

B.A.LL.B FIVE YEARS INTEGRATED COURSE

VII – SEMESTER

Paper 1.3 703 The Law Relating to Transfer of Property & Easements

Note :

1. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
2. Leading cases prescribed under this paper may be read whenever they are relevant.

1. **Preliminary** : Definition, Essentials of Transfer, Competence of Parties, Subject matter of transfer, Transfer to unborn person, Registration of Transfer, etc. General Rules of Transfer : (a) Restraints on alienation absolute or partial, Restraints of free enjoyment, Covenants affecting enjoyment, divesting on insolvency, perpetuities, Future estates, Doctrine of acceleration. Accumulation of income, exceptions, Covenants and Transfers, General Rules of Transfer, (b) Conditional Transfer : Condition precedent, Condition subsequent, Vested and contingent interest.
2. Election, Priority of rights, Notice, Implied transfers by limited owners, Transfer of property out of which maintenance claims have to be met, Ownership by holding out, Ownership by estoppel, Fording the grant by estoppel. Doctrine of part performance sale.
3. **Mortgage and Charge** : Kinds of Mortgage, Rights and Liabilities of Mortgagor and Mortgagees Priority, Marshalling, Contribution & Subrogation.
4. Exchange, Lease, Gift, Actionable Claims.
5. **Easements** : Essentials of Easements, Imposition Acquisition, Incidents, Disturbance, Extinction, Suspension and Revival of Easement, Licence, Difference Between Lease and Licence.

SUGGESTED READINGS :

1. The Transfer of Property Act (Act IV of 1882) as amended upto- date.
2. Mulla : Transfer of Property Act, 1882.
3. Joshi : The Indian Easements Act (Act V of 1882).
4. Manon, A.K. : The Law of Property.
5. Sarthi, V.P. : Law of Transfer of Property.
6. Shukla, S.N. : Transfer of Property Act.
7. Saxena, I.C. : Transfer of Property Act.
8. Bhansali & Sharma : Transfer of Property Act. (Hindi).
9. Kulshrestha, J.N. : Transfer of Property Act (Hindi).
10. Tripathe, J.P. : Transfer of Property Act (Hindi).

