

International Islamic University Chittagong
Final Continuous Assessment, Autumn-2020 (online)
Program: LL.B. (Hons.), Semester: 5th
Department of Law
Course Title: Law of Transfer of Property
Course Code: Law- 2202

Time: 05 Hours

Marks: 30

Instructions:

- ✓ The exam is online-based due to pandemic, bearing 30 marks in total here. Figures in the margin indicate the marks for each. Rest 20 marks are allotted for virtual viva-voce/quiz.
- ✓ Start answering each of the following topics from a fresh sheet and mentioning your full name, ID, Signature in a different colour at the top of your answer script on each page. Include page number at the bottom sequentially, and submit the visible Pdf of your copies via Google classroom as per instruction on the fixed date within 5 hrs.
- ✓ Avoid plagiarism & follow the online communication etiquettes.

1.
 - a) "A conveyance of title to property that is given as security for the payment of a debt or the performance of a duty and that will become void upon payment or performance according to the stipulated time." Explain. 3
 - b) Evaluate the essential elements of a valid gift. Is Registration of gift compulsory? 4
 - c) Asif has share in B, a prosperous joint-stock company, and also shares in C, a joint-stock company in difficulties. Heavy calls are expected in respect of the shares in C. Asif gives Babu, all his shares in joint-stock companies. Babu refuses to accept the shares in C. Give your opinion in the light of the relevant section of the Transfer of Property Act, 1882. 3
2.
 - a) A has purchased a house by receiving a loan from Bank B and could not pay the loan amount or the debt. Here, A is the mortgagor and B, the Bank, is the mortgagee. If C, A's one of the sons, pays off the entire loan to B or the Bank. Decide on the case and mentioning the relevant provision of the respective laws. 3
 - b) Adnan sale his house to Pavel and get consideration against the house, and Pavel also takes possession of the house; a sale deed has been made, but it not being registered. Adnan again Sale his house to Sabbir, and he gets it registered, and now Sabbir tries to eject Pavel. Explain this fact with the relevant provision of the said Act. 4
 - c) **Minar** and **Dinar** were contending claimants of the proceeds of a policy of life insurance on the life of their debtor, which had been paid into Court by the Insurance Company. **Minar** relied on an instrument in writing, creating an assignment in his favour, and **Dinar** based his claim on a deposit of the policy with him by the debtor unaccompanied by any writing. Discuss the right of **Minar** and **Dinar** over the moneys deposited. 3
3.
 - a) A, who has separated from his father B, sells to C three fields, X, Y and Z, representing that A is authorized to transfer the same. Of these fields, Z does not belong to A, it having been retained by B on the partition, but on B's dying, A as heir obtains Z. Give your opinion as per provisions of the Transfer of Property Act, 1882. 4
 - b) A effects a policy on his own life with an Insurance Company and assigns it to a Bank for securing the payment of an existing or future debt. If A dies, what will be the position of the Bank to recover the loan? Decide on the case and mentioning the relevant provision of the respective laws. 3
 - c) What are the similarities and dissimilarities between Lease and Mortgage? 3