

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.