BLOGS

Questions on Transfer of Property Act for CLAT PG 2026- PART V

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1. Which of the following is *not* essential for applying the doctrine of part performance (Section 53A)?

a. Written contract

b. Delivery of possession

c. Registered deed

d. Willingness to perform

Correct answer: c

Explanation: Section 53A does not require registration if other conditions are met, such as a written agreement, possession, and readiness to perform.

2. Who can redeem the mortgage if the mortgagor fails to do so?

a. Sub-mortgagee

b. Co-mortgagor

c. Any person having interest in the property

d. Tenant

Correct answer: c

Explanation: Section 91 allows any person with interest in or charge on the property to redeem the mortgage.

3. Under Section 43, if a transferor erroneously conveys property without title, the transfer:

a. Is automatically void

b. Confers future title if later acquired

c. Becomes a lease

d. Is valid for 12 years

Correct answer: b

Explanation: The doctrine of *feeding the grant by estoppel* under Section 43 allows the transferee to claim the title when the transferor later acquires it.

4. Which of the following can be transferred under the Act?

a. Future wages

b. Mere right to sue

c. Easement

d. Equity of redemption

Correct answer: d

Explanation: The equity of redemption (right to reclaim mortgaged property) is a transferable right unless contractually restricted.

5. A transfer of immovable property made without consideration to a relative is:

a. Invalid

b. A gift

c. A lease

d. A grant

Correct answer: b

Explanation: A transfer without consideration, voluntarily made to a relative, and properly registered is recognized as a gift under Section 122.

6. The term "transfer of property" in Section 5 excludes:

a. Transfer by gift

b. Transfer by inheritance

c. Sale of leasehold

d. Mortgage by deposit of title deeds

Correct answer: b

Explanation: Section 5 applies to transfers between living persons. Inheritance is governed by succession laws.

7. Which mortgage type allows the mortgagee to sell the mortgaged property without court intervention?

a. Simple mortgage

b. Mortgage by deposit of title deeds

c. Usufructuary mortgage

d. English mortgage

Correct answer: d

Explanation: In an English mortgage (Section 58(e)), the mortgagor binds himself to repay on a certain date and allows sale without court intervention.

8. What is the effect of a transfer made with intent to defraud a prior transferee?

a. It is valid

b. It is protected under lis pendens

c. It is voidable at the option of the prior transferee

d. It becomes a gift

Correct answer: c

Explanation: Under Section 53, such a transfer is voidable at the instance of the defrauded party.

9. In which of the following cases is *registration not mandatory*?

a. Sale of immovable property over ₹100

b. Lease for 2 years

c. Mortgage of house worth ₹50,000

d. Lease for 11 months

Correct answer: d

Explanation: Lease for less than one year does not require registration (Section 107).

10. Under Section 8, a transfer of property includes:

a. Only the land, not easements

b. All legal incidents of ownership

c. Only possession

d. Only built-up structure

Correct answer: b

Explanation: Unless otherwise stated, Section 8 presumes that all legal incidents of ownership: like easements, rents, and profits are transferred with the property.