

THE OPEN UNIVERSITY OF SRI LANKA
 FACULTY OF HUMANITIES AND SOCIAL SCIENCES
 DEPARTMENT OF LEGAL STUDIES
 LLB DEGREE PROGRAMME - LEVEL 5
 CONTINUOUS ASSESSMENT TEST II – 2022/2023
 LLU5810 LAND LAW
 DURATION – 1 HOUR



DATE: 01 December 2023

TIME: 03.30 p.m. – 04.30 p.m.

Answer **ONE (01)** question only.
 Candidates will be penalised for illegible handwriting.

1. Latha; a married woman living in Colombo, owns a piece of land called 'Kurundugahalanda' at Sigiriya. In December 2012, her neighbour Ravi forcibly entered into the possession of the entire land. Latha was informed of Ravi's occupation by the owners of adjacent lands in writing and over the phone. In February 2013, she demanded that Ravi should vacate the land immediately. Despite her repeated demands to leave 'Kurundugahalanda', Ravi continued to occupy the land, cultivating corn, and earning income. In April 2017, Latha's attorney-at-law sent Ravi a written notice again to vacate 'Kurundugahalanda', but he continued to be in possession of the land. Also, he built a small house and effected some improvements to the land. Latha intends to sell the land and move abroad in the month of December 2023.

- a. Ravi wishes to claim prescriptive title to 'Kurundugahalanda'. Advise him. Support your answer with relevant case law.

(13 marks)

- b. If Latha had lived abroad from 2014 to 2019, would your answer be different from that of the answer given to part (i) above?

(7 marks)

(Total 13 + 07 = 20 marks)

2. "Section 7 (1) of the Registration of Documents Ordinance, No.23 of 1927 confers priority to registered instruments over unregistered instruments."

Do you agree with the above statement?

Answer the following questions in the light of the above statement.

- i) Briefly explain the basic requirements to be proved to claim priority.

(08 marks)

- ii) Briefly explain the grounds under which priority is lost as per the relevant provisions of the Registration of Documents Ordinance and case laws.

(12 marks)

(Total 08 +12 = 20 marks)

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