mortgaged the property to B along with the possession of the property. The rents and profits was to be realized in lieu of the interest to be paid on the principal amount. B further leased out the property in favor of C for a period of 10 years. A returned back the principal amount after a period of 5 years from the time when the loan was taken. It is in this regard the A claimed for the possession of the property. However, C raised an objection against the re-conveyance of the property. Meanwhile, there is a state rent control legislation which provide thus-

Section 3- A landlord is a person who receives rent in lieu of the rent created and tenant has an obligation pay such rent.

Section 14- A landlord needs to provide for a prior notice 6 months to get the tenant evicted.

C seeks to protect his possession under the above mentioned provisions of the state legislation. A has appeared before you to seek your counsel in this regard. Help A with the use of relevant case laws in this regard. (Marks 20)

Q.3)A owned a large estate. The estate was bifurcated in two portions separated though a common wall. The northern portion of the estate was sold to B. Under the sale deed a condition was imposed stating that B would have to render a periodical repair of the wall and while doing so maintain a distance of 2 meters thereof. Similarly, the other portion of the estate was sold to C

with a similar condition. C further transferred his portion to D. Meanwhile B conducted a periodical repair of the wall. However, did not maintain the space as provided under the deed. Thus, D files a suit against B. B relied upon the principle of privity to defend. Decide. (Marks 20)

Q.4) A had two sons B and C. A made his will according to which half of the property was to be bestowed in favor of B and the other half over to C. B in turn made a promise to C to surrender his portion in favor of C for a consideration of Rs 1,50,000. An agreement was entered into in this regard. C paid the consideration in entirety. However, after A's death B refused to surrender his portion of the property. Thus, a dispute has arisen before the district court. Decide. (Marks 20)

Q.5) A owned a property X. With respect to the property a dispute arose with regard to the title against B. The suit ended in a compromise decree wherein it was agreed that a charge would be created to the tune of Rs, 1,00,000 and A remained the owner of the property. Subsequently, A mortgaged the property to C. The possession of the property with himself under the mortgage deed. The mortgage was for a period of 10 years. It covered a sum of Rs 1,50,000. After the expiry of 10 years, C filed a suit to sell the property. B raised an objection against the suit filed by C. Thus a suit has arisen before the district court. Decide. (Marks 20)

Q.6) Explain the concept of transfer as provided under Section 5 of the Transfer of Property Act? Explain the same with the help of relevant case laws. (Marks 20)