BLOGS

MCQ’s on Transfer to Unborn Person under Transfer of Property Act, 1882 for CLAT PG

Adtiya Aryan · 28 May 2026

Section 13 of the Transfer of Property Act, 1882, deals with the transfer of property to unborn persons. A direct transfer to an unborn person is void. But then the property can be transferred for the benefit of an unborn person for certain conditions satisfied.

Section 20 is complementary to section 13 of the Transfer of Property Act, 1882, as it provides the unborn person a vested interest in the property upon birth, whereas section 13, when read along with section 14, ensures that the property will stay tied up indefinitely. Thus, balancing testamentary freedom against perpetual restraints on alienation.

Questions

1. When is the transfer to an unborn person made valid under section 13 of the Transfer of Property Act, 1882?

a. Directly in favour of the unborn person

b. Through the medium of a prior interest created in favour of a living person

c. Through a registered instrument only

d. With the consent of the court

2. If a person named ‘A’ transfers his property to ‘B’ for life and then after death of ‘B’ the property is transferred to C’s unborn child. Now what is the nature of the transfer to the unborn child?

a. Valid, as the child was born before the life interest ended

b. Valid only if confirmed by a court

c. Voidable at the option of the child

d. Void, as the child was born after the life estate ended

3. The interest created in the favour of an unborn person under section 13 of Transfer of Property Act, 1882 should be of what nature?

a. A limited interest such as a life estate

b. Contingent upon marriage

c. The entire remaining interest (absolute interest)

d. A co-ownership interest with the prior holder

4. What is the difference between Section 13 of Transfer of Property Act, 1882 and the one decided in the Sopher's case?

a. Section 13 requires absolute transfer to unborn child; Sopher's case concerned gestation period under English law

b. Section 13 applies only to immovable property, Sopher's case applies to movable property

c. Section 13 codifies the rule against perpetuities; Sopher's case does not apply in India

d. There is no distinction; both rules are identical in application

5. If a person named 'A' transfers his property to 'B' for life and then after death of 'B' the property goes to his eldest son for life, who is unborn at the date of transfer and after him the property goes 'C' absolutely. Which of the transfers is void in this case?

a. The life interest given to B

b. The life interest given to B's unborn eldest son

c. The absolute interest given to C

d. The entire transfer is void

6. Section 13 of Transfer of Property Act, 1882 is related to which English Common Law principle?

a. Rule in Shelley's Case

b. Rule against Perpetuities

c. Doctrine of Cy-pres

d. Rule in Wild's Case

7. If a person named 'A' transfers his property to 'B' for life and then after death of 'B' the property goes to 'B' 's children who are unborn in equal shares for their lives and at the time of transfer, B has no children. What is the nature of the transfer to B's unborn children?

a. Void, as they are given only a life interest, not an absolute interest

b. Valid, as they will take absolutely

c. Valid if B's children are born within 18 years

d. Valid as a contingent remainder

8. When does the unborn person have a vested interest in the property under section 20 of Transfer of Property Act, 1882?

a. From the date of the transfer instrument

b. On being conceived in the womb

c. On the termination of the prior interest, provided they are born alive

d. Only after attaining majority

9. If a person named 'A' transfers his property to 'B' for life and then after death of 'B' the property is transferred to C's first child, who is currently unborn. C's child is born in the lifetime of B but then it dies before B . What is the legal position of this case?

a. The property reverts to A on B's death

b. The transfer becomes void ab initio upon the child's death

c. B's interest automatically becomes absolute

d. The vested interest of the child passes to the child's heirs on B's death

10. Which of the following conditions is required for a valid transfer to an unborn person under Section 13 of Transfer of Property Act, 1882?

a. There must be a prior interest created in favour of a living person

b. The unborn person must take the entire remaining interest

c. The unborn person must be conceived at the date of transfer

d. The prior interest must be a life interest or lesser interest

11. If a person named 'A' transfers his property to 'B' for life and then to B's unborn child absolutely. But 'B' dies without any child ? What is the scenario in this case?

a. The property vests in the State by escheat

b. The property reverts to A or A's legal heirs under the doctrine of resulting transfer

c. The property passes to B's heirs

d. The court appoints a manager for the property

12. "A transfer cannot be made directly to an unborn person but it can be made to a person not in existence provided a prior interest is created in a living person." Is this proposition correct?

a. Correct, and represents the combined operation of Sections 13 and 20 of TPA

b. Incorrect, as TPA permits direct transfer to unborn persons with court permission

c. Partially correct, as the prior interest must be absolute, not merely a life estate

d. Incorrect under the amended TPA, which allows direct transfers to unborn persons

13. If a person named ‘A’ transfers his property to ‘B’ for life and then to ‘C’ for life and then to ‘D’s unborn child absolutely. But ‘D’ has no children at the time of transfer. What is the nature of this transfer?

a. Void entirely, as two life interests precede the gift to the unborn child

b. Valid, as there is a prior interest in a living person before the gift to the unborn child

c. Valid only if C dies before D’s child is born

d. Void only as to C’s interest; B’s interest and D’s child’s interest are valid

14. What is the primary of section 13 of Transfer of Property Act, 1882 when read along with section 14 of Transfer of Property Act, 1882?

a. Prevent property from being tied up indefinitely and ensure it vests within a reasonable time

b. Allow unborn persons to hold property jointly with living persons

c. Ensure that unborn persons always receive absolute ownership of property

d. Restrict testamentary dispositions in favour of unborn persons

15. If a person named ‘A’ transfers his property to ‘B’ for life and then to ‘B’ ‘s unborn child for absolutely. Thereafter, B’s son is born and while he was minor, he dies. What will happen in this case?

a. The property vests absolutely in B’s son; a natural guardian manages it during minority

b. The property reverts to A until B’s son attains majority

c. A court-appointed receiver holds the property until B’s son attains majority

d. The property is held in trust by the State until the son attains majority

Answers

1. Option b
2. Option d
3. Option c
4. Option a
5. Option b
6. Option b
7. Option a

8. Option c
9. Option d
10. Option d
11. Option b
12. Option a
13. Option b
14. Option a
15. Option a