BLOGS

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

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1. The doctrine of marshalling under Section 56 applies when:

a. One mortgagee has multiple securities

b. A single property is mortgaged to multiple creditors

c. A mortgagor sells part of the property

d. An unsecured loan is granted

Correct answer: a

Explanation: Section 56 allows a subsequent mortgagee to require the prior mortgagee to satisfy his claim out of property not mortgaged to the subsequent one.

2. In a mortgage by conditional sale:

a. Ownership is transferred absolutely

b. Only possession is transferred

c. The mortgage is redeemable on failure to repay

d. The sale becomes absolute if repayment fails

Correct answer: d

Explanation: Section 58(c) states that upon default, the conditional sale becomes absolute, unless the mortgagor redeems the mortgage in time.

3. A lease made for a term exceeding one year must be:

a. Notarized

b. Oral but accompanied by possession

c. Made by a registered instrument

d. Written and witnessed

Correct answer: c

Explanation: Section 107 requires registration for leases of immovable property when the term

exceeds one year.

4. The principle “nemo dat quod non habet” affects transfers when:

a. Seller has no title

b. Transfer is by co-owner

c. Transfer is of leasehold rights

d. Sale is by agent

Correct answer: a

Explanation: The Latin maxim means “no one gives what they don’t have.” A person without title cannot transfer valid ownership.

5. Which of the following is an exception to the rule in Section 6?

a. Future maintenance rights

b. Tenancy rights

c. Right to re-entry

d. Spes successionis

Correct answer: b

Explanation: Tenancy rights are transferable unless restricted by law or contract, unlike rights like re-entry or mere chance of inheritance.

6. In a gift, the absence of delivery of possession:

a. Makes the gift void

b. Is irrelevant for immovable property

c. Must be compensated by consideration

d. Converts the gift into a sale

Correct answer: b

Explanation: For immovable property, what matters is a registered gift deed with due attestation, not actual possession (Section 123).

7. What is the limitation period for a mortgagor to redeem a mortgage?

a. 3 years

b. 12 years

c. 30 years

d. No limitation

Correct answer: c

Explanation: Under the Limitation Act, a mortgagor has 30 years from the date of mortgage to redeem the property.

8. Transfer of property under coercion or undue influence is:

a. Valid

b. Void

c. Voidable

d. Enforceable

Correct answer: c

Explanation: Such a transfer is voidable at the option of the party whose consent was not free, as per Contract Act principles applied through Section 4.

9. Which of the following is a necessary element of a valid lease?

a. Consideration

b. Fixed period

c. Absolute ownership

d. Oral agreement

Correct answer: a

Explanation: Section 105 states that lease must involve consideration, typically rent or services rendered.

10. A transfer with an unlawful object under the Transfer of Property Act is:

a. Valid

b. Void

c. Conditionally valid

d. Ratifiable

Correct answer: b

Explanation: Any transfer made for an unlawful object or consideration is void under Section 6 and the Indian Contract Act.